

# **Legally Required Postings**

Questions about the contents  
Should be directed to the  
Jefferson School District 14J  
Personnel office

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*Please Post*

**Information for**  
**Contacting Asbestos Coordinator**  
**And**  
**Reviewing Management Plan**

Name of School Asbestos Coordinator:

**Kent Klewitz**

Telephone Number of Asbestos Coordinator:

**541-327-3337 x 1050**

Location of School Management Plan:

- **Full set of plans in District Office.**
- **Individual plans in each school office.**

Times that the Management Plan is available for review:

**8:30 a.m. to 3:30 p.m., Monday through Friday**

Cost for a copy of the Management Plan: **\$10**

# Child Abuse Reporting

District employees play a vital role in ensuring the health and safety of children. Oregon Revised Statutes (ORS) 419B.010 and Jefferson School District **Policy JHFE and JHFE-AR(1)** require that school employees immediately report suspected child abuse or neglect to DHS/Child Welfare or a law enforcement agency. The initiation of a report in good faith will not adversely affect any terms or conditions of employment.

If the suspected abuse involves a district/school employee, you must take the following steps:

- 1) Report your concerns directly to law enforcement or the Department of Human Services:

Marion County Child Abuse Hotline.....503-378-6704 or 800-854-3508  
**If a child is at risk of imminent harm, call..... 911**

- 2) Immediately notify your supervisor and building designee of the concerns. Your building designee is:

Anna Keifer	ext. 1650	Elementary School
Dan Fritz	ext. 1550	Middle School
Cathy Emmert	ext. 1250	High School
Superintendent	ext. 1050	if building designee is unavailable

Upon receiving information of possible child abuse by a district employee, the district will fully cooperate with law enforcement and may conduct an internal investigation.

- 3) After reporting:
  - Do not interfere with the investigation.
  - Do not notify the person suspected of the abuse.
  - Do not discuss the concerns with others without permission from law enforcement or the building designee.
  - Do not interview students about abuse concerns.
  - Do not discipline nor make negative comments about students who report abuse in good faith.



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A TRUST BUILT FOR STUDENTS

# IT'S MANDATORY: REPORT SEXUAL CONDUCT WITH STUDENTS

## K-12 district employees are required to report sexual conduct by any adult toward any student.

Definition of sexual conduct: Sexual conduct includes a wide list of physical and non-physical behaviors and actions:

- Inappropriate conversations
- Touching students frequently
- Suggestive or obscene language
- Holding hands with students
- Kissing a student
- Rubbing a student's back
- Sharing obscene or suggestive photos with minors
- Giving gifts to students
- Making videos or taking pictures of a student in revealing or suggestive poses, or without the permission of a parent
- Texting or phoning students on matters that do not involve school
- Sharing one's own sexual exploits or marital problems with a student
- Inappropriate discussion or expressions of interest in a student's out-of-school behavior, including dating or social activities
- Meeting a student outside of school, especially alone or without permission from the student's parent
- Trying to establish a peer relationship with a student, rather than an adult-student relationship

### AWARENESS AND ACTION

**Sexual conduct:** If a district employee becomes reasonably certain that any form of sexual conduct has occurred between an adult and a student, the employee must immediately report the conduct to his or her supervisor.

**Unwanted attention:** If a district employee becomes aware that he or she has attracted inappropriate or excessive interest from a student, that employee must report the matter immediately to his or her supervisor.

**Sexual harassment:** Unwanted advances, requests for sexual favors and other sexual conduct may amount to sexual harassment, especially when acquiescence is a condition for academic advancement. Harassment also occurs when the behavior interferes with a student's academic performance. Any district employee who becomes reasonably aware that such behavior has occurred toward a student must report it to the district.

**PEOPLE TO CONTACT:** The district must post the names and contact information of the people it designates to receive reports of sexual conduct. The district must also post the procedures it follows when it receives a report. In most cases, the supervisor or principal will be a contact person, but some investigations may take place at the district level.

### PROTECTION FOR EMPLOYEES WHO REPORT

The district's policy must protect an employee who reports sexual misconduct in good faith. No adverse employment action must occur as a consequence of reporting.

### INVESTIGATING A REPORT

**When the report involves an employee:** Upon receiving a report of suspected sexual conduct by one of its employees, the district may place the employee on paid administrative leave or transfer him or her to a position that does not allow direct, unsupervised contact with students. The district may keep the leave or the transfer in effect until its investigation is complete.

**When the report involves a volunteer:** The district may decide to bar a suspected volunteer from any school property and from any contact with students until its investigation is complete.

**When an investigation substantiates a report concerning an employee:** The district must inform the accused employee of the conclusions reached as a result of the investigation. The district must then inform the employee of the process for appealing the district's decision, or—in the case of a represented employee—the process according to the collective bargaining agreement. If the employee's appeal is unsuccessful, the district must place a record of the substantiated report in the employee's personnel file.

## MANDATORY REPORTING QUICK REFERENCE

### SUPERVISOR/PRINCIPAL

Anna Keifer

NAME

extension 1650

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### DISTRICT CONTACT

Kent Klewitz

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**PACE.OSBA.ORG**

rev. 09.2017



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## MANDATORY REPORTING QUICK REFERENCE

### SUPERVISOR/PRINCIPAL

Dan Fritz

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### DISTRICT CONTACT

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**PACE.OSBA.ORG**

rev. 09.2017

**PACE RISK MANAGEMENT**  
1-800-285-5461 • riskmanagement@sdao.com

**PACE PRE-LOSS**  
1-800-578-6722 • pacepreloss@osba.org



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## MANDATORY REPORTING QUICK REFERENCE

### SUPERVISOR/PRINCIPAL

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### DISTRICT CONTACT

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rev. 09.2017

**PACE RISK MANAGEMENT**  
1-800-285-5461 • [riskmanagement@sdao.com](mailto:riskmanagement@sdao.com)

**PACE PRE-LOSS**  
1-800-578-6722 • [pacepreloss@osba.org](mailto:pacepreloss@osba.org)

# **Project Child Find**

If you have any questions or if you suspect that your child, aged 0-21, is in need of special help in an academic area including speech, hearing or motor skills, please contact your child's school counselor, development skills specialist, or the District Special Education Director. A Special Services handbook containing policies and procedures is available in each building principal's office.

