## $\star \star \star \star \star \star \star$

subject to numerous strict standards concerning the conduct and

length of the test. Examinees have a number of specific rights,

including the right to a written notice before testing, the right to

refuse or discontinue a test, and the right not to have test results

**ENFORCEMENT** The Secretary of Labor may bring court actions to

restrain violations and assess civil penalties against violators.

Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WAGE AND HOUR DIVISION

1-866-487-9243

www.dol.gov/agencies/whd

UNITED STATES

disclosed to unauthorized persons.



## LaborLawCenter.com



Compliance Code: MI-0723-F04 • Check Compliance By Scanning Here •

## WHISTLEBLOWER PROTECTION ACT

## ATTENTION EMPLOYEES

protections and obligations for employees and employers under Michigan law. disciplinary action if you make a report to a public body that you know is false. PROTECTIONS: It is illegal for employers in Michigan to discharge, threaten or ENFORCEMENT: If you believe that your employer has violated this Act you may otherwise discriminate against you regarding your compensation, terms, conditions, location or privileges of employment because you or a person acting on your behalf reports or is about to report a violation or a suspected of up to \$500.00. If your employer has violated this Act the court can order violation of federal, state or local laws, rules or regulations to a public body. It s illegal for employers in Michigan to discharge, threaten or otherwise discriminate against you regarding your compensation, terms, conditions, remedies. The court may also award all or a portion of the costs of litigation, location or privileges of employment because you take part in a public nearing, investigation, inquiry or court action.

MICHIGAN

OBLIGATIONS: The Act does not diminish or impair either your rights or the rights courtesy of the Michigan Occupational Safety and Health Administration of your employer under any collective bargaining agreement. The Act does not (MIOSHA). Visit our website at www.michigan.gov/miosha. require your employer to compensate you for your participation in a public

The Michigan Whistleblowers' Protection Act (469 P.A. 1980) creates certain hearing, investigation, inquiry or court action. The Act does not protect you from bring civil action in circuit court within 90 days of the alleged violation of the Act. **PENALTIES:** Persons found in violation of this Act may be subject to a civil fine your reinstatement, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these including reasonable attorney fees and witness fees to the complainant if the court believes such an award is appropriate. This poster is provided as a

LABOR & ECONOMIC OPPORTUNITY

SUSAN CORBIN

DIRECTOR

## MICHIGAN MINIMUM WAGE

***	Michigan Department of Labor and Economic Opportunity	
×	Wage and Hour Division	
	PO Box 30476. Lansing, MI 48909-7976	
GRETCHEN WHITMER	REQUIRED POSTER	
GOVERNOR	GENERAL REQUIREMENTS - MINIMUM WAGE and OVERTIME	

Coverage

The Improved Workforce Opportunity Wage Act (IWOWA), Public Act 337 of 2018, as amended, covers employers who employ 2 or more employees 16 years of age and older.

## **Minimum Hourly Wage Rate**

	Effective Date	Minimum Hourly Wage Rate	Tipped Employee		85%** Rate
			Minimum Hourly Rate	Reported Average Hourly Tips	
	January 1, 2021	\$9.65*	\$3.67	\$5.98	\$8.20
	January 1, 2022	\$9.87*	\$3.75	\$6.12	\$8.39
	January 1, 2023	\$10.10*	\$3.84	\$6.26	\$8.59

\*An increase in the minimum hourly wage rate as prescribed in subsection (1) does not take effect if the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is 8.5% or greater for the calendar year preceding the calendar year of the prescribed increase. An increase in the minimum hourly wage rate as prescribed in subsection (1) that does not take effect pursuant to this subsection takes effect in the first calendar year following a calendar year for which the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is less than 8.5%.

#### \*\*Minors 16-17 years of age may be paid 85% of the minimum hourly wage rate.

Training Wage - A training wage of \$4.25 per hour may be paid to employees 16 to 19 years of age for the first 90 days of employment.

Overtime - Employees covered by the IWOWA must be paid 1-1/2 times their regular rate of pay for hours worked over 40 in a workweek. The following are exempt from overtime requirements: employees exempt from the minimum wage provisions of the Fair Labor Standards Act of 1938, 29 USC 201 to 219 (except certain domestic service employees), professional, administrative, or executive employees; elected officials and political appointees; employees of amusement and recreational establishments operating less than 7 months of the year; agricultural employees, and any employee not subject to the minimum wage provisions of the act.

