502-695-4700 kychamber.com

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT FEDERAL MINIMUM WAGE

The law requires employers to display this poster where employees can readily see it

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work

certain work hours restrictions. Different rules apply in agricultural employment.

in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may

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 ar

employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal

he minimum hourly wage, the employer must make up the difference.

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

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 overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provision 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 proceeding under the FLSA. ADDITIONAL INFORMATION • Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.

· Special provisions apply to workers in American Samoa, the Commonwealth of the Northern

· 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

Mariana Islands, and the Commonwealth of Puerto Rico.





KENTUCKY CHILD LABOR LAWS

HOURS OF WORK PERMITTED FOR MINORS 14 TO 18 YEARS OF AGE MAY NOT MAXIMUM HOURS WHEN **MAXIMUM HOURS WHEN WORK BEFORE WORK AFTER** SCHOOL IS IN SESSION SCHOOL IS NOT IN SESSION 14 & 15 years 7:00 P.M. (9:00 P.M. June 1 Three (3) hours per day on school day Eight (8) hours per day through Labor Day) Eight (8) hours per day on non-school day Forty (40) hours per week Eighteen (18) hours per week 10:30 P.M. preceding school day/ 16 & 17 years 6:00 A.M. Six (6) hours per day on school day NO RESTRICTIONS 1:00 A.M. preceding non-school day Eight (8) hours per day on non-school day Thirty (30) hours per week 16 & 17 years 11:00 P.M. preceding school day/ Six and one-half (6.5) hours per day on school day with Parental Permission Eight (8) hours per day on non-school day 1:00 A.M. preceding non-school day Thirty-two and one-half (32.5) or forty (40) hours per week

"School in session" means the time established by local school district authorities, pursuant to KRS 160.290. Parental or guardian permission must be in writing and shall remain at the employer's place of business.

A minor may work up to thirty-two and one-half (32.5) hours in any one (1) workweek if a parent or legal guardian gives permission in writing. A minor may work up to forty (40) hours in any one (1) work week if a parent or legal guardian gives permission in writing and the principal or head of the school the minor attends certifies in writing that the minor has maintained at least a 2.0 grade point average in the most recent grading eriod. School certification shall be valid for one (1) year unless revoked sooner by the school authority. The parental permission and school certification shall remain at the employer's place of business.s. Lunch Break. Minors under 18 years of age shall not be permitted to work more than five (5) hours continuously without an interval of at least thirty (30) minutes for a lunch period. The beginning and ending of the lunch period shall be documented by the employer.

OCCUPATIONS PROHIBITED FOR MINORS UNDER 18 YEARS OF AGE Occupations in or about Plants or Establishments Operating power-driven meat processing equipment, includ-Manufacturing or Storing Explosives or Articles Containing ing meat slicers and other food slicers in retail establishments. (such as grocery stores, restaurants, kitchens and Delis)

Explosive Components. Motor-vehicle Driver and outside helper on a motor vehicle. Coal Mine Occupations. Logging or Sawmill Operations Operation of Power-Driven Woodworking machines. Exposure to Radioactive Substances. Power-driven hoisting apparatus, including forklifts.

 Operation of Power-Driven Metal Forming, punching, and shearing machines. Mining, other than coal mining.

slaughtering, packing, processing, or rendering. Operation of Power-driven bakery machines including vertical dough or batter mixers. · Power-driven paper products machines including scrap paper baler and cardboard box compactors. · Manufacturing bricks, tile, and kindred products. Power-driven circular saws, band saws, and Guillotine shears.

• Roofing operations and all work on or about a roof. wholesale establishments, and most occupations in meat • In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed unless permitted by the rules and regulations of the Alcoholic Beverage Control Board (except they may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted).

Wrecking demolition and shipbreaking operations

Limited exemptions for 16 and 17 year old apprentices and student-learners may apply. For questions, please call (502) 564-3534. Minors fourteen (14) but not yet sixteen (16) years of age may NOT be employed in: manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed; occupations which involve the operation or tending of hoisting apparatus or any power-driven machinery other than office machines; operation of motor vehicles or service as helpers on such vehicles; public messenger service; occupations in connection with: (1)transportation of persons or property by rail, highway, air, water, pipeline, or other means, 2) warehousing and storage, (3) communications and public utilities, or (4) construction (including demolition and repair).

PROOF OF AGE REQUIRED FOR MINORS 14 BUT NOT YET 18 YEARS OF AGE

Education and Labor Cabinet, Division of Wages and Hours Mayo-Underwood Building 500 Mero Street, 3rd Floor Phone (502) 564-3534 www.elc.ky.go

"No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet."