Jefferson Elementary      541-327-3337 x 1651

Jefferson Middle School 541-327-3337 x 1551

Jefferson High School    541-327-3337 x 1251

District Office              541-327-3337 x 1052

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## **Especial de los services por estudiantes**

Si usted tiene cualesquiera preguntas o si usted sospecha que su niño, edades 0-21, está en necesidad de la ayuda especial en cualquier área académica incluyendo discurso, la audición o habilidades de motor, entre en contacto con por favor al consejero de la escuela de su niño, al especialista de las habilidades del desarrollo, o al director de la educación especial. Un manual especial de los servicios que contiene políticas y procedimientos está disponible en la oficina de cada principal de edificio.

Sra. Sylvia Greek 541-327-3337 (1052)

**NOTICE IS HEREBY GIVEN  
THAT THE EMPLOYER SHOWN BELOW IS SUBJECT TO OREGON  
EMPLOYMENT DEPARTMENT LAW**

If you become unemployed or are employed less than full time, you may be eligible for unemployment insurance benefits.

However, if you quit work without good cause or are either fired or suspended for misconduct:

- You will be denied benefits until you have returned to work and,
- In order to requalify you must be separated from the new work for a non-disqualifying reason and,
- Your maximum benefits payable to you will be reduced.

0513091-2  
JEFFERSON SCHOOL DISTRICT NO 14J  
1328 N 2ND ST  
JEFFERSON OR 97352

For further information contact the nearest office of the  
**STATE OF OREGON • EMPLOYMENT DEPARTMENT**

## **NOTICE**

### **DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT OR STALKING PROTECTIONS**

#### **STATE AGENCIES ARE REQUIRED TO PROVIDE REASONABLE SAFETY ACCOMMODATIONS AND 160 HOURS OF PAID LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE, HARASSMENT, SEXUAL ASSAULT, OR STALKING (DVHSAS).**

##### **Who is eligible for protections under the law?**

Any employee who is a victim of DVHSAS, or is the parent or guardian of a minor child or dependent who is a victim of DVHSAS, regardless of how long or how many hours he or she has worked for the employer.

##### **What qualifies as a Reasonable Safety Accommodation?**

"Reasonable safety accommodation" may include, but is not limited to, a transfer, a reassignment, modified schedule, leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure or any other adjustment to a job structure, workplace facility or work requirement in response to actual or threatened domestic violence, harassment, sexual assault or stalking.

##### **Paid Leave:**

Effective January 1, 2014, state agencies are required to grant up to 160 hours of paid leave in each calendar year to an eligible employee for the purposes specified below. The paid leave is in addition to any vacation, sick, personal business or other form of paid or unpaid leave available to the eligible employee. An employee must exhaust all other forms of paid leave before the employee may use the paid leave established by the law.

##### **When may an employee take leave?**

Employees may take leave for the following purposes:

- To seek legal or law enforcement assistance to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to DVHSAS.
- To seek medical treatment for or to recover from injuries caused by DVHSAS to the eligible employee or the employee's minor child or dependent.
- To obtain or to assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of DVHSAS.
- To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent.
- To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

##### **Is Notice Required?**

Reasonable advance notice of an employee's intention to take leave is required, unless giving the advance notice is not practicable. An employee must provide certification that the employee or the employee's minor child or dependent is a DVHSAS victim. **Confidentiality:** Any documents or evidence provided as certification of the victim's status, or information obtained by the employer regarding the need for accommodation or leave must be kept confidential and may not be released without the express permission of the employee.

**It is an unlawful employment practice for a covered employer to refuse to make a reasonable accommodation, discharge, refuse to hire, suspend, retaliate, or discriminate in any manner against an individual because he or she is a victim of DVHSAS.**

**For additional information, please talk with your supervisor/manager or your agency Human Resources Office.**

**You may also call the nearest office of the Bureau of Labor and Industries (BOLI):**

- **Employer Assistance: 971-673-0824**
- **Eugene: 541-686-6723**
- **Salem: 503-378-3292**
- **Portland: 971-673-0761**

**Or Write to BOLI:**

**Bureau of Labor and Industries  
Civil Rights Division  
800 NE Oregon St Ste. 1045  
Portland, OR 97232**

**Website: [www.oregon.gov/boli](http://www.oregon.gov/boli)**

This is a summary of Oregon's laws relating to Domestic Violence, Harassment, Sexual Assault, or Stalking Protections. It is not a complete text of the law.

**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**



# AVISO



## PROTECCIONES CONTRA VIOLENCIA DOMÉSTICA, ACOSO, AGRESIÓN SEXUAL O ACECHO

**TODOS LOS EMPLEADORES CON 6 O MÁS EMPLEADOS EN OREGON ESTÁN OBLIGADOS A BRINDAR LICENCIA RAZONABLE Y TODOS LOS EMPLEADORES EN OREGON ESTÁN OBLIGADOS A BRINDAR MODIFICACIONES DE SEGURIDAD RAZONABLES PARA VÍCTIMAS DE VIOLENCIA DOMÉSTICA, ACOSO, AGRESIÓN SEXUAL O ACECHO (DVHSAS, POR SUS SIGLAS EN INGLÉS).**

### ¿Qué califica como modificación de seguridad razonable?

“Modificación de seguridad razonable” puede incluir, entre otros, un traslado, reasignación, horario modificado, licencia del empleo sin remuneración, cambio de número telefónico del trabajo, cambio de estación de trabajo, instalación de cerradura, implementación de procedimiento de seguridad o cualquier otro ajuste a una estructura laboral, establecimiento laboral o requisito laboral como respuesta a violencia doméstica, acoso, agresión sexual o acecho reales o amenazas sobre los mismos. (DVHSAS).

### ¿Quién es elegible para las protecciones de modificación de seguridad razonable bajo esta ley?

Cualquier empleado que es víctima de DVHSAS, o que es padre, madre o tutor legal de un menor o dependiente que es víctima de DVHSAS, sin importar por cuánto tiempo ha trabajado o cuántas horas trabaja para el empleador.