Compensatory Time - If an employer meets certain conditions, employees may agree to receive compensatory time of 1-1/2 hours for each hour of overtime worked. The agreement must be voluntary, in writing, and obtained before the compensatory time is earned. All compensatory time earned must be paid to an employee. Accrued compensatory time may not exceed 240 hours. Employers must keep a record of compensatory time earned and paid. Contact the Wage and Hour Division for information on the conditions an employer must meet in order to offer compensatory time off in lieu of overtime compensation. Equal Pay - An employer shall not discriminate on the basis of sex by paying employees a rate which is less than the rate paid to employees of the opposite sex for equal work on jobs requiring equal skill, effort, and responsibility performed under similar working conditions - except where payment is pursuant to a seniority system, merit system or system measuring earnings on the basis of quantity or quality of production or a differential other than sex.

Enforcement - An employee may either file civil action for recovery of unpaid minimum wages or overtime, or they may file a complaint with the Department of Labor and Economic Opportunity. The department may investigate a complaint and file civil action to collect unpaid wages or overtime due the employee and all employees of an establishment. Recovery under this act can include unpaid minimum wages or overtime, plus an equal additional amount as liguidated damages, costs, and reasonable attorney fees. A civil fine of \$1,000 can be assessed to an employer who does not pay

## **EMPLOYEE POLYGRAPH PROTECTION ACT**

#### EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private provision of any State or local law or any collective bargaining employers from using lie detector tests either for preagreement which is more restrictive with respect to lie detector tests. employment screening or during the course of employment. **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are

**PROHIBITIONS** Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

 $\star \star \star \star \star \star \star$ 

**EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not preempt any

**USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT** 

# \* 800000

WH1462 REV 02/22

### YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

#### REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: • you ensure that your employer receives advance written or verbal notice of your service;

• you have five years or less of cumulative service in the uniformed services while with that particular employer; · you return to work or apply for reemployment in a timely manner

after conclusion of service: and

you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been

not deny you: • initial employment; • reemployment; • retention

in employment; • promotion; or • any benefit of employment,

In addition, an employer may not retaliate against anyone assisting

in the enforcement of USERRA rights, including testifying or making

a statement in connection with a proceeding under USERRA, even if

absent due to military service or, in some cases, a comparable job. of USERRA violations.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** If you: • are a past or present member of the uniformed service; at https://www.dol.gov/agencies/vets/. An interactive online • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may

https://webapps.dol.gov/elaws/vets/userra

against an employer for violations of USERRA.

Publication Date — May 2022

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

## **EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL**

#### Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

<ul> <li>Who is Protected?</li> <li>Employees (current and former), including managers and temporary employees</li> <li>Job applicants</li> <li>Union members and applicants for membership in a union</li> <li>What Organizations are Covered?</li> <li>Most private employers</li> <li>State and local governments (as employers)</li> <li>Educational institutions (as employers)</li> <li>Unions</li> <li>Staffing agencies</li> <li>What Types of Employment Discrimination are Illegal?</li> <li>Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:</li> <li>Race</li> <li>Color</li> <li>Religion</li> <li>National origin</li> <li>Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> <li>Age (40 and older)</li> <li>Disability</li> <li>Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)</li> </ul>	<ul> <li>Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding</li> <li>Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation</li> <li>What Employment Practices can be Challenged as Discriminatory?</li> <li>All aspects of employment, including: <ul> <li>Discharge, firing, or lay-off</li> <li>Harassment (including unwelcome verbal or physical conduct)</li> <li>Hiring or promotion</li> <li>Assignment</li> <li>Pay (unequal wages or compensation)</li> <li>Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice</li> <li>Benefits</li> <li>Job training</li> <li>Classification</li> <li>Referral</li> <li>Obtaining or disclosing genetic information of employees</li> <li>Requesting or disclosing medical information of employees</li> </ul> </li> </ul>
<u>y</u> ,,,,,,, _	participating in an investigation or proceeding

protected under Federal law from discrimination on the following bases:

opportunity in all aspects of employment.

compensation of other applicants or employees.

all levels of employment, including the executive level.