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ PAID FOR WITH STATE FUNDS REVISED APRIL 2024



imployees of this business are covered by the Kentucky Workers' Compensation Act (KRS Chapter 342).

Requires **Equal Housing Opportunity**

Kentucky Law

THE KENTUCKY FAIR HOUSING ACT PROHIBITS DISCRIMINATION ON THE BASIS OF COLOR, DISABILITY, FAMILIAL STATUS, NATIONAL ORIGIN, RACE, RELIGION AND SEX IN THE SALE, RENTAL AND FINANCING OF HOUSING.



ALL SERVICES OFFERED BY US COMPLY WITH THE LAW.

FOR HELP WITH DISCRIMINATION, CONTACT:

Kentucky Commission

Phone: 502.595.4024 . Toll-free: 800.292.5566

TDD: 502.595.4084 . Fax: 502.595.4801

on Human Rights 332 W Broadway, Ste, 700 Louisville, KY 40202

E-mail: kchr.mail@ky.gov Website: www.kchr.ky.gov The work that provided the basis for this publication was supported by funding under a grant with the U. S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations

PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW

ontained in this publication. Such interpretations do not

necessarily reflect the views of the Federal Government.



COMMONWEALTH OF KENTUCKY WORKERS' COMPENSATION NOTICE

Conspicuous posting of this Notice is required by law. Workers Compensation Carrier (or third party administrator): , Contact Person

EMPLOYEES: IF INJURED - NOTIFY your supervisor IMMEDIATELY; when possible Notice should be in writing. FAILURE to notify your supervisor could result in denial of benefits. OBTAIN MEDICAL CARE. Your employer must pay for ALL NECESSARY MEDICAL CARE to treat a workplace injury. The employee may select the physician or medical facility to render care. If the employer is enrolled in an approved Managed Care Plan mployee selection of physicians is LIMITED to the Approved Provider Network, except in certain emergencies. FOR INJURIES REQUIRING CONTINUING CARE the EMPLOYEE MUST DESIGNATE A TREATING PHYSICIAN,

This employer IS $\ \ \ \$ IS NOT $\ \ \ \$ participating in a Managed Care Plan for medical care. The name of the Managed Care Plan is _____

DISABILITY BENEFITS to replace wages lost due to a workplace injury are payable under the Workers Compensation Act after seven (7) day of disability. A CLAIM MUST BE filed with the Department of Workers' Claim WITHIN TWO YEARS of the date of injury, or last payment of temporary total disability benefits. NEED ASSISTANCE? Contact your employer's claim representative. If your questions about workers' compensation rights are not promptly answered call THE KENTUCKY DEPARTMENT OF WORKERS CLAIMS

EMPLOYER SUPERVISORS - NOTIFY MANAGEMENT IMMEDIATELY OF ALL INIURIES SO THAT TIMELY REPORT CAN BE MADE AS REQUIRED BY LAW.

at 1-800-554-8601 to speak to an Ombudsman or Workers' Compensation Specialist.

coverage for you and your dependents for up to 24 months while in

Even if you don't elect to continue coverage during your military

for service-connected illnesses or injuries.

an employer for violations of USERRA.

service, you have the right to be reinstated in your employer's

The U.S. Department of Labor, Veterans Employment and Training

Service (VETS) is authorized to investigate and resolve complaints of

USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at

☆ If you file a complaint with VETS and VETS is unable to resolve it, you

the Office of Special Counsel, as applicable, for representation. ☆ You may also bypass the VETS process and bring a civil action against

ps://www.dol.gov/agencies/vets/. An interactive online USERRA

health plan when you are reemployed, generally without any waiting

periods or exclusions (e.g., pre-existing condition exclusions) except

SAFETY AND HEALTH ON THE JOB Kentucky

industry, labor, and the safety and health profession. The been cited may also contest the action. Any party wishing to

Officer must consult with a reasonable number of employ- by the U.S. Bureau of Labor Statistics, employers with 10 or



Kentucky Revised Statute (KRS) Chapter 338 establishes a program for protecting occupational safety and health. This notice details the safety and health protections for public and private sector employees working in the Commonwealth of Kentucky and must be prominently displayed in the workplace.

Safety and Health Compliance in writing of its intent to do so.

fewer employees, or whose establishment(s) fall within an

exempted North American Industry Classification System

employee. Work-related incidents resulting in the loss of an

eye, an amputation, or the in-patient hospitalization of an

employee, including hospitalization resulting from a heart

attack, must be reported to the Division of Occupational

code are exempt from recordkeeping requirements.