### ¿Cuándo puede tomarse una licencia un empleado?

**Los empleados pueden tomarse una licencia para los propósitos siguientes:**

- Para buscar asistencia legal o policial para asegurar la seguridad del empleado o hijo(a) menor o dependiente del empleado, incluyendo prepararse para procedimientos de órdenes de restricción y participar en los mismos u otros procedimientos legales civil o penales relacionados a DVHSAS.
- Para buscar tratamiento médico por lesiones causadas por DVHSAS al empleado elegible o hijo(a) menor o dependiente del empleado o para recuperarse de las mismas.
- Para obtener consejería o asistir a un(a) hijo(a) menor o dependiente para que obtenga consejería de parte de un profesional de salud mental licenciado relacionada a una experiencia de DVHSAS.
- Para obtener servicios de un proveedor de servicios a víctimas para el empleado elegible o hijo(a) menor o dependiente del empleado.
- Para reubicarse o tomar medidas para asegurar un hogar existente para garantizar la salud y seguridad de un empleado elegible o hijo(a) menor o dependiente del empleado.

### ¿Se requiere de aviso?

Un empleador cubierto puede requerir que un empleado elegible proporcione aviso con anticipación razonable sobre las intenciones de un empleado para tomarse una licencia, a menos que dar el aviso con anticipación no sea práctico. El empleador cubierto también puede requerir que el empleado elegible brinde certificación de que el empleado o hijo(a) o dependiente del empleado es víctima de DVHSAS.

**Confidencialidad:** Cualquier documento o comprobante brindado como certificación de la condición de la víctima, así como la información obtenida por el empleador respecto a la modificación o licencia, debe mantenerse confidencial y no se puede divulgar sin el permiso expreso del empleado.

### ¿Licencia remunerada o no remunerada?

Un empleador cubierto no está obligado a otorgar licencia remunerada a un empleado elegible. Sin embargo, un empleado elegible puede usar cualquier licencia de vacaciones, enfermedad u otra licencia remunerada que esté disponible durante el periodo de licencia. Sujeto a lo términos de cualquier acuerdo entre el empleado elegible y el empleador cubierto o los términos de un contrato de negociación colectiva o una política del empleador, el empleador cubierto puede determinar el orden en que se debe usar la licencia acumulada remunerada cuando más de un tipo de licencia acumulada remunerada esté disponible al empleado.

### ¿Duración de la licencia?

Un empleador cubierto debe permitir a un empleado elegible tomar licencia razonable y sólo puede limitar la duración de la licencia si la licencia del empleado crea “dificultades excesivas” para el empleador. Dificultades excesivas significan aprietos y gastos significativos a la organización e incluyen la consideración del tamaño de la organización y la necesidad crítica que el empleador tiene del empleado.

*Para obtener información adicional, favor de llamar a la oficina del Departamento de Trabajo e Industrias más cercana:*

- ▶ Asistencia a empleadores: 971-673-0824
- ▶ Eugene.....541-686-7623
- ▶ Salem.....503-378-3292
- ▶ Portland....971-673-0761 **Sitio Web: [www.oregon.gov/boli](http://www.oregon.gov/boli)**

#### O escriba a:

Bureau of Labor and Industries  
Civil Rights Division  
800 NE Oregon St Ste. 1045  
Portland, OR 97232

**Es una práctica de empleo ilícita que un empleador cubierto se niegue a hacer una modificación razonable, despida, se niegue a contratar, suspenda, tome represalias o discrimine de cualquier manera a una persona por ser víctima de DVHSAS.**

Enero de 2014

Éste es un resumen de las leyes de Oregon pertinentes a las protecciones por violencia doméstica, acoso, agresión sexual o acecho. No es un texto completo de la ley.

**ESTA INFORMACIÓN DEBE SER FIJADA EN UN LUGAR VISIBLE**

## **Notice of Rights Under Senate Bill 519**

Under Oregon law, an employer may not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee:

- Who declines to attend or participate in an employer-sponsored meeting or communication if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters;
- As a means of requiring an employee to attend such a meeting or communication; or
- Because the employee makes a good faith report, orally or in writing, of a violation or a suspected violation of this law.

An employer may require attendance at meetings that are not primarily about religious or political matters. The employer may offer meetings, forums or other communications about religious or political matters for which attendance or participation is strictly voluntary.

An employee who believes he or she has been subjected to a violation of this law may bring a lawsuit no later than 90 days after the date of the alleged violation. The lawsuit may be brought in the circuit court of the judicial district where the violation is alleged to have occurred or where the employer has its principal office.

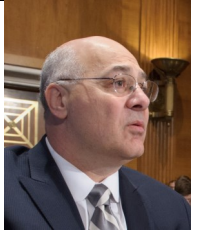
**Effective January 1, 2010**

**This poster must be displayed  
where employees can easily see it.**



Oregon

Brad Avakian, Commissioner



# FAMILY LEAVE ACT

## NOTICE TO EMPLOYERS AND EMPLOYEES

The Oregon Family Leave Act (OFLA) requires employers of 25 or more employees to provide eligible workers with protected leave to care for themselves or family members in cases of death, illness, injury, childbirth, adoption and foster placement. ORS 659A.150-659A.186

### When can an Employee take Family Leave?

Employees can take family leave for the following reasons:

- **Parental Leave** during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
- **Serious health condition leave** for the employee’s own serious health condition, or to care for a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent in law, parent of same-gender domestic partner, grandparent, grandchild, a person whom the employee is or was a relationship of in loco parentis, biological, adopted, foster or step child of an employee or the child of an employee’s same-gender domestic partner.
- **Pregnancy disability leave** (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care.
- **Sick child leave** taken to care for an employee’s child with an illness or injury that requires home care but is not a serious health condition.
- **Bereavement leave** to deal with the death of a family member.
- **Oregon Military Family Leave** is taken by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

### Who is Eligible?

To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.

**Exception 1:** For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.

**Exception 2:** For Oregon Military Family Leave, workers are eligible if they have worked at least an average of 20 hours per week, without regard to the duration of employment.

**Exception 3:** For compensable Workers Compensation injuries, for certain Workers Compensation injuries involving denied and then accepted claims and for certain accepted claims involving more than one employer.

**Exception 4:** When an employee is caring for a family member with a serious health condition and the same family member dies, the employee need not requalify with the 25 hour per week average to be eligible for bereavement leave.