B

GRETCHEN WHITMER

GOVERNOR

identity, or national origin, and requires affirmative action to ensure equality of

Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended,

protects applicants and employees of Federal contractors from discrimination

based on inquiring about, disclosing, or discussing their compensation or the

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

ndividuals with disabilities from discrimination in hiring, promotion, discharge, pay,

fringe benefits, job training, classification, referral, and other aspects of employment

by Federal contractors. Disability discrimination includes not making reasonable

interferes with someone exercising their rights. or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

Conduct that coerces, intimidates, threatens, or

What can You Do if You Believe Discrimination has **Occurred**? Contact the EEOC promptly if you suspect

discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:

**Submit** an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx

de reasonable accommodation for a nancy, childbirth, or related medical Call 1-800-669-4000 (toll free) sincerely-held religious belief, 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at

www.eeoc.gov/field-office)

#### E-Mail info@eeoc.gov

sclosing genetic information Additional information about the lisclosing medical information EEOC, including information about

filing a charge of discrimination, is ight reasonably discourage someon available at www.eeoc.gov. discrimination, filing a charge, or an investigation or proceeding

**EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS** The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) **Protected Veteran Status** The Vietnam Era Veterans' Readjustment Assistance Act enforces the nondiscrimination and affirmative action commitments of companies of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against,

doing business with the Federal Government. If you are applying for a job with, and requires affirmative action to recruit, employ, and advance in employment, or are an employee of, a company with a Federal contract or subcontract, you are disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Armed Forces service medal veterans. Executive Order 11246, as amended, prohibits employment discrimination by **Retaliation** Retaliation is prohibited against a person who files a complaint

Federal contractors based on race, color, religion, sex, sexual orientation, gender of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who pelieves a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

> The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W.

Washington, D.C. 20210 1-800-397-6251 (toll-free)

f you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to accommodation to the known physical or mental limitations of an otherwise qualified access telecommunications relay services. OFCCP may also be contacted by individual with a disability who is an applicant or employee, barring undue hardship submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol. to the employer. Section 503 also requires that Federal contractors take affirmative <u>gov/s/</u>, or by calling an OFCCP regional or district office, listed in most telephone action to employ and advance in employment qualified individuals with disabilities at directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

### PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, amended, prohibits employment discrimination on the basis of disability in any prohibits discrimination on the basis of race, color or national origin in programs program or activity which receives Federal financial assistance. Discrimination or activities receiving Federal financial assistance. Employment discrimination is is prohibited in all aspects of employment against persons with disabilities who, covered by Title VI if the primary objective of the financial assistance is provision with or without reasonable accommodation, can perform the essential functions of employment, or where employment discrimination causes or may cause of the job. If you believe you have been discriminated against in a program of any discrimination in providing services under such programs. Title IX of the Education institution which receives Federal financial assistance, you should immediately educational programs or activities which receive Federal financial assistance.

(Revised 6/27/2023)

SUSAN CORBIN

DIRECTOR

Amendments of 1972 prohibits employment discrimination on the basis of sex in contact the Federal agency providing such assistance.

## PAID MEDICAL LEAVE ACT

• If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health

plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

#### **ENFORCEMENT**

**HEALTH INSURANCE PROTECTION** 

• The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints

• For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website

USERRA Advisor can be viewed at

• If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action

minimum wage or overtime.

Employees must be paid at least:

LEO is an equal opportunity employer/program Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities. www.michigan.gov/wagehour • Toll Free 1-855-4MI-WAGE (1-855-464-9243) WHD 9904 (Revised • 12/2021)

## **RIGHT TO KNOW LAW**

## This Workplace Covered by the **Michigan Right To Know Law**

Employers must make available for employees in a readily accessible manner, Safety Data Sheets (SDS) for those hazardous chemicals in their workplace.

Employees cannot be discharged or discriminated against for exercising their rights including the request for information on hazardous chemicals.

Employees must be notified and given direction (by employer posting) for locating Safety Data Sheets and the receipt of new or revised SDS(s).

