



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





Know Your Rights: Workplace Discrimination is Illegal

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

Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

- Race
- Color
- Religion
- National origin
- Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Unions
- Staffing agencies

What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including:

- Discharge, firing, or lay-off
- Harassment (including unwelcome verbal or physical conduct)
- Hiring or promotion
- Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice
- Benefits
- Job training
- Classification
- Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding
- Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation

What can You Do if You Believe Discrimination has Occurred?

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

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

Call 1-800-669-4000 (toll free)
1-800-669-6820 (TTY)
1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at www.eeoc.gov/field-office)

E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.



EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a 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 discrimination by Federal contractors 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.

Asking About, Disclosing, or Discussing Pay

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

Disability

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 by Federal contractors. 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.

Protected Veteran Status

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.

Retaliation

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

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1-800-397-6251 (toll-free)

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <https://ofccphelpdesk.dol.gov/s/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil 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.

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

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

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

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

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

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

You work for a **covered employer** if **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 government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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

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

What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

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

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

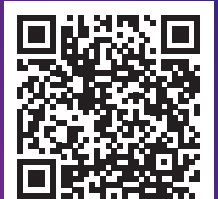
Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

SCAN ME





**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.

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

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or 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. Certain narrow exemptions also apply to the pump at work requirements.
- 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
www.dol.gov/agencies/whd





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).

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.

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; 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

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

EMPLOYEE RIGHTS

UNDER THE NATIONAL LABOR RELATIONS ACT

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten you that you will lose your job unless you support the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take other adverse action against you based on whether you have joined or support the union.

If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlrb.gov.

Click on the NLRB's page titled "About Us," which contains a link, "Locating Our Offices." You can also contact the NLRB by calling toll-free: **1-866-667-NLRB (6572)** or (TTY) **1-866-315-NLRB (6572)** for hearing impaired.

***The National Labor Relations Act covers most private-sector employers.** Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).



This is an official Government Notice and must not be defaced by anyone.

U.S. Department of Labor

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: [Name of employer] FivePoint Credit Union

has workers' compensation insurance coverage from [name of commercial insurance company] Hartford Insurance Co. – Midwest in the event of work-related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy] 07/01/2019. Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] Hartford Insurance Co. – Midwest. An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.