### How much Leave can an Employee take?

- Employees are generally entitled to a maximum of 12 weeks of family leave within the employer’s 12-month leave year.
- A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
- A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
- Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.
- A spouse or same gender domestic partner of a service member is entitled to a total of 14 days of leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment.

### What Notice is Required?

Employees may be required to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employers may require that notice is given in writing. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

### Is Family Leave paid or unpaid? Benefits?

- Although Family Leave is unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.
- Employees are entitled to group health insurance benefits during family leave as if they continued working.

### How is an Employee’s job Protected?

Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee’s leave.

### FOR ADDITIONAL INFORMATION:

Employer Assistance . . .971-673-0824  
 Portland . . . . .971-673-0761  
 Eugene . . . . .541-686-7623  
 Salem . . . . .503-378-3292

BOLI  
 Civil Rights Division  
 800 NE Oregon, #1045  
 Portland, OR 97232

[www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)

**Employees who have been denied available leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from leave, may file a complaint with BOLI’s Civil Rights Division.**

This is a summary of laws relating to Oregon Family Leave Act. It is not a complete text of the law.

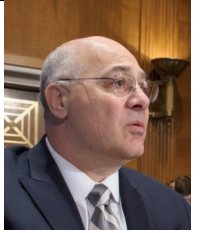
January 2016

**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**



# LEY DE LICENCIA FAMILIAR DE OREGON

Brad Avakian, Comisionado



## AVISO A EMPLEADORES Y EMPLEADOS

La Ley de Licencia Familiar de Oregon (Oregon Family Leave Act: OFLA) requiere que los empleadores que tengan 25 o más empleados otorguen a los trabajadores elegibles licencia protegida para cuidar de su persona o miembros de su familia en caso de muerte, enfermedad, lesión, parto o adopción, y colocación en hogares de crianza. ORS 659A.150 a 659A.186

### ¿Cuándo puede tomar una licencia familiar un empleado?

Los empleados pueden tomar una licencia familiar por las razones a continuación:

- **Licencia para Padre o Madre** durante el año siguiente al nacimiento o adopción de un hijo(a) o de la adopción o colocación en cuidado temporal de un menor de 18 años o de una persona de 18 años de edad o más si es incapaz de cuidarse a sí misma debido a una discapacidad mental o física. La licencia para padre o madre incluye la licencia para llevar a cabo el proceso legal requerido para una colocación en cuidado temporal o adopción.
- **Licencia por condición de salud grave** del empleado(a), o para cuidar a un cónyuge, pareja doméstica del mismo sexo, padre o madre con o sin custodia, padre o madre adoptivo(a), padre o madre de crianza, padre o madre biológico(a), padrastro, madrastra, suegro(a), padre o madre de la pareja doméstica del mismo sexo, abuelo(a), nieto(a), cualquier persona con la que el empleado actúe en lugar de padre o madre, e hijo(a) ya sea biológico(a), adoptado(a), de crianza, o hijastro(a) del empleado(a) o de la pareja doméstica del mismo sexo.
- **Licencia de discapacidad por embarazo** (un tipo de licencia por condición de salud grave) tomada por una empleada debido a una discapacidad relacionada al embarazo o parto, que ocurra antes o después del nacimiento de un menor o por cuidado prenatal.
- **Licencia por enfermedad de un menor** tomada para cuidar del hijo(a) de un empleado que sufre de una enfermedad o lesión que requiere del cuidado en el hogar, pero que no es una condición de salud grave.
- **Licencia por duelo** para lidiar con la muerte de un familiar.
- **Licencia familiar militar de Oregon** es tomada por el cónyuge o pareja doméstica del mismo sexo de un miembro del servicio militar quien ha sido llamado al servicio activo o que ha sido notificado sobre un llamado inminente al servicio activo o que está bajo licencia del servicio activo durante un periodo de conflicto militar.

### ¿Quién reúne los requisitos?

Para reunir los requisitos para licencia, los trabajadores deben haber estado empleados por un periodo de 180 días calendario inmediatamente antes de la licencia y haber trabajado como mínimo un promedio de 25 horas a la semana durante el periodo de 180 días.

**Excepción 1:** Para la licencia para padre o madre, los trabajadores reúnen los requisitos después de haber estado empleados por 180 días calendario, sin importar el número de horas trabajadas.

**Excepción 2:** Para la Licencia familiar militar de Oregon, los trabajadores que califican deben trabajar para un empleador como mínimo un promedio de 20 horas a la semana, sin importar la duración del empleo.

**Excepción 3:** Para lesiones aceptadas en el Sistema de Compensación a Trabajadores Lesionados, para ciertas lesiones cuando la queja al Sistema de Compensación a Trabajadores Lesionados fueron primero rechazadas y luego aceptadas, y para ciertas quejas aceptadas cuando involucran a más de un empleador.

**Excepción 4:** Cuando un empleado(a) está cuidando a un familiar con una condición médica seria, si este familiar fallece, el empleado(a) no tiene que recalificar con un promedio de 25 horas trabajadas por semana para tener derecho a licencia por luto.

### ¿Cuál es la duración de la licencia que puede tomar un empleado?

- Por lo general los empleados tienen derecho a un máximo de 12 semanas de licencia familiar dentro del año de 12 meses de licencia del empleador.
- Una mujer que use la licencia de discapacidad por embarazo tiene el derecho a 12 semanas adicionales de licencia en el mismo año de licencia para cualquier propósito calificable de OFLA.
- Un hombre o una mujer que use una licencia para padre o madre de 12 semanas completas tiene el derecho a tomar hasta 12 semanas adicionales para el propósito de licencia por enfermedad de un menor.
- Los empleados tienen derecho a 2 semanas de licencia por luto a ser tomada dentro de los 60 días siguientes al aviso de la muerte de un familiar cubierto.
- Un cónyuge o pareja doméstica del mismo sexo de un miembro del servicio militar tiene el derecho a un total de licencia de 14 días laborales por despliegue después de que el cónyuge militar haya sido notificado de un llamado inminente u orden al servicio activo antes del despliegue y cuando el cónyuge militar esté en un periodo de licencia del despliegue.