When the employer has not provided a SDS, employees may request assistance in obtaining SDS from the:

Michigan Department of Labor and Economic Opportunity (LEO) Michigan Occupational Safety and Health Administration General Industry Safety and Health Division (517) 284-7750 Construction Safety and Health Division and Asbestos Licensing (517) 284-7680 www.michigan.gov/miosha

MIOSHA/CET #2105 (Rev. 12/19)

LEO is an equal opportunity employer/program.

Phone

MIOSHA

SDS(s) For This Workplace Are Located At

Location(s)

Location(s

Person(s) responsible for SDS(s)

As Required by the Michigar TO BE POSTED THROUGHOUT THE W	<b>Right To Know Law</b> Orkplace Next to the safety data shee	New or Revised SDS TS (SDS) LOCATION POSTERS	
New or Revised Receipt	Date Posting Date	Locations of New or Revised SDS	
			WC-PUB
gan Department of Labor and Economic Opportunity (LEO)	Paid in part with	For further information	
igan Occupational Safety and Health Administration ultation Education and Training Division 284-7720	Federal OSHA funds. MIOSHA/CET #2106 (Revised 12/19) <b>LEO is an equal opportunity employer/progra</b>	For further information, visit our website at: www.michigan.gov/miosha	

## **ANTI-DISCRIMINATION NOTICE**

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

> For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

## OCCUPATIONAL SAFETY AND HEALTH PROTECTION

## MICHIGAN SAFETY AND HEALTH **PROTECTION ON THE JOB**

THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 P.A. 154, AS AMENDED, REQUIRES POSTING OF THIS DOCUMENT IN A CENTRAL AND CONSPICUOUS LOCATION. FAILURE TO DO SO MAY RESULT IN A PENALTY.

The Michigan Occupational Safety and Health Act (MIOSH Act), Act No. **COMPLAINTS:** Employees and employee representatives who believe 154 of the Public Acts of 1974, as amended, provides job safety and that an unsafe or unhealthful condition exists in their workplace have the health protection for Michigan employees through the maintenance right to request an inspection by giving written notice to the Michigan employees can readily see it. of safe and healthful working conditions. Under the MIOSH Act and a Department of Labor and Economic Opportunity. If a condition exists **OVERTIME PAY** At least 1 ½ times your regular rate of pay for state plan approved in September 1973 by the U.S. Department of which may present an immediate danger, the Department should be all hours worked over 40 in a workweek. Labor, the Michigan Department of Labor and Economic Opportunity notified in the most expedient manner without regard to a written notice. is responsible for administering the Act. Department representatives The names of complainants will be kept confidential and not revealed conduct job site inspections and investigations to ensure compliance upon the request of the employee. Employees also have the right to bring with the Act and with safety and health standards. unsafe or unhealthful conditions to the attention of the department representative during the conduct of an inspection or investigation.



## WORKERS' COMPENSATION

State of Michigan Workers' Disability Compensation Agency

**Employees -- Know Your Rights!** 

Remember - It is important to report your injury to your employer.

Medical Care

LABOR AND ECONOMIC OPPORTUNITY

because of this status.

that person has no service connection.

You are entitled to reasonable and necessary medical care for work-related injuries or diseases. Employers or their insurance carriers are required by law to provide these services. During the first 28 days of treatment, your employer has the right to choose the physician. After 28 days you are free to change physicians, but you must notify your employer of the change. If you receive treatment from a physician of your choice, you shall obtain and promptly furnish a report to your employer.

If your employer refuses to provide medical care, you should contact Michigan's Workers' Disability Compensation Agency at its toll-free telephone number: 1-888-396-5041.

You should not receive a bill from a health care provider for treatment of a covered work-related injury or illness. If you do receive such a bill, you should contact your employer or the employer's insurance carrier.

#### **Wage Loss Benefits**

You are entitled to weekly workers' compensation benefits if you suffer a wage loss for more than seven consecutive days. These benefits may be claimed as long as a disability and wage loss continue. Generally, the benefit rate is 80% of your after-tax average weekly wage, subject to a maximum rate.

