



# CHILD LABOR LAWS

**Texas Workforce Commission**  
**Labor Law Section, Child Labor Enforcement**  
**U.S. Department of Labor**  
**Wage and Hour Division**



For further information about Texas' child labor laws, call:

**1-800-832-9243**

**(in Texas only)**

**TDD 1-800-735-2989**

***This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the employment of children under Texas state law. MINIMUM AGE FOR EMPLOYMENT IS 14; however, state and federal laws provide for certain exceptions. Please call TWC's Labor Law Section for a complete copy of the law or for answers to questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, consult your local listings for the nearest office of the U.S. Department of Labor, Wage and Hour Division or call 1-866-487-9243***

## ***The following are prohibited occupations for 14- through 17-year-old children:***

Prohibited occupations are the same for both federal and state law. The minimum age applies even when the minor is employed by the parent or a person standing in place of the parent. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-learner certification has been obtained. Persons desiring specific information about these exceptions should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age include occupations:

- (1) in or about plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments
- (2) involving the driving of motor vehicles and outside helpers
  - A. on any public road or highway,
  - B. in or about any place where logging or sawmill operations are in progress, or
  - C. in excavations.
 (Under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law.)
- (3) connected with coal mining.
- (4) including logging and sawmill occupations and occupations involving fire fighting and timber tracts.
- (5) \*operating or assisting to operate power-driven woodworking machines.
- (6) involving exposure to radioactive substances and to ionizing radiations.
- (7) operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks.
- (8) \*operating or assisting to operate power-driven metal forming, punching, and shearing machines.
- (9) in connection with mining, other than coal.
- (10) \*operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering
- (11) operating or assisting to operate power-driven bakery machines.
- (12) \*Occupations involved in the operation of power-driven paper-products machines, balers and compactors.
  - (13) manufacturing brick, tile, and kindred products.
- (14) \*operating or assisting to operate power-driven circular saws, band saws and guillotine shears, abrasive cutting discs, reciprocating saws, chain saws and wood chippers
- (15) wrecking, demolition, and ship-breaking operations.
- (16) \*occupations in roofing operations and on or about a roof.
- (17) \*connected with excavation operations.

## ***Additional prohibited occupations that apply only to 14- and 15-year-olds:***

Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) Mining, manufacturing, or processing occupations, including duties in workrooms or places where goods are manufactured, mined, or otherwise processed.
- (2) The operation or tending of hoisting apparatus or any power-driven machinery other than office machines.
- (3) Operating a motor vehicle or service as helpers on such vehicles, including passenger-type vehicles.
- (4) Public messenger service.
- (5) Occupations in connection with:
  - A. Transportation of persons or property by rail, highway, air, water, pipeline, or other means.
  - B. Warehousing and storage.
  - C. Communications and public utilities.
  - D. Construction including demolition and repair
- (6) Work performed in or about boiler or engine rooms.
- (7) Work in connection with maintenance or repair of the establishment, machines or equipment.
- (8) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds or their substitutes.
- (9) Cooking (except under limited circumstances)
- (10) Baking
- (11) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.
- (12) Work in freezers and meat coolers and all work in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking when performed in other areas).
- (13) Loading and unloading goods to and from trucks, railroad cars or conveyors.
- (14) All occupations in warehouses, except office and clerical work.

## ***Work times for 14- and 15-year-olds***

**State Law** — A person commits an offense if that person permits a child 14 or 15 years of age who is employed by that person to work:

- (1) more than 8 hours in one day or more than 48 hours in one week;
- (2) between the hours of 10 p.m. and 5 a.m. on a day that is followed by a school day or between the hours of midnight and 5 a.m. on a day that is not followed by a school day if the child is enrolled in school;
- (3) between the hours of midnight and 5 a.m. on any day during the time school is recessed for the summer if the child is not enrolled in summer school.

**Federal Law** — The FLSA further regulates hours of employment for children:

- (1) may not work during school hours
- (2) may not work more than eight hours on a non-school day or 40 hours during a non-school week.
- (3) may not work more than three hours on a school day or 18 hours during a school week.
- (4) Children may work only between 7 a.m. and 7 p.m. during the school year. However, between June 1 and Labor Day, they may work between the hours of 7 a.m. and 9 p.m.