### ¿Qué tipo de aviso es requerido?

Los empleadores pueden requerir que los empleados den un aviso al empleador con 30 días de anticipación a la licencia, a menos que la licencia se tome debido a una emergencia. Los empleadores pueden requerir que el aviso sea entregado por escrito. En caso de emergencia, los empleados deben dar un aviso verbal dentro de las 24 horas de haber empezado una licencia.

### ¿Se remunera la licencia familiar o no?

Aunque la licencia familiar no es con goce de sueldo, los empleados tienen el derecho a usar cualquier licencia por enfermedad u otro tipo de licencia con goce de sueldo o vacaciones con goce de sueldo que hayan acumulado.

Los empleados tienen el derecho a la continuación del seguro médico durante la licencia médica como si hubieran continuado trabajando.

### ¿Cómo se protege el trabajo de un empleado?

Los empleadores deben regresar a los empleados a sus trabajos anteriores o a trabajos equivalentes si el puesto anterior ya no existe. Sin embargo, los empleados en licencia de OFLA siguen estando sujetos a medidas de empleo no discriminatorias tales como despido o acción disciplinaria que se hubiera tomado sin importar la licencia del empleado

#### PARA OBTENER INFORMACIÓN ADICIONAL:

Asistencia a empleadores. . .971-673-0824  
Portland . . . . . 971-673-0761  
Eugene . . . . . 541-686-7623  
Salem . . . . . 503-378-3292

BOLI  
Civil Rights Division  
800 NE Oregon, #1045  
Portland, OR 97232

[www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)

[bolita@boli.state.or.us](mailto:bolita@boli.state.or.us)

El presente es un resumen de las leyes de Oregon pertinentes a la Ley de Licencia Familiar de Oregon. No es el texto completo de la ley.

Enero de 2016

**Los empleados a quienes se les ha negado una licencia, que hayan sido disciplinados o que hayan sufrido represalias por solicitar o tomar una licencia, o a quienes se les haya negado la reintegración al mismo puesto o a uno equivalente cuando regresaron de una licencia pueden presentar una queja ante la División de Derechos Civiles de BOLI.**

**ESTA INFORMACIÓN DEBE SER FIJADA EN UN LUGAR VISIBLE**



# OREGON

## MINIMUM WAGE RATES

### Effective July 1, 2017 to June 30, 2018



Brad Avakian, Commissioner

**An employer shall pay an employee no less than the minimum wage rate for the region in which the employer is located. (See region descriptions below.)**

<b>Standard:</b>	<b>\$10.25 per hour</b>
<b>Portland Metro:</b>	<b>\$11.25 per hour</b>
<b>Nonurban Counties:</b>	<b>\$10.00 per hour</b>

All employers must comply with state laws regulating payment of minimum wage, overtime and general working conditions.

#### Regions

The “**Standard**” rate applies to the following counties, with the exception of those areas located within the urban growth boundary of a metropolitan service district: Benton, Clackamas, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

The rate for “**Portland Metro**” includes areas located within the urban growth boundary of a metropolitan service district.

The rate for “**Nonurban Counties**” applies to the following counties: Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

#### Employer Location

Employers are required to pay their employees at least the minimum wage rate in effect for the region where the employer is located. Employees who perform more than 50% of their work in a pay period at the employer’s permanent fixed business location in Oregon must be paid at least the minimum wage rate for the region in which the employer’s business is located. Employees who make deliveries as a part of their job and who start and end their workday at the employer’s permanent fixed business location must be paid at least the minimum wage rate for the region in which the employer’s business is located. Employees who do not perform more than 50% of their work in a pay period at the employer’s permanent fixed business location in Oregon must

be paid at least the minimum wage rate for the region in which the employee performs work.

#### General Working Conditions

**Overtime:** Unless exempt, employees must be paid time and one-half the regular rate of pay for any time worked over 40 hours a week or, for domestic workers residing in the home of the employer, over 44 hours a week.

**Tips:** Employers may not use tips as credit toward minimum wages owed to an employee.

**Deductions:** Employers may make deductions from wages that are required by law; authorized by a collective bargaining agreement; are for the fair market value of meals and lodging provided for the private benefit of the employee; are for the employee’s benefit and are authorized in writing; or for an item in which the employer is not the ultimate recipient and the employee has voluntarily signed an authorization. An itemized statement of deductions made from wages must be provided with each paycheck.

**Time records** must be kept by employers for at least two years. **Payroll records** must be kept by employers for at least three years.

**Regular paydays** must be established and maintained. A pay period may not exceed 35 days.

**Meal periods** of not less than 30 minutes must be provided to non-exempt employees who work six or more hours in one work period. Ordinarily, employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an

employee to perform duties during a meal period so long as they are paid. When that happens, the employer must pay the employee for the entire meal period.

**Paid rest periods** of at least 10 minutes for adults (15 minutes for minors) must be provided during each four-hour work period or major part of four hours worked. (There are narrow exceptions for adult employees working alone in retail/service establishments.) Certain employers are required to provide additional rest periods to employees to express milk for a child. With the exception of certain tipped food and beverage service workers, meal and rest periods may not be waived or used to adjust working hours; however, meal and rest period provisions may be modified by the terms of a collective bargaining agreement.

**Final paychecks:** When an employee is discharged by an employer or the employee and employer mutually agree to the termination, the final paycheck is due no later than the end of the first business day after the discharge. If an employee quits with 48 hours or more notice, wages are due on the last working day (excluding Saturdays, Sundays and holidays). If an employee quits without at least 48 hours notice, wages are due in five days (excluding Saturdays, Sundays and holidays) or on the next payday, whichever occurs first. (There are some exceptions. Contact the nearest Bureau of Labor and Industries office for information.)

**Domestic Service Employment:** Special rules apply to persons employed as domestic workers. Contact the Bureau of Labor and Industries for more information.

Employees may be eligible for the **Earned Income Tax Credit** (EITC or EIC), a benefit for working people with low to moderate income, particularly those with children. EITC reduces the amount of tax owed and may provide a refund. Visit these websites for additional information about how to qualify:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>

Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>

#### For Additional Information

##### Contact the Bureau of Labor and Industries:

Online: [www.oregon.gov/boli](http://www.oregon.gov/boli) • Email: [whdscreener@boli.state.or.us](mailto:whdscreener@boli.state.or.us)

Eugene 541-686-7623 Technical Assistance for Employers Program: 971-673-0824  
Portland 971-673-0761 TTY: 711  
Salem 503-378-3292

**PENALTIES:** Willful failure to pay wages due to an employee upon termination may be penalized by continuation of the employee’s wages up to a maximum of 30 days.