#### **Vocational Rehabilitation**

If you are unable to perform the work that you have done previously, you are entitled to vocational rehabilitation. The number one goal is your return to work with your employer. If you cannot do this or require assistance in finding a new job, vocational rehabilitation services can help

To be completed by the employer

**Employer Name** 

Employer Contact Person and Telephone Number

### Workers' Compensation Insurance Carrier Name

If you have questions, please call the State of Michigan Workers' Disability Compensation Agency Toll-free 1-888-396-5041

Additional information is on the agency's website at http://michigan.gov/wdca. **EMPLOYER: PLEASE POST THIS NOTICE FOR YOUR EMPLOYEES TO SEE!** 

## **PAYDAY NOTICE**

## **Regular Paydays for Employees of**

(Company Name) Shall be as follows: Bi-Weekly Other Weekly Monthly

FEDERAL MINIMUM WAGE

## **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

## FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

The law requires employers to display this poster where overtime pay provisions of the law. Civil money penalties may

Michigan Department of Labor and Economic Opportunity
Wage and Hour Division
PO Box 30476, Lansing, MI 48909-7976
REQUIRED POSTER
<b>GENERAL REQUIREMENTS – PAID MEDICAL LEAVE ACT*</b>

Coverage - The Paid Medical Leave Act, 2018 Public Act 338, as amended by 2018 Public Act 369, effective March 29, 2019, covers employers who employ 50 or more individuals. The act covers individuals engaged in service to an employer in the business of the employer and from whom an employer is required to withhold for federal income tax purposes. An eligible employee does not include executive, administrative, and professional overtime exempt employees, employees covered by a private collective bargaining agreement that is in effect, employees of the United States government, another state, or a political subdivision of another state, individuals whose primary work location is not in this state, individuals 16-19 years of age being paid the youth training wage in accordance with the Improved Workforce Opportunity Wage Act, temporary employees as described in the Michigan Employment Security Act, variable hour employees as defined by 26 CFR 54.4980H-1, employees covered by the Railway Labor Act and Railroad Unemployment Insurance Act, individuals employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer, individuals who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year. (See section 2 of The Paid Medical Leave Act, 2018 Public Act 338.)

Paid Medical Leave Accrual - Paid medical leave accrual begins on March 29, 2019, or upon commencement of the employee's employment, whichever is later. Paid medical leave is accrued at a rate of 1 hour for every 35 actual hours worked; however, an employer is not required to allow accrual of over 1 hour in a calendar week or more than 40 hours in a benefit year. A benefit year is any consecutive 12-month period used by an employer to calculate an eligible employee's benefits. Employees can carry over up to 40 hours of unused accrued paid medical leave from one benefit year to the next; however, employers are not required to allow employees to use more than 40 hours in a single benefit year. An employer may provide the total amount of paid medical leave all at once by providing at least 40 hours at the beginning of the benefit year or on the date that the individual becomes eligible during the benefit year on a prorated basis. If an employer adopts this practice, it does not have to permit employees to carry over unused leave to the next benefit year. (See section 3 of the Paid Medical Leave Act, 2018 Public Act 338).

Paid Medical Leave Usage - An employee may use paid medical leave as it is accrued except an employer may require an employee to wait until the 90th calendar day after commencing employment before using accrued paid medical leave. Paid medical leave must be used in 1-hour increments unless the employer has a different increment policy set forth in writing in an employee handbook or other employee benefit document. Employees must follow the employer's usual and customary notice, procedural, and documentation requirements for requesting leave. The employee must be allowed at least 3 days to provide documentation. Employees may take paid medical leave for any of the following:

- Physical or mental illness, injury, or health condition of the employee or his or her family member
- Medical diagnosis, care, or treatment of the employee or employee's family member
- Preventative care of the employee or his or her family membe
- Closure of the employee's primary workplace by order of a public official due to a public health emergency
- The care of his or her child whose school or place of care has been closed by order of a public official due to apublic health emergency The employee's or his or her family member's exposure to a communicable disease that would jeopardize thehealth of others as determined by health authorities or a health care provider
- or domestic violence and sexual assault situations, employees may use paid medical leave for any of the following:
- Medical care or psychological or other counseling
- Receiving services from a victim services organization
- Relocation and obtaining legal services
- Participation in civil or criminal proceedings related to or resulting from the domestic violence or sexual assault
- Employee Rights An employee may file a complaint with the Department of Labor and Economic Opportunity (LEO) within 6 months of thealleged violation. LEO shall investigate a complaint and attempt mediation, where appropriate.
- Penalties If informal resolution is unsuccessful and a violation found, payment of paid medical leave improperly withheld will be requested and penalties may be imposed. An employer who fails to provide paid medical leave is subject to an administrative fine of not more than \$1,000.00. An employer who willingly violates the posting requirement is subject to an administrative fine of not more than \$100.00 for each separate violation.