Employer Responsibilities: Employers shall furnish employ- they have been so discriminated against may file a complaint Safety and Health Compliance within 72 hours from when ment and places of employment which are free from recog- with the Kentucky Labor Cabinet within 120 days of the the incident is reported to the employer, the employnized hazards that are causing, or are likely to cause, death alleged discrimination. Private sector employees also have er's agent, or another employee. Mechanical power press or serious physical harm to employees; and comply with the option of filing discrimination complaints with the U.S. point-of-operation injuries must be reported to the Division the occupational safety and health regulations, standards, Department of Labor within 30 days of the alleged discrim- of Occupational Safety and Health Compliance within 30 and rules issued pursuant to KRS 338. Employers must pro- ination. Complaint forms are available at www.labor.ky.gov. days of the occurrence. Employees have a right to report a vide information and training on hazards in the workplace vide information and training on hazards in the workplace Citations: A citation(s) alleging violation of a Kentucky occurillness without being retaliated against. be provided to all employees in a language and vocabulary they understand. It is illegal to retaliate against an employee r exercising any of their rights under the law, including

rules issued pursuant to KRS 338 which are applicable to

the workplace, as well as the injury and illness log. Standards: Kentucky's occupational safety and health standards are adopted by the Kentucky Occupational Safety and Contesting Procedures: An employer who has been cited Health Standards Board. The Board consists of 13 members. may contest the action before the Kentucky Occupational comprised of the Secretary of Labor who serves as Chair. Safety and Health Review Commission, Equally, any employ-

Board meets annually and additionally as needed. All meet- contest a citation(s) must notify the Division of Occupational ings are open to the public. Inspections: The Division of Occupational Safety and Health Compliance conducts workplace inspections to determine the cause or prevent the occurrence of occupational injuries and illnesses. During an inspection a representative of the employer and a representative authorized by the employees are given an opportunity to accompany the Compliance of occupational fatalities, injuries, and illnesses experienced Officer for the purpose of aiding the inspection. Where there by their employees. Records must be kept using OSHA 300, s no authorized employee representative, the Compliance 300-A, 301, or equivalent forms. Unless requested to do so

tive have the right to file a complaint with the Division of ccupational Safety and Health Compliance requesting an Reporting: Employers must report to the Division of nspection if they believe a hazardous condition(s) exists in Occupational Safety and Health Compliance the work-retheir workplace. The name of the complainant will be kept lated death of an employee, including death resulting from

discharge and other discriminatory actions for having filed complaints and exercising any other right provided by the

safety and health concern or report a work-related injury or pational safety and health law(s) or regulation(s) may be issued to an employer following an inspection. The cita- Education and Training Services: The Division of Occupational tion(s) is provided to the employer and specifies an abate- Safety and Health Education and Training assists employers

raising a safety and health concern or reporting a work-reTo inform employees, the employer must post each citation illnesses by developing and improving their workplace safety ment date by which the alleged violation must be corrected. who are interested in preventing workplace injuries and at or near the location of the alleged violation for three (3) management programs. All assistance, such as on-site audits Employee Responsibilities: Employees shall comply with the days or until the violation is corrected, whichever is longer. consultation, and training, is provided cost-free upon request. Proposed Penalties: An employer may be assessed a penalty Kentucky provides occupational safety and health protect up to \$7,000 for each serious violation and up to \$7,000 for tions under a plan approved in 1973 by the U.S. Department each other-than-serious violation. Failure to correct a violation of Labor. Questions, and concerns regarding Kentucky's

Records: Employees may request from their employer cop-within the specified time period may result in penalties up to program may be addressed to the Kentucky Labor Cabinet ies of their medical records, tests that measure hazards in \$7,000 per day. An employer who commits a willful or repeat Office of Federal-State Coordinator. The U.S. Department of violation(s) may be assessed a penalty up to \$70,000 for each Labor monitors Kentucky's program. Any person who has violation and not less than \$5,000 for each willful violation. a complaint regarding the administration of the Kentucky Georgia, 30303; (678) 237-0400. and 12 other members equally representing agriculture, ee or employee representative of an employer who has

Kentucky Labor Cabinet Mayo-Underwood Building, 3rd Floor 500 Mero Street, Frankfort, KY 40601 (502) 564-3070 www.labor.ky.gov



color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Labor Cabinet. a heart attack, within 8 hours from when the incident is reported to the employer, the employer's agent, or another



commenced no later than six months after the cause of

POSTING OF LAW: All employers shall post this abstract

PENALTIES: Any person who discharges or in any other

manner discriminates against an employee because such

(a) made any complaint to his employer, the Commissioner

(b) instituted or caused to be instituted any proceeding

(c) testified or is about to testify in any such proceedings

shall be assessed a civil penalty of not less than \$100 nor

FOR FURTHER INFORMATION CONTACT:

Education and Labor Cabinet

Mayo-Underwood Building

500 Mero Street, 3rd Floor

Frankfort, Kentucky 40601

Phone: (502) 564-3534

www.elc.ky.gov

"No individual in the United States shall, on the grounds

of race, color, religion, sex, national origin, age, disability,

political affiliation or belief, be excluded from participation in,

or denied the benefits of, or be subjected to discrimination

under any program or activity under the jurisdiction of the

Kentucky Labor Cabinet."

under or related to KRS 337.420 - 337.433, or

or any other person, or



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.

You have the right to be reemployed in your civilian job if you leave that iob to perform service in the uniformed service and:

- ⇔ you ensure that your employer receives advance written or verbal you have five years or less of cumulative service in the uniformed
- you return to work or apply for reemployment in a timely manne
- after conclusion of service; and vou have not been separated from service with a disqualifying

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

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

- are a past or present member of the uniformed service have applied for membership in the uniformed service; or are obligated to serve in the uniformed service:
- reemployment; retention in employment;
- 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 that

person has no service connection. he 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



U.S. Department of Justice Office of Special Counsel

Kentucky Law Requires Equal Employment Opportunity

THE KENTUCKY CIVIL RIGHTS ACT PROHIBITS EMPLOYMENT DISCRIMINATION REGARDING: TERMINATION OR ADVERTISING LAYOFF • HIRING PHYSICAL FACILITIES ANY OTHER TERMS. PROMOTION CONDITIONS OR TRANSFER PRIVILEGES OF TRAINING AND

APPRENTICESHIP

 RACE • COLOR RELIGION NATIONAL ORIGIN SEX

THE KENTUCKY CIVIL RIGHTS THE KENTUCKY CIVIL RIGHTS **ACT PROHIBITS EMPLOYMENT ACT PROHIBITS EMPLOYMENT** DISCRIMINATION BASED ON: DISCRIMINATION BY: • DISABILITY • AGE (40 YEARS OLD • LABOR ORGANIZATIONS AND OVER) FMPI OYMENT AGENCIES TOBACCO LICENSING AGENCIES SMOKING STATUS • PREGNANCY (including childbirth and related medical

 COMPENSATION In addition, under the KCRA it is unlawful for an employer to fail to make reasonable accommodations for any employee with limitations related to pregnancy, childbirth, or a related medical conditions who requests an accommodation. including but not limited to: (1) the need for more frequent or longer breaks; (2) time off to recover from childbirth; (3) acquisition or modification of equipment; (4) appropriate seating; (5) temporary transfer to a less strenuous or less hazardous position; (6) job restructuring; (7) light duty; modified work schedule; and (8) private space that is not a bathroom for expressing breast milk.

FIND KENTUCKY'S GUARANTEE OF EQUAL EMPLOYMENT OPPORTUNITY AT KRS 344.030-KRS 344.110.

FOR HELP WITH DISCRIMINATION, CONTACT THE KENTUCKY COMMISSION ON HUMAN RIGHTS 312 WHITTINGTON PARKWAY, SUITE 020, LOUISVILLE, KENTUCKY 40222 PHONE: 502.595.4024 TOLL-FREE: 800.292.5566 FAX: 502.696.5230 E-MAIL: KCHR.MAIL@KY.GOV WEBSITE: KCHR.KY.GOV YOUTUBE: @kentuckycommissiononhumanr6761 PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW. 104 KY. ADMIN. REGS. 1:010 § 1. Edition Date: 1/2024

Welcome! Kentucky Law Requires



THIS KENTUCKY CIVIL RIGHTS ACT PROHIBITS DISCRIMINATION IN PUBLIC ACCOMMODATIONS BASED ON RACE, COLOR, DISABILITY, RELIGION, OR NATIONAL ORIGIN. SEX IS A PROTECTED CLASS IF THE PUBLIC ACCOMMODATION IS A RESTAU-RANT, HOTEL, MOTEL, OR IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS. A PLACE OF PUBLIC ACCOM-MODATION, RESORT OR AMUSEMENT INCLUDES ANY PLACE, STORE OR OTHER ESTABLISHMENT EITHER LICENSED OR UNLI-CENSED, WHICH SUPPLIES GOODS OR SERVICES TO THE GENERAL PUBLIC OR WHICH SOLICITS OR ACCEPTS THE PATRON-AGE OR TRADE OF THE GENERAL PUBLIC OR WHICH IS SUPPORTED DIRECTLY OR INDIRECTLY BY GOVERNMENT FUNDS. IT IS OUR POLICY TO FULLY COMPLY WITH THE KENTUCKY CIVIL RIGHTS ACT