## ***Certificate of Age/Child Actors***

The Texas Labor Code does not require a certificate of age. However, applications for certificates are available by phone by calling the 1-800 number above or from your local office of the Texas Workforce Commission.

- (1) A child who is at least 14 years of age may apply to the Texas Workforce Commission for a certificate of age.
- (2) TWC may authorize the employment of a child younger than 14 as an actor or performer in a motion picture or in a theatrical, radio or television production.

## ***Additional prohibited occupations that apply only under state law:***

- (1) occupations involved in sales and solicitation by a child under 18 years of age..
- (2) occupations in sexually oriented businesses by a child under 18 years of age.

## **PENALTIES:**

**State of Texas** — An offense under Chapter 51, Texas Labor Code, is a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The attorney general may seek injunctive relief in district court against an employer who repeatedly violates the requirements established by this Act relating to the employment of children.

**Federal** — The FLSA prescribes a maximum administrative penalty of \$11,000 per violation and/or criminal prosecution and fines.



# LEYES LABORALES DE MENORES

Comisión de Fuerza Laboral de Tejas

Imposición de Leyes Laborales de Menores

Departamento de Trabajo de los EE.UU

Administración de Normas de Empleo, División de Horas y Sueldos



Para más información sobre las leyes laborales de menores de Tejas, llame a:

**1-800-832-9243  
(TDD 1-800-735-2989)**

Este cartel le provee alguna guía a las leyes de Tejas sobre el empleo de menores, pero no está completo. Capítulo 51, Código Laboral de Tejas, gobierna el empleo de menores bajo las leyes estatales de Tejas. LA EDAD MINIMA PARA SER EMPLEADO ES 14; sin embargo, las leyes estatales y federales tienen en cuenta ciertas excepciones. Favor de llamar al departamento de TWC de las leyes laborales por una copia completa de las leyes o por respuestas a preguntas sobre las leyes laborales. La Ley de Normas Razonables de Trabajo (Fair Labor Standards Act (FLSA) en inglés) gobierna las leyes federales y las guías relacionadas con el empleo de menores. Para información concerniente a las leyes federales del empleo de menores, consulte a sus alistamientos locales para conseguir la oficina más cercana de la División de Horas y Sueldos del Departamento del Trabajo de los EE.UU.

## Las siguientes son ocupaciones prohibidas para menores de 14 a 17 años de edad:

Las ocupaciones prohibidas son iguales tanto como las leyes federales que las estatales. La edad mínima aplica aunque el menor sea empleado por un padre o una persona sirviendo en lugar de un padre. Las ocupaciones peligrosas designadas por un asterisco (\*) tienen provisiones por el empleo de personas de menos de 18 años, con tal de que el aprendizaje aplicable o la certificación como estudiante-aprendiz haya sido obtenido. Personas que deseen información específica sobre estas excepciones deben de ponerse en contacto con la oficina más cercana del Departamento del Trabajo de los EE.UU.

Las ocupaciones declaradas particularmente arriesgadas o perjudiciales a la salud o al bienestar de todos los menores de 14 a 17 años de edad incluirán las ocupaciones:

- (1) en o cerca de fábricas o establecimientos en donde se fabriquen o guarden explosivos o artículos que contengan componentes explosivos aparte de establecimientos que vendan al por menor.
- (2) que envuelvan el manejar de vehículos motorizados y ayudantes externos.
  - A. en cualquier camino público o carretera.
  - B. en o cerca de cualquier lugar donde los funcionamientos de tala o aserradero estén en curso, o
  - C. en excavaciones.