#### \*For precise language of the statute, see Public Act 338 of 2018, as amended

LEO is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities. www.michigan.gov/wagehour • Toll Free 1-855-4MI-WAGE (1-855-464-9243) WHD 9911 (Revised • 8/2021)

## CHILD LABOR LAWS



#### STATE OF MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

Informational Sheet Youth Employment Standards Act 90 of 1978, as amended **POSTING REQUIREMENT** 

#### SUSAN CORBIN DIRECTOR

## MCL 409.110 Minor under 16 years; days and hours of employment. sorting or packaging of fruits or vegetables. (b) "Farming operations involved A minor under 16 years shall not be employed in an occupation subject to in the production of seed" means farming activities and research involved

this act for more than 6 days in 1 week, nor for a period longer than a weekly in the production of seed, including plant detasseling, hand-pollination, average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 roguing, or hoeing, and any other similar farming activity required for

History: Am. 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1995, Act 251, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 197, Imd. Eff. Oct. 18, 2011

## MCL 409.112 Meal and rest period.

Sec. 12. A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal andrest period. An interval than any of the following periods: (a) Six days in 1 week. (b) An average of 8 of less than 30 minutes shall not be considered to interrupt a continuous period of work.

#### MCL 409.112a Prohibition of minors working alone in occupation involving a cash transaction after sunset or 8 p.m. at fixed location.

Sec. 12a. A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not beemployed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours.

#### History: Add. 1980, Act 436, Eff. Mar. 31, 1981.

**IMPORTANT:** Administrative Rule, R408.6207 <u>REQUIRES</u> A MINOR SUBJECT TO ACT 90 BE SUPERVISED BY THE EMPLOYER OR ANOTHER EMPLOYEE 18 YEARS OF AGE OR OLDER

LEO is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available, upon request to individuals with disabilities

WAGE AND HOUR DIVISION

P.O. Box 30476 • Lansing, Michigan 48909-7976

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www.michigan.gov/wagehour

GRETCHEN WHITME GOVERNOR day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A commercial seed production. minor who is a student in school shall not be employed more than a combined

school and work week of 48 hours during the period when school is in session. MCL 409.111 Minor 16 years and over; days and hours of employment; employment in agricultural processing.

Sec. 11. (1) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more hours per day in 1 week. (c) Ten hours in 1 day. (d) Subject to subdivision (e), 48 hours in 1 week. (e) If the minor is a student in school and school is in session, 24 hours in 1 week

(2) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until11:30 p.m. on any of the following days:(a) On Fridays and Saturdays. (b) During school vacation periods. (c) During periods when the minor is not regularly enrolled in school.

(3) A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met: If a minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not insession.(a) The minor is employed for not more than 11 hours in 1 day. (b) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor. (c) The minor is not employed between 2 a.m. and 5:30 a.m. (d) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection

The contents of this poster describe many important provisions of the Act. These provisions apply equally to employers and employees in either private industry or the public sector.

#### **EMPLOYER REQUIREMENTS:** MIOSHA requires that each employer:

. Furnish to each employee employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee.

2. Comply with promulgated rules and standards and with orders issued pursuant to the Act.

. Post this and other notices and use other appropriate measures to keep his or her employees informed of their protection and obligations under the Act, including the provisions of applicable rules and standards.