FOR HELP WITH DISCRIMINATION, CONTACT THE

332 W. Broadway, Suite 1400, Louisville, Kentucky 40202 . Phone: 502.595.4024 Toll-free: 800.292.5566 . Fax: 502.595.4801 PUBLIC POSTING OF THIS NOTICE WHERE IT MAY BE READILY OBSERVED IS REQUIRED BY LAW

WAGE DISCRIMINATION BECAUSE OF SEX



EMPLOYEE - Any individual employed by any employer including but not limited to individuals employed by the State or any of its political subdivisions, instrumentalities. or instrumentalities of political subdivisions.

EMPLOYER - A person who has two or more employees

within the State in each of twenty or more calendar weeks

in the current or preceding calendar year and an agent of

WAGE RATE - All compensation for employment, including payment in kind and amounts paid by employers for employee benefits, as defined by the Commissioner in regu lations issued under KRS 337.425.

PROHIBITION OF THE PAYMENT OF WAGES BASED ON SEX: The employer is prohibited from discriminating between employees of opposite sexes in the same establishment by paying different wage rates for con parable work on jobs which have comparable requirements. his prohibition covers any employee in any occupation in Kentucky. Any employer in violation shall not reduce the

No employer can discharge or discriminate against any employee for the reason that the employee sought to invoke or assist in the enforcement of KRS 337.423. **EXEMPTIONS FROM COVERAGE:** A differential paid through an established seniority system or merit increase

system is permitted by KRS 337.423 if it does not discriminate on the basis of sex. Employers subject to the Fair Labor Standards Act of 1938, as amended, are excluded "when that act imposes compara ble or greater requirements than contained" in KRS 337.420

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

- 337.433. However, to be excluded, the employer must file with the Commissioner of the Kentucky Office of Workplace Standards a statement that he is covered by the Fair Labor Standards Act of 1938, as amended. **ENFORCEMENT OF LAW AND POWER TO**

has the power to enter the employer's premises to inspect records, compare character of work and operations of employees, question employees, and to obtain any infor mation necessary to administer and enforce KRS 337.420 - 337.433. The Commissioner or his authorized representative may examine witnesses under oath, and require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.425. If a person fails to obey a subpoena, the Circuit Court of the Judicial District wherein the hearing is being held may issue an order requiring the subpoena to be

obeyed. Failure to obey the court order may be punished as **COLLECTION OF UNPAID WAGES:** Any employer wages of any employee in order to comply with KRS 337.420 tional equal amount as liquidated damages. The court ma employees discharged in violation of KRS 337.420 - 337.433. necessary to collect the claim for unpaid wages in behalf of

for less than the wage to which such employee is entitled

PAID FOR WITH STATE FUNDS

UPDATED April 2024

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

EXEMPTIONS

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.

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

of pharmaceutical manufacturers, distributors and dispensers.

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

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 provision of any State or local law or any

collective bargaining agreement which is more restrictive with respect to

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are 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 disclosed to unauthorized persons.

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.



lie detector tests.



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 provide eligible employees with job-protected leave for qualifying family and nedical reasons. The U.S. Department of Labor's Wage and Hour Division

Eligible employees can take up to 12 workweeks of FMLA leave · The birth, adoption or foster placement of a child with you,

(WHD) enforces the FMLA for most employees.

· 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 <u>may</u> take up to

26 workweeks of FMLA leave in a single 12-month period to care for the You have the right to use FMLA leave in **one block of time**. When it is intermittently in separate blocks of time, or on a reduced schedule by

employer, to use any employer-provided paid leave if your employer's

paid leave policy covers the reason for which you need FMLA leave.

working less hours each day or week. Read Fact Sheet #28M(c) for more FMLA leave is **not paid leave**, but you may choose, or be required by you

Am I eligible to take

FMLA leave? You are an **eligible employee** if **all** of the following apply:

- 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
- Airline flight crew employees have different "hours of service"
- You work for a ${f covered\ employer}$ if ${f one}$ 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 of the FMLA, administered by the Office of Personnel Management

If advance notice is not possible, give notice as soon as possible.

How do I request FMLA leave?

 Follow your employer's normal policies for requesting leave • Give notice at least 30 days before your need for FMLA leave, or

You do <u>not</u> have to share a medical diagnosis but must provide enough

FMLA leave was previously taken or approved for the same reason

Your **employer** <u>may</u> request certification from a health care prov

The FMLA does not affect any federal or state law prohibiting

to verify medical leave and may request certification of a qualifying

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

vsuits regarding leave for their own serious health conditions. Mos

law but are subject to the jurisdiction of the U.S. Office of Personnel

employer need to do?