(Bajo ciertas circunstancias, en manejo de vehículos motorizados con propósito comercial, NO será considerado como trabajo peligroso en cuanto a las leyes estatales.)
- (3) en conexión con la minería del carbón.
- (4) del funcionamiento de tala y ocupaciones de aserradero.
- (5) \*del funcionamiento de maquinaria motorizada de carpintería.
- (6) que envuelvan la exposición a sustancias radioactivas y a radiaciones ionizadas.
- (7) del funcionamiento de aparatos motorizados de alzamiento tal como ascensores, grúas, torres, montacargas, camiones de alzamiento.
- (8) \*del funcionamiento de maquinaria motorizada para formar, punchar y cortar metal.
- (9) en conexión con la minería, aparte del carbón.
- (10) \*del funcionamiento de maquinaria motorizada en el proceso de carne y ocupaciones incluyendo las de matanza, empaque, o proceso a excepción de la matanza y el proceso de aves del corral, conejos, o pequeñas aves o animales de caza en áreas separadas del lugar de matanza.
- (11) del funcionamiento de maquinaria motorizada de panadería.
- (12) \*operaciones de maquinaria motorizados de productos de papel, empacadoras de papel desperdicio o compactadoras de papel.
 

(Bajo ciertas circunstancias, cargando una empacadora o compactadora NO es considerado como trabajo peligroso en cuanto las leyes del estatales o federales.)
- (13) de la manufacturación de ladrillos, tejas y productos similares.
- (14) \*del funcionamiento de serruchos motorizados, serruchos de mano, cizalla de guillotina, a excepción de maquinaria equipada con avance y expulsión totalmente automáticas.

## Multas:

Estado de Tejas – Una ofensa bajo el Capítulo 51, el Código Laboral de Tejas, es un delito menor de Clase B, excepto la ofensa de emplear a un menor de 14 años para vender o solicitar, el cual es un delito menor de Clase A. Si la Comisión determina que una persona haya violado esta Acta en el empleo de un menor, o una regla adoptada bajo esta Acta, la Comisión podrá fijar una multa administrativa contra tal persona de una cantidad no más de \$10,000 por cada violación. El Ministro de Justicia (Attorney General) podrá procurar auxilio inyunto en la corte del distrito contra un empleador que viole repetidamente los requerimientos establecidos por esta Acta referente al empleo de menores.

Federal – El FLSA prescribe una máxima multa administrativa de \$10,000 por violación y/o proceso criminal y multas.

(15) del funcionamiento de destruir, demoler, y desgazar.

(16) \*ocupaciones en operaciones de techar y en o con respecto al techo.

(17) \*en conexión con funcionamientos de excavaciones.

## Adicionales Ocupaciones prohibidas que aplican solamente a menores de 14 a 15 años:

Ocupaciones declaradas particularmente peligrosas o perjudiciales a la salud o al bienestar de menores de 14- 15 años incluirán:

- (1) La Minería.
- (2) La Manufactura.
- (3) El desempeño de cualesquieres oficios en salas de trabajo o lugares de empleo donde se fabriquen, minen, o de otro modo procesen mercancía.
- (4) Servicio público de mensajero.
- (5) El funcionamiento o el cuidado de aparatos de alzamiento o cualquier otra maquinaria motorizada, aparte de maquinaria de oficina.
- (6) Ocupaciones en conexión con:
  - A. El transporte de personas o propiedades en tren, por carretera, en avión, en barco, por línea o por otros medios. Sin embargo, trabajo de oficina o de venta se permitirá a excepción de vehículos y otros medios de transporte o en el verdadero sitio de construcción.
  - B. Almacenaje y depósito.
  - C. Comunicaciones y utilidades públicas.
  - D. Construcción incluyendo la demolición y la reparación.
- (7) Cualquiera de las siguientes ocupaciones en un mercado minorista de comestibles, o en un establecimiento de gasolina:
  - A. Trabajo desempeñado en o cerca de cuartos de calderas o de motor.
  - B. Trabajo en conexión con el mantenimiento o la reparación del establecimiento, la maquinaria o el equipo.
  - C. El lavado de ventanas afuera que incluya trabajando en alfeizares, y todo trabajo que requiera el uso de escaleras, cadalsos o substitutos.
  - D. El cocinar (aparte de circunstancias limitadas)
  - E. El hornear.
  - F. Ocupaciones que envuelvan el funcionamiento, establecimiento, ajustamiento, limpieza, lubricación, o la reparación de maquinaria motorizada de rabanar comida y moledores, picadoras de comida y cortadoras, y mezcladoras como el tipo de panadería.
  - G. Trabajo en congeladores y refrigeradoras de carne y todo trabajo envuelto en la preparación de carne para su venta (excepto el empacar, sellar, marcar, pesar, preciar, y almacenar cuando se desempeñe en otras áreas).
  - H. Carga y descarga de mercancía hacia y desde los camiones, vagones o transportadores.
  - I. Todas las ocupaciones en almacenes, excepto el trabajo de oficina.