This is a summary of Oregon’s laws relating to minimum wage and working conditions. It is not a complete text of the law.

**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**



# SALARIOS MINIMOS de Oregon

## Desde el 1° de julio de 2017 hasta el 30 de junio de 2018



Brad Avakian, Comisionado

**Un empleador debe pagar a un empleado no menos que el salario mínimo para la región en la que se encuentra el empleador. (Véase las descripciones de las regiones por debajo.)**

<b>Estándar:</b>	<b>\$10.25 por hora</b>
<b>Área Metropolitana de Portland:</b>	<b>\$11.25 por hora</b>
<b>Condados No Urbanos:</b>	<b>\$10.00 por hora</b>

Todos los empleadores deben cumplir con las leyes estatales que regulan el pago de salario mínimo, las horas extras y las condiciones generales de trabajo.

### Regiones

La tasa "Estándar" se aplica a los siguientes condados, con la excepción de aquellas áreas localizadas dentro del límite de crecimiento urbano de un distrito de servicio metropolitano: Benton, Clackamas, Clatsop, Columbia, Deschutes, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Wasco, Washington, e Yamhill.

La tasa "Área Metropolitana de Portland" se aplica a las áreas ubicadas dentro del límite de crecimiento urbano de un distrito de servicio metropolitano.

La tasa "Condados No Urbanos" se aplica a los siguientes condados: Baker, Coos, Crook, Curry, Douglas, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, y Wheeler.

### Lugar del empleador

Los empleadores están obligados a pagar a sus empleados por lo menos el salario mínimo vigente para la región donde se encuentra el empleador. A los empleados que realizan más del 50% de su trabajo en un período de pago en el lugar de negocio fijo permanente del empleador en Oregon se les debe pagar al menos el salario mínimo para la región en la que se encuentra el negocio del empleador. A los empleados que efectúan entregas como parte de su trabajo y que comienzan y terminan su jornada laboral en el lugar de negocio fijo permanente del empleador se les debe pagar al menos el salario mínimo para la región en la que se encuentra el negocio del empleador. A los empleados que no realizan más del 50% de su trabajo en un período de pago en el lugar de negocio fijo permanente del empleador en Oregon se les debe pagar al menos el salario mínimo para la región en la que el empleado realiza el trabajo.

### Condiciones generales de trabajo

**Horas extras.** Se les debe pagar a los empleados que no son exentos una vez y media la tasa regular de pago por cualquier tiempo trabajado por sobre 40 horas a la semana o, para los trabajadores domésticos que residen en el hogar del empleador, más de 44 horas a la semana.

**Propinas:** Los empleadores no pueden usar las propinas como parte del salario mínimo que deben a sus empleados.

**Deducciones:** Al pagar los salarios, los empleadores pueden hacer deducciones requeridas por ley o autorizadas por un contrato colectivo de trabajo. Además pueden hacer deducciones por el valor equivalente de venta de las comidas o el alojamiento provisto para beneficio privado del empleado; deducciones para beneficio del empleado que el empleado ha autorizado por escrito; y deducciones por artículos si el empleador no es el recipiente del dinero deducido y el empleado ha firmado voluntariamente una autorización. Con cada cheque de pago, los empleados deben recibir un informe detallado de las deducciones que se hicieron de sus salarios.

**Los registros de tiempo** se deben mantener por los empleadores durante al menos dos años. **Los registros de nómina** deben ser mantenidos por los empleadores durante al menos tres años.

**Días normales de pago** deben ser establecidas y mantenidas. Un período de pago no podrá exceder de 35 días.

**Períodos de comida** de no menos de 30 minutos deben ser proporcionados a los empleados no exentos que trabajan seis o más horas en un período de trabajo. Por lo general, el empleado debe ser liberado de todo deber durante este tiempo. Sin embargo, bajo circunstancias limitadas, la ley permite que un empleado trabaje durante el período para comidas. Siempre que un empleado trabaja

durante el período para comidas, el empleador necesita pagar por todo este tiempo

**Períodos de descanso pagado** de por lo menos 10 minutos para adultos (15 minutos para los menores de edad) se presentarán durante cada período de trabajo de cuatro horas o mayor parte de cuatro horas trabajadas. (Hay excepciones limitadas para los empleados adultos que trabajan solos en los establecimientos de venta/servicios). Algunos empleadores están obligados a proporcionar períodos de descanso adicionales a los empleados para extraer la leche para un niño. Con excepción de algunos trabajadores que reciben propinas y están empleados como servidores de alimentos o bebidas, no se puede renunciar a los períodos de descanso y para comidas ni se pueden usar para ajustar horas laborales; Sin embargo, las provisiones de comida y período de descanso podrán ser modificadas por los términos de un acuerdo de negociación colectiva.

**El cheque final:** Cuando un empleado es despedido por un empleador o el empleado y el empleador se acuerdan mutuamente a la terminación, el cheque de pago final debe pagarse a más tardar al final del primer día de negocio después de la terminación. Si un empleado renuncia con 48 horas o más de anticipación, los salarios se debe entregar el último día de trabajo (excluyendo sábados, domingos y feriados). Si un empleado renuncia con menos de 48 horas anticipación, el sueldo se debe pagar a los cinco días (excluyendo sábados, domingos y feriados) o en el próximo día de pago, lo que ocurra primero. (Hay algunas excepciones. Comuníquese con la oficina del Departamento de Trabajo e Industrias más cercana para recibir más información.)

**Personal doméstico:** Se aplican normas especiales a las personas empleadas como trabajadores domésticos. Póngase en contacto con el Departamento de Trabajo e Industrias para obtener más información.