• 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

• Allow you to return to the same job, or a virtually identical job with

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

After becoming aware that your need for leave is for a reason that may

eligible or not eligible for FMLA leave. If your employer determ

you are eligible, your employer must notify you in writing:

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

About your FMLA rights and responsibilities, and

qualify under the FMLA, your **employer** <u>must</u> confirm whether you are

• How much of your requested leave, if any, will be FMLA-protected

Where can I find more

If you believe your rights under the FMLA have been violated, you may

in court. Scan the QR code to learn about our WHD complaint process

the same pay, benefits and other working conditions, including shift

If you are eligible for FMLA leave, your **employer <u>must</u>**:

the same basis as if you had not taken leave, and

when requesting additional leave.

What does my

and location, at the end of your leave

cooperating with a WHD investigation.

information?

genetic information of

Requesting or disclosing

Conduct that might reaso

ably discourage someone

tion, filing a charge, or par-

ticipating in an investigation

Conduct that coerces, intim

feres with someone exercise

assisting or encouraging

someone else to exercise

rights, regarding disability

accommodation) or preg

employment, including the executive

PROTECTED VETERAN STATUS The

Assistance Act of 1974, as amended,

38 U.S.C. 4212, prohibits employment

discrimination against, and requires

affirmative action to recruit, employ,

veterans, recently separated veterans

(i.e., within three years of discharge or

release from active duty), active duty

wartime or campaign badge veterans,

against a person who files a complaint

OFCCP proceeding, or otherwise

opposes discrimination by Federal

contractors under these Federal laws.

nancy accommodation

ing their rights, or someone

medical information o

on to your employer so they can determine whether the leave alifies for FMLA protection. You <u>must</u> also inform your employer if



REV 4/23

Discrimination has Occurred?

Contact the EEOC promptly if you suspect

can reach the EEOC in any of the following

Submit an inquiry through the EEOC's

Portal/Login.aspx

https://publicportal.eeoc.gov/

1-800-669-4000 (toll free)

1-844-234-5122 (ASL video

an EEOC field office (informa-

www.eeoc.gov/field-office)

1-800-669-6820 (TTY)

public portal:

E-mail info@eeoc.gov

about the EEOC, including

nformation about filing a

charge of discrimination, is

available at www.eeoc.gov.

affirmative action obligations under

OFCCP's authorities should contact

The Office of Federal Contract

Compliance Programs (OFCCP

200 Constitution Avenue, N.W

If you are deaf, hard of hearing, or

have a speech disability, please dial

7-1-1 to access telecommunications

to OFCCP's Help Desk at https://ofc-

in most telephone directories under

and on OFCCP's "Contact Us" webpage

at https://www.dol.gov/agencies/ofccp/

relay services. OFCCP may also be con

cphelpdesk.dol.gov/s/, or by calling ar

OFCCP regional or district office, listed

U.S. Department of Labor

Washington, D.C. 20210

1-800-397-6251 (toll-free)

liscrimination. Do not delay, because

there are strict time limits for filing a

Know Your Rights: WORKPLACE DISCRIMINATION

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. What can You Do if You Believe

All aspects of employment, including:

Who is Protected? xercising rights regarding former), including manag- · Union members and applior threats related to pregnancy accommodation **What Employment Practices can be Challenged** temporary employees as Discriminatory? What Organizations are Covered?

pensation)

lob training

Referral

11246, as amended, protects appli-

cants and employees of Federal con-

tractors from discrimination based

discussing their compensation or the

compensation of other applicants or

Rehabilitation Act of 1973, as amend-

with disabilities from discrimination

in hiring, promotion, discharge, pay

fringe benefits, job training, classif

cation. referral, and other aspects of

Disability discrimination includes no

making reasonable accommodation

limitations of an otherwise qualified

applicant or employee, barring undue

hardship to the employer. Section 503

also requires that Federal contractors

of the Education Amendments of 1972

prohibits employment discrimination

on the basis of sex in educationa

Federal financial assistance.

to the known physical or mental

on inquiring about, disclosing, or

DISABILITY Section 503 of the

Failure to provide reason

able accommodation for

a disability; pregnancy,

medical condition; or a sin-

cerely-held religious belief.

observance or practice

childbirth, or related

 Discharge, firing, or lay-off (as employers) State and local Unions Harassment (including unwelcome verbal or (as employers) Staffing agencies physical conduct) What Types of Employment Discrimination are Hiring or promotion Assignment Under the FFOC's laws, an employer may not Pay (unequal wages or com