## Horarios para los menores de 14 y 15 años de edad

**Ley Estatal** – Una persona cometerá una ofensa si tal persona permite que el niño(a) de 14 o 15 años de edad empleado por esa persona trabaje:

- (1) más de 8 horas en un día o más de 48 horas en una semana.
- (2) entre las horas de 10 p.m. y 5 a.m. cuando el día siguiente sea un día escolar o entre las horas de medianoche y 5 a.m. en un día que preceda un día escolar si el menor está inscrito en la escuela.
- (3) entre las horas de medianoche y 5 a.m. en cualquier día durante el tiempo en que la escuela entre en receso para el verano si el menor no está inscrito en la escuela.

**Ley Federal** – El FLSA en adición reglamenta las horas de empleo para menores:

- (1) no más de ocho horas en un día no escolar o 40 horas durante una semana no escolar.
- (2) no más de tres horas en un día escolar, 18 horas durante una semana escolar.
- (3) Menores puedan trabajar solamente entre las 7 a.m. y las 7 p.m. durante el año escolar. Sin embargo, entre el primero de junio y el Día del Trabajador, pueden trabajar entre las 7 a.m. y las 9 p.m.

## Certificado de Edad/Menores Actores

El Código Laboral de Tejas no requiere un certificado de edad. No obstante, aplicaciones para los certificados están disponibles llamando el número 1-800 arriba o a petición de la oficina local de la Comisión de Fuerza Laboral de Tejas.

- (1) Un(a) niño(a) que tenga por lo menos 14 años de edad puede aplicar a la Comisión de Fuerza Laboral de Tejas por un certificado de edad.
- (2) La TWC puede autorizar el empleo de un(a) niño(a) más joven de 14 como actor o intérprete en una película o en una producción teatral, en la radio o la televisión.

# 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.

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.
EXEMPTIONS	<p>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.</p> <p>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.</p> <p>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.</p> <p>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 lie detector tests.</p>
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.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



# Equal Employment Opportunity is **THE LAW**

## **Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

### **DISABILITY**

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

### **AGE**

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

### **SEX (WAGES)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

### **GENETICS**

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

### **RETALIATION**

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

### **WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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## Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

### **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

### **RETALIATION**

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above 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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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## Programs or Activities Receiving Federal Financial Assistance

### **RACE, COLOR, NATIONAL ORIGIN, SEX**

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 discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

### **INDIVIDUALS WITH DISABILITIES**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# “EEO is the Law” Poster Supplement

## Employers Holding Federal Contracts or Subcontracts Section Revisions

*The Executive Order 11246 section is revised as follows:*

### **RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN**

Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **PAY SECRECY**

Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

*The Individuals with Disabilities section is revised as follows:*

### **INDIVIDUALS WITH DISABILITIES**

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

*The Vietnam Era, Special Disabled Veterans section is revised as follows:*

### **PROTECTED VETERANS**

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, 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 Armed Forces service medal veterans.

*Mandatory Supplement to EEOC P/E-1(Revised 11/09) “EEO is the Law” Poster.*

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | [www.dol.gov](http://www.dol.gov).

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

## Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



**For additional information:**  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 · Revised February 2013



**EQUAL EMPLOYMENT OPPORTUNITY is. . .  
OPORTUNIDAD IGUAL DE EMPLEO es. . .**

***the  
LAW  
in  
TEXAS***

The LAW prohibits employers, employment agencies and labor unions from denying equal employment opportunities in

**hiring  
promotion  
discharge  
pay  
fringe benefits  
membership  
training  
other aspects of employment**

because of race, color, national origin, religion, sex, age, or disability.