Empleados pueden ser elegibles para recibir el Crédito Tributario por Ingreso del Trabajo (EITC o EIC, por sus siglas en inglés). El EITC es un crédito tributario para trabajadores de ingresos bajos a moderados. Para obtener más información sobre los requisitos de elegibilidad para recibir el EITC, visite los sitios de Internet:

Federal: <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit>

Oregon: <https://www.oregon.gov/DOR/programs/individuals/Pages/credits.aspx>

### Para Información Adicional:

**Póngase en contacto con el Departamento de Trabajo e Industrias**

En línea: [www.oregon.gov/boli](http://www.oregon.gov/boli) • Email: [whdscreener@boli.state.or.us](mailto:whdscreener@boli.state.or.us)

Eugene 541-686-7623 Asistencia Técnica para Empleadores: 971-673-0824

Portland 971-673-0761 TTY: 711

Salem 503-378-3292

**SANCIONES:** La sanción por falta intencional de pago de salarios a un empleado, después de haber sido despedido, puede ser la continuación de los sueldos del empleado hasta un máximo de 30 días.

Este es un resumen de las leyes del Estado de Oregon sobre salario mínimo, condiciones de trabajo, y empleo de menores. No es el texto completo de las leyes.

**ESTA INFORMACION SE DEBE EXHIBIR EN UN LUGAR VISIBLE**



## ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees rev 12/13

Generally, ORS 260.432 states that a public employee\* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

\*A “public employee” includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

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### As used in this Quick Reference

We use the phrase “advocate(s) a political position” to mean—

promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term “impartial” means equitable, fair, unbiased and dispassionate.

See the Secretary of State’s detailed manual on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Election Laws, Rules and Publications, Manuals and Tutorials.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division	phone	503-986-1518
Secretary of State	fax	503-373-7414
255 Capitol St NE, Suite	tty	1-800-735-2900
Salem, OR 97310	web	<a href="http://www.oregonvotes.gov">www.oregonvotes.gov</a>

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### Prohibited Activities

A public employee, while on the job during work hours may not:

- prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- produce or distribute a news release or letter announcing an elected official’s candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official’s political position
- make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official’s availability and add an event to the schedule)
- grant unequal access to public facilities to candidates or political committees
- direct other public employees to participate in political activities, when in the role of a supervisor
- draft, type, format or edit a governing body’s resolution that advocates a political position (except to conform the resolution to a standard format)
- prepare or give recommendations to the governing body urging which way to vote on such a resolution
- sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- announce the governing body’s position on such a resolution to the media
- include the governing body’s position or vote on such a resolution in a jurisdiction’s newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client’s political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)

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## Allowable Activities

A public employee, while on the job during working hours may:

- prepare and distribute impartial written material or make an impartial presentation that discusses election subjects (using the guidelines provided in the Secretary of State's detailed manual on ORS 260.432.)

The Secretary of State's Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.

- perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet, etc.
- impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
- address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee's normal duties
- as staff of an elected official, handle incoming calls about the official's availability for political events
- prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body's proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
- in a clerical manner, incorporate amendments into a finalized version of a governing body's resolution on an issue respond to public records request for information, even if the material advocates a political position
- wear political buttons subject to applicable employer policies unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3)

A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.

It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

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## Prohibited and Allowable Activities for Elected Officials\*

\*includes a person appointed to fill a vacancy in an elective public office

### Elected officials may:

- advocate a political position at any time. Elected officials are not considered a "public employee" for purposes of ORS 260.432. ORS 260.432(4)(a).
- vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions
- perform campaign activity at any time, however must take caution not to involve any public employee's work time to do so

### Elected officials may not:

- in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity  
A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.
- have an opinion piece or letter advocating a political position published in a jurisdiction's newsletter or other publication produced or distributed by public employees

# IT'S THE LAW!

## Know your rights

### You have a right to a safe and healthful workplace

- You have the right to notify your employer or Oregon OSHA about workplace hazards. You may ask Oregon OSHA to keep your name confidential.
- You have the right to request an Oregon OSHA inspection if you believe that there are unsafe or unhealthy conditions in your workplace. You or your representative may participate in the inspection.
- You have the right to report a work-related injury or illness, without being retaliated against.
- You can file a complaint with the Oregon Bureau of Labor and Industries within 90 days, or with federal OSHA within 30 days, of discrimination by your employer for making safety and health complaints or for exercising your rights under the Oregon Safe Employment Act.
- Anyone who wants to register a complaint about the administration of the Oregon Safe Employment Act can do so by contacting:  
**U.S. Department of Labor  
OSHA Region X  
1111 Third Ave., Suite 715  
Seattle, WA 98101-3212  
206-553-5930**
- You have a right to see Oregon OSHA citations issued to your employer. Your employer must post the citations at the workplace.
- 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 or records of your exposure to toxic and harmful substances or conditions. Additionally, you may request the workplace injury and illness log.
- You have the right to know about hazardous substances used in your workplace.

**1-800-922-2689**  
**osha.oregon.gov**

FOR MORE INFORMATION, copies of the Oregon Safe Employment Act, specific safety and health standards, advice or assistance, call:

**Salem Central Office..... 503-378-3272**

**Field Offices:**

**Bend ..... 541-388-6066**

**Eugene ..... 541-686-7562**

**Medford ..... 541-776-6030**

**Pendleton..... 541-276-9175**

**Portland ..... 503-229-5910**

**Salem ..... 503-378-3274**



A Division of the  
Department of Consumer  
and Business Services



The Oregon Safe Employment Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the state. The Oregon Occupational Safety and Health Division (Oregon OSHA) of the Department of Consumer and Business Services has the primary responsibility for administering the act.

Oregon OSHA issues occupational safety and health standards, and its trained safety and health compliance officers conduct job-site inspections to ensure compliance with the Oregon Safe Employment Act.

Oregon OSHA has a staff of trained safety and health professionals available to work with businesses in all industries to improve workplace safety and health. Consultations and training opportunities are available at no charge to Oregon businesses by calling any of the phone numbers listed.