Educational institutions

discriminate against you, regardless of your immigration staus, on the bases of: Genetic information (including employer requests for, or disclosure of genetic tests, genetic National origin services, or family medical Sex (including pregnancy, childbirth, and related med

Most private employers

Disability

Retaliation for filing a charge, reasonably oppostation, or gender identity) ing discrimination, or par- • Classification Age (40 and older) ticipating in a discrimination lawsuit, investigation, • Obtaining or disclosing **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

ousiness with the Federal Government If you are applying for a job with, or Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases: RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN Executive Order 11246

as amended, prohibits employment

pased on race, color, religion, sex

sexual orientation, gender identity, or

national origin, and requires affirmative

The Department of Labor's Office

f Federal Contract Compliance

rograms (OFCCP) enforces the nor

discrimination and affirmative action

commitments of companies doing

action to ensure equality of opportunity in all aspects of employment.

RACE, COLOR, NATIONAL ORIGIN. In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights

Act of 1964, as amended, prohibits

discrimination on the basis of race

color or national origin in programs

or activities receiving Federal financial

assistance. Employment discriminatio

DISCUSSING PAY Executive Order

take affirmative action to employ and Any person who believes a contracto advance in employment qualified indi-PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE objective of the financial assistance is provision of employment, or where employment discrimination causes or services under such programs. Title I

has violated its nondiscrimination or INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employ-

Discrimination is prohibited in all

persons with disabilities who, with or

aspects of employment against

without reasonable accommodation. can perform the essential functions of ment discrimination on the basis of If you believe you have been discrimiin any program or activity which nated against in a program of any insti receives Federal financial assistance tution which receives Federal financial

assistance, you should immediately contact the Federal agency providing such assistance.

(Revised 6/27/23)

KENTUCKY WAGE AND HOUR LAWS

MINIMUM WAGE=\$7.25 per hour Effective July 1, 2009

PAYMENT OF WAGES: Any employee who leaves or is discharged from employment shall be paid in full all wages or salary earned not later than the next normal pay period following the date of dismissal or voluntary leaving or fourteen (14) days following such date of dismissal or voluntary leaving whichever last occurs.

UNLAWFUL FOR EMPLOYER TO WITHHOLD WAGES

a) the employer is required to do so by local, state, or federal law; or b) when a deduction is expressly authorized in writing by the employee to cover insurance c) when a deduction is expressly authorized in writing by the employee for other deductions

not amounting to a rebate or deduction from the standard wage arrived at by collective bargaining or pursuant to wage agreement or statute; or d) Deductions for union dues where such deductions are authorized by joint wage agreecustomer if such losses are not attributable to employee's willful or intentional disregard

No employer shall withhold from any employee's wages any part of the agreed wage rate; No employer shall deduct the following from the wages of employees: b) Cash shortages in a common money till, cash box or register used by two (2) or more persons;

d) Losses due to acceptance by an employee of checks which are subsequently dishonored if such employee is given discretion to accept or reject any check; or e) Losses due to defective or faulty workmanship, lost or stolen property, damage to property, default of customer credit or nonpayment for goods or services received by the

TIME AND ONE HALF FOR WORK DONE ON SEVENTH DAY OF WEEK

employee receives compensation for employment in excess of forty hours in a workweek. the rate of time and a half for the time worked on the seventh day. This shall not apply where The rate of pay for time in excess of forty hours shall be not less than one and one-half the an employee is not permitted to work more than forty (40) hours during the workweek.

No employer shall employ any employee for a workweek longer than forty hours unless such Any employer who permits any employee to work seven days in any one workweek shall pay

Any employee engaged in an occupation in which more than \$30 dollars per month is | • Employees may enter into an agreement to divide tips among themselves. If employees customarily and regularly received in tips, the employer may pay a minimum of \$2.13 per enter into this type of agreement, the amounts retained by the employees shall be considered tips of the individuals who retain them. If an employer requires the use of a tip pool, hour if the employer's records can establish for each week where credit is taken, when adding the tips received to wages paid, not less than the minimum wage is received by the then the account used to hold the tip pool shall be segregated from the employer's other employee. No employer shall: business records and the employer shall make the account open to the pool's participants.

PERFORMANCE BONDS: Performance Bonds must be kept on file for employers in the construction and mining industries (including the transportation of minerals) who have conducted business within the Commonwealth for less than five (5) consecutive years. For more information, see KRS 337.200.