***la  
LEY  
en  
TEXAS***

La LEY prohíbe a los patrones, agencias de empleo y uniones sindicales negar oportunidad igual de empleo en

**Ocupar  
Ascensos  
desocupar  
pago  
beneficios  
membrecia  
entrenamiento  
otros aspectos del empleo**

por causa de raza, color, nacionalidad, religion, sexo, edad, o incapacidad.

**If you believe you have been discriminated against call or write the Texas Workforce Commission, Civil Rights Division, located in Austin at 1117 Trinity Street, Rm. 144-T**

**Mail: 1117 Trinity Street, Rm. 144-T, Austin, Texas 78701**

***<http://www.texasworkforce.org>***

***(512) 463-2642***

***Toll Free (within Texas) 1-888-452-4778***

***1-800-735-2989 (Texas Relay)***

***No Appointment Necessary!***

***Si usted cree que ha habido discriminación en su contra, llame o escriba a Texas Workforce Commission, Civil Rights Division; 1117 Trinity Street, Rm. 144-T Austin, Texas 78701, (512) 463-2642 or 1-800-735-2989 (Texas Relay)***

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25

PER HOUR

BEGINNING JULY 24, 2009

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

#### OVERTIME PAY

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

#### 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.

#### NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to 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 overtime pay provisions of the law. Civil money penalties may 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 proceeding under the FLSA.

#### ADDITIONAL INFORMATION

- 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.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)



WH1088 REV 07/16



## **NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL**

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-EZE-OIEC (1-866-393-6432). More information about OIEC and its Ombudsman Program is available at the agency's website ([www.oiec.texas.gov](http://www.oiec.texas.gov)).

### **OMBUDSMAN PROGRAM**

**WHAT IS AN OMBUDSMAN?** An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has a workers' compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

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28 TAC §276.5. Employer Notification of Ombudsman Program to Employees (Effective 9/1/13)

(a) All employers participating in the workers' compensation system shall post notice of the Office of Injured Employee Counsel's (OIEC) Ombudsman Program. This notice shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis.

(b) This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees.

(c) This notice shall be the text provided by OIEC without any additional words or changes and may be obtained by:

- (1) Downloading the form on OIEC's website at: [www.oiec.texas.gov](http://www.oiec.texas.gov); or
- (2) Requesting the notice by calling OIEC's toll-free telephone number at: 1-866-EZE-OIEC (1-866-393-6432).

# Job Safety and Health

## It's the law!

**OSHA**  
Occupational Safety  
and Health Administration  
U.S. Department of Labor

### EMPLOYEES:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

### EMPLOYERS:

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

This free poster available from OSHA –  
*The Best Resource for Safety and Health*



Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

**1-800-321-OSHA**  
[www.osha.gov](http://www.osha.gov)

# ATTENTION EMPLOYEES

The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist as nearly as possible of an equal number of days.

Scheduled paydays: (You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY	_____
SEMI-MONTHLY	_____
WEEKLY	_____
OTHER	<u>Bi-weekly, every other Friday</u>

For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWC office. TWC offices are located in major cities throughout the state.

## TEXAS WORKFORCE COMMISSION

**Labor Law Section**

**101 East 15th Street, Room 124T**

**Austin, Texas 78778-0001**

**1-800-832-9243**

**TDD 1-800-735-2989 (Hearing Impaired)**

***TO EMPLOYERS:*** The law requires that this notice or its equivalent be posted (in full view) at your business.



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

### RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ 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;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

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.

### HEALTH INSURANCE PROTECTION

- ☆ 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

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ 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 at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ 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 against an employer for violations of USERRA.

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: <http://www.dol.gov/vets/programs/userra/poster.htm>. 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.



**U.S. Department of Labor**  
**1-866-487-2365**



**U.S. Department of Justice**



**Office of Special Counsel**



**1-800-336-4590**

Publication Date—October 2008