- Notify the Michigan Department of Labor and Economic Opportunity within 8 hours of any work-related fatality. Notification may be accomplished by calling 1-800-858-0397.
- Notify the Michigan Department of Labor and Economic Opportunity within 24 hours of all work-related inpatient hospitalizations, amputations and losses of an eye. Notification may be accomplished by calling 844-464-6742 (4MIOSHA).
- Make available to employees, for inspection and copying, all medical records and health data in the employer's possession pertaining to that employee.
- Afford an employee an opportunity with or without compensation to attend all meetings between the Michigan Department of Labor and Economic Opportunity and the employer relative to any appeal of a citation by the employer.
- . Give the representative of employees the opportunity to accompany the department during the inspection or investigation of a place of employment and to prohibit the suffering of any loss of wages or fringe benefits or discriminate against the representative of employees for time spent participating in the inspection, investigation, or opening and closing conferences.
- . Provide personal protective equipment, at the employer's expense, when it is specifically required by a MIOSHA standard.
- 10. Not permit an employee, other than an employee whose presence is necessary to avoid, correct or remove an imminent danger, to operate equipment or engage in a process which has been tagged by the Department and which is the subject of an order issued by the Department identifying that an imminent danger exists.
- 11. To promptly notify an employee who was or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by a MIOSHA standard.
- EMPLOYEE REQUIREMENTS: MIOSHA requires that each employee:
- 1. Comply with promulgated rules and standards and with orders issued pursuant to the Act.
- 2. Not remove, displace, destroy, or carry off a safeguard furnished or provided for use in a place of employment, or interfere in any way with the use thereof by any other person.

**INSPECTIONS/INVESTIGATIONS:** Inspections and investigations are conducted by trained personnel. The Act requires that an employer representative and a representative of employees be given an opportunity to accompany the department representative for the purpose of aiding in the inspection or investigation.

If a representative of employees does not participate, the department representative will consult with a number of employees concerning matters of safety or health in the place of employment.

The Act provides that employees may not be discharged or in any manner discriminated against for filing a complaint or exercising any of their rights under the Act. An employee who believes he or she has been discriminated against may file a complaint with the Michigan Department of Labor and Economic Opportunity within 30 days of the alleged discrimination.

The U.S. Department of Labor is monitoring the operation of the Michigan Occupational Safety and Health Administration (MIOSHA) to assure the effective administration of the state act. Any person may make a written complaint regarding the state administration of the state act directly to the Regional Office of OSHA, 230 South Dearborn, Chicago, Illinois 60604.

**CITATIONS:** If upon inspection or investigation the Michigan Department of Labor and Economic Opportunity believes that a requirement of the Act has been violated, a citation alleging such violation and setting a time period for correction will be issued to the employer. The citation must be prominently posted at or near the place of the alleged violation for three days or until the violation is corrected, whichever is later.

The Act provides for first instance penalties of up to \$7,000 for a violation. Penalties of up to \$7,000 per day may be assessed for failure to correct a violation within a proposed abatement period. Any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$70,000 for each such violation. Employers may appeal the alleged citation, the proposed penalties or the abatement periods to the Department and to the Board of Health and Safety Compliance and Appeals. Employees may appeal the abatement period in a similar manner. Employees also may appeal to the Board of Health and Safety Compliance and Appeals any decision issued by the Department in response to an employer appeal.

Criminal penalties also are provided for in the Act. A person who knowingly makes a false statement or report pursuant to the Act upon conviction is punishable by a fine of up to \$10,000 or may be imprisoned for not more than 6 months or both. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of up to \$10,000 or by imprisonment for not more than one year or both. A second conviction doubles the maximum monetary penalty and is punishable by imprisonment for up to three years.

VOLUNTARY ACTIVITY & COMPLIANCE ASSISTANCE: The act encourages employers and employees to reduce workplace hazards voluntarily.

The Michigan Department of Labor and Economic Opportunity offers limited on-site consultation assistance to employers to assist them in achieving compliance with occupational safety and health standards. Training specialists are available and can give advice on the correction of hazardous conditions and on the development of safety and health systems. Department staff are available to conduct seminars and training relative to occupational safety and health for both employer and employee groups. Requests for service should be addressed to the department at the address shown below.

The U.S. Department of Labor will continue to enforce federal standards governing maritime operations of long shoring, shipbuilding, ship breaking and ship repairing. These issues are not covered by the Michigan Plan for Occupational Safety and Health.