POST THIS ORDER WHERE ALL EMPLOYEES MAY READ

EMPLOYERS ARE SUBJECT TO KENTUCKY UNEMPLOYMENT INSURANCE LAW. YOU MAY BE ELIGIBLE FOR UNEMPLOYMENT BENEFITS IF YOU LOSE YOUR JOB, ARE LAID OFF OR YOUR HOURS ARE REDUCED.

IF YOUR HOURS ARE REDUCED:

Certain exemptions from minimum wage and overtime apply. For questions, please call (502)564-3534.

(c) Regular hourly rate of pay;

LUNCH PERIODS: Employers shall grant their employees a reasonable period for lunch, and (b) Hours worked each day and each week by each employee; such time shall be as close to the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours commences. This section shall not be construed to negate any provision of a collective bar-

gaining agreement or mutual agreement between the employee and employer.

Education and Labor Cabinet, Division of Wages and Hours

Mayo-Underwood Building 500 Mero Street, 3rd Floor

Frankfort, Kentucky 40601-4381

Phone (502) 564-3534 www.ELC.ky.gov

effort to obtain new work; and

• Register for work when you file your claim.

IF YOU LOSE YOUR JOB OR ARE LAID OFF:

7:30am-5:30pm ET (this is not a toll-free number).

ments or collective bargaining contracts negotiated between employers and employees

· Use all or part of any tips or gratuities received by employees toward the payment of the

Require an employee to remit to the employer any gratuity, or any portion thereof, except

for the purpose of withholding amounts required by federal or state law.

or their representatives.

hourly rate employed.

minimum wage

REST PERIODS: No employer shall require any employee to work without a rest period of RECORD RETENTION: ONE (1) YEAR AFTER ENTRY at least ten (10) minutes during each four (4) hours worked. This shall be in addition to the Every employer subject to the provisions of the Kentucky Minimum Wage Law shall make regularly scheduled lunch period. No reduction in compensation shall be made for hourly and preserve records containing the following information: (a) Name, address, and Social Security Number of each employee;

(d) Overtime hourly rate of pay for hours in excess of forty hours in a workweek; after the work shift commences, nor more than five (5) hours from the time the work shift (e) Additions to cash wages at cost, or deductions (meals, board, lodging, etc.) from stipulated wages in the amount deducted, or at cost of the item for which deductions are made; (f) Total wages paid for each workweek and date of payment.

> affiliation or belief, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Education and Labor Cabinet. PAID FOR WITH STATE FUNDS

UPDATED April 2024

o individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political

INFORMATION ABOUT UNEMPLOYMENT INSURANCE BENEFITS

2. After filing your claim, file continuing claims bi-weekly while CONTRIBUTIONS TO THE UNEMPLOYMENT BENEFIT FUND TO OUALIFY FOR BENEFITS, YOU MUST Be unemployed through no fault of your own; telephone at (877) 369-5984 or 877-3MY-KYUI. • Be able and available to work and making a reasonable

You must also meet monetary eligibility requirements based by your regular employer but are working less than your normal on your earnings in the "base period," the first four of the five full-time hours due to lack of available work. Benefits are not completed calendar quarters preceding your claim. These paid in the case of reduction in hours due to total disability, earnings also determine the amount of benefits you may be vacation or personal reasons. entitled to draw. Generally, if you have worked for more than a vear and earned at least \$1500 during your base period, WORKERS' COMPENSATION RECIPIENTS you may meet the monetary requirements for a claim. If you missed at least seven weeks of earnings due to injury

in any quarter during your base period, and were eligible for Workers' Compensation (whether or not you drew it), 1. File your claim within the first week after you become you may be able to use wages earned before your injury to unemployed, by filing on the internet at www.oet.ky.gov, qualify for unemployment benefits. To qualify, you must file or by telephone at (502) 875-0442 Monday through Friday, your claim within the first four weeks that you are unemployed following the period covered by Workers' Compensation Contact your nearest Unemployment Insurance office for

you are unemployed, through the web site or by toll free ARE PAID BY EMPLOYER. NO DEDUCTIONS ARE MADE FROM EMPLOYEE WAGES FOR THAT PURPOSE! -- DO NOT COMMIT FRAUD --If you make a false statement in claiming benefits, you You may be eligible for partial benefits if you are still employed

> other penalties as well including felony charges, fines and possible imprisonment. Also, all benefits fraudulently received must be repaid to the Division of Unemployment Insurance. Interest will accrue and there may be a lien filing fee as well as a lien release fee. Education and Workforce Development Cabinet Department for Workforce Investment Office of Employment and Training

> > Division of Unemployment Insurance

275 East Main Street

Frankfort, KY 40621

can be disqualified for up to 52 weeks. You could face