#### AORE INFORMATION:

Michigan Department of Labor and Economic Opportunity Michigan Occupational Safety and Health Administration 530 W. Allegan Street, P.O. Box 30643 Lansing, Michigan 48909-8143 www.michigan.gov/miosha

#### THIS IS AN IMPORTANT DOCUMENT - DO NOT COVER!

MIOSHA

Michigan Occupational Safe and Health Administration

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or

## FMLA - FAMILY AND MEDICAL LEAVE ACT

#### Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected** leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave

in a 12-month period for: The birth, adoption or foster placement of a child with you,

Your serious mental or physical health condition that makes you unable to work. To care for your spouse, child or parent with a serious mental or

physical health condition, and Certain qualifying reasons related to the foreign deployment of

your spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single

12-month period to care for the servicemember. You have the right to use FMLA leave in **one block of time.** When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a

reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information. FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your

employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA leave? You are an eligible employee

if **all** of the following apply: You work for a covered employer.

You have worked for your employer at least 12 months,

You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your

work location. Airline flight crew employees have different "hours of service" requirements

You work for a **covered employer** if <u>one</u> of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar

year You work for an elementary or public or private secondary school, or

You work for a public agency, such as a local, state or federal

also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious

injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any

#### **ADDITIONAL INFORMATION**

proceeding under the FLSA.

· Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the

Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections;

employers must comply with both.

 Some employers incorrectly classify workers as "independent" contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and

workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



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You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also** inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical

leave rights. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the

U.S. Office of Personnel Management or Congress What does my employer need to do? If you are eligible for FMLA leave, your employer must:

Allow you to take job-protected time off work for a qualifying reason.

Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must

notify you in writing: About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLAprotected leave

Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated,

you may file a complaint with WHD or file a private lawsuit against your employer in court.

**DEPARTMENT OF LABOR AND** ECONOMIC OPPORTUNITY

**STATE OF MICHIGAN** 

This employer is covered by the

**MICHIGAN EMPLOYMENT SECURITY ACT** 

(MiWAM) at michigan.gov/uia. Click on MiWAM for Workers.

For complete information about your benefit rights and responsibilities,

review the Handbook for Unemployed Workers at michigan.gov/uia.

A claim for benefits begins the week it is filed. File your claim the first week you become unemployed.

File an unemployment claim online

(4) As used in this section: (a) "Agricultural processing" means the cleaning,

Since you last filed form W-4 with your employer did you...

• Your nonwage income (interest, dividends, capital gains, etc.)?

• Your family wage income (you or your spouse started or ended a job)?

To any of these questions or you owed extra tax when you filed your last

return, you may need to file a new form W-4. See your employer for a copy

• Marry or divorce?

Your tax credits?

• Change your name?

• Gain or lose a dependent?

Your itemized deductions?

If you can answer "YES"...

Were there major changes to...

of Form W-4 or call the IRS at 1-800-829-3676.

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## YOU MAY NEED TO CHECK YOUR WITHHOLDING

WITHHOLDING STATUS

Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site.

**Employer:** Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms and information on this subject



Department of the Treasury Internal Revenue Service www.irs.gov

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DISCRIMINATION

## **MICHIGAN LAW**

## **PROHIBITS DISCRIMINATION**

IN EMPLOYMENT, EDUCATION, HOUSING, PUBLIC ACCOMMODATION, LAW ENFORCEMENT OR PUBLIC SERVICE

## **BASED ON**

religion, race, color, national origin, sex, disability, age<sup>1</sup>, marital status<sup>1</sup>, height<sup>2</sup>, weight<sup>2</sup>, arrest record<sup>2</sup>, genetic information<sup>2</sup>, and familial status<sup>3</sup>

> Persons with disabilities needing accommodations for employment must notify their employers in writing within 182 days.

<sup>1</sup> Under the education article, age and marital status are prohibited considerations for admissions only <sup>2</sup> in employment only <sup>3</sup> in housing only

If you think you have been **discriminated** against, you may file a **complaint** with the Michigan Department of Civil Rights.

Call 1-800-482-3604 | Video Phone: 313-437-7035 www.michigan.gov/mdcr



## UNEMPLOYMENT INSURANCE

**Notice To All Employees:** 

Information about Unemployment Benefits

If you become unemployed, you can file your new unemployment claim or reopen an established claim online through the Michigan Web Account Manager

UIA 1710

Unemployment benefits are payable to qualified and eligible workers of this employer through Michigan's Unemployment Insurance Agency.