# ¡ES LA LEY!

## Conozca sus derechos

### Usted tiene derecho a un lugar de trabajo seguro y saludable

- Tiene el derecho de notificar a su empleador o a Oregon OSHA sobre peligros en el lugar de trabajo. Puede solicitar que Oregon OSHA mantenga su nombre confidencialmente.
- Tiene el derecho de solicitar que Oregon OSHA haga una inspección si usted cree que en su lugar de trabajo hay condiciones peligrosas o insalubres. Usted o su representante pueden participar en la inspección.
- Tiene el derecho a reportar una lesión o enfermedad relacionada con el trabajo, sin tener represalias en su contra.
- Si su empleador lo discrimina por presentar una denuncia sobre condiciones de trabajo inseguras o insalubres o por ejercer sus derechos bajo la Ley de Seguridad en el Trabajo de Oregon, puede presentar una queja con el Departamento de Trabajo e Industrias de Oregon en un plazo de 90 días, o con la OSHA Federal, en un plazo de 30 días.
- Cualquier persona que desea presentar una queja acerca de la administración de la Ley de Seguridad en el Trabajo de Oregon puede ponerse en contacto con:

**U.S. Department of Labor  
OSHA Region X  
1111 Third Ave., Suite 715  
Seattle, WA 98101-3212  
206-553-5930**

- Usted tiene derecho a ver las citaciones que Oregon OSHA haya emitido a su empleador. Su empleador debe fijar las citaciones en el lugar de trabajo.
- Su empleador debe corregir los peligros en el lugar de trabajo dentro del plazo indicado en la citación y debe certificar que dichos peligros han sido reducidos o eliminados.
- Usted tiene derecho a obtener copias de su historial médico o de los registros de su exposición a sustancias o condiciones tóxicas y dañinas. Adicionalmente, usted puede pedir el registro de lesiones y enfermedades de su lugar de trabajo.
- Usted tiene derecho a saber acerca de sustancias peligrosas que se usan en su lugar de trabajo.

La Ley de Seguridad en el Trabajo de Oregon de 1973, otorga protección de seguridad y salud a los trabajadores mediante el fomento de condiciones seguras y saludables en todo el estado. La División de Seguridad y Salud en el Trabajo de Oregon (Oregon OSHA) del Departamento de Servicios para Consumidores y Negocios, tiene la principal responsabilidad de administrar la ley.

Oregon OSHA expide normas de seguridad y salud, y sus oficiales de cumplimiento llevan a cabo inspecciones en los lugares de trabajo para verificar el cumplimiento de la Ley de Seguridad en el Trabajo de Oregon.

Oregon OSHA tiene profesionales capacitados en seguridad y salud en el trabajo listos para trabajar con negocios en todas las ramas industriales para mejorar la seguridad y salud en los centros de trabajo. Servicios de asesoramiento y capacitación son otorgados gratuitamente a negocios de Oregon llamando a los números de teléfono abajo mencionados.

*Este cartel es gratuito y disponible a través de Oregon OSHA*

*— Es la Ley —*

**Español:  
1-800-843-8086  
osha.oregon.gov**

PARA MAS INFORMACION, copias de la Ley de Seguridad en el Trabajo de Oregon, normas específicas de seguridad y salud, asesoramiento o asistencia, llame a:

Oficina Central (Salem) .. **503-378-3272**

Bend ..... **541-388-6066**

Eugene ..... **541-686-7562**

Medford ..... **541-776-6030**

Pendleton..... **541-276-9175**

Portland ..... **503-229-5910**

Salem..... **503-378-3274**



A Division of the  
Department of Consumer  
and Business Services



# INJURED ON THE JOB?

## What should I do?

Notify your employer right away and ask for a Form 801 "Report of Job Injury or Illness."  
**You have the right to file a claim if you are injured on the job.**

## What does my employer have to do?

Your employer must give you the Form 801 "Report of Job Injury or Illness." Then, your employer must give notice of your claim to the insurer.

## How do I get medical treatment?

Get medical treatment from a doctor or other health care professional of your choice. Your employer cannot choose your health care provider. Some providers have limits on the services they offer, so ask your provider about these limits. Give your employer's name and insurance information listed below to your health care provider.

## What if I can't do my job?

Your health care provider may approve time off work. The insurer will tell you if you are eligible for benefits. Your employer may have light-duty work you can do while you recover.

## It is important to stay in contact with your employer and your insurer.

If you have questions, you may contact the Ombudsman for Injured Workers at 800-927-1271 or the Workers' Compensation Division at 800-452-0288. You can find the most current information about your employer's workers' compensation insurance at [WorkCompCoverage.wcd.oregon.gov](http://WorkCompCoverage.wcd.oregon.gov).

## NOTICE OF COMPLIANCE

**This employer provides workers' compensation insurance for on-the-job injuries.**

**Insured policy holder:** JEFFERSON SCHOOL DISTRICT 14J

**Employer:** JEFFERSON SCHOOL DISTRICT 14J

**Insurer:** SAIF CORPORATION

**Policy no.:** A871432170

**Printed:** 7/17/2017



# NO SMOKING OR VAPING WITHIN 10 FEET



Under Oregon's Indoor Clean Air Act this business is smoke, aerosol and vapor free (ORS 433.835-870, effective January 1, 2016). Smoking, aerosolizing or vaporizing of inhalants is not allowed within 10 feet of building entrances, exits, windows, accessibility ramps and air intake vents.

## **For information and complaints:**

1-866-621-6107 or <http://healthoregon.org/morefreshair>

## **Want to quit smoking?**

1-800-QUIT-NOW (800-784-8669)  
or 1-855-DEJELO-YA (Espanol).

SMOKEFREE  
oregon

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# Local Education Agency Responsibilities Under the Asbestos Hazard Emergency Response Act (AHERA) Program

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## **Background**

The United States Environmental Protection Agency (EPA) is reaching out to local education agencies (LEAs) to remind you of your responsibilities under the Asbestos Hazard Emergency Response Act (AHERA). AHERA and its regulations require public school districts and non-profit schools, including charter schools and schools affiliated with religious institutions, to inspect their schools for asbestos-containing building materials, to prepare management plans and to take action to prevent or reduce asbestos hazards. These legal requirements are founded on the principle of “in-place” management of asbestos-containing material. Removal of this material is not usually necessary unless the material is severely damaged or will be disturbed by a building demolition or renovation project.

- Designate a contact person to ensure the responsibilities of the public school district or the non-profit school are properly implemented and ensure that the individual is appropriately trained.
- Perform a six-month surveillance of known or suspected asbestos-containing building materials and place the surveillance form in the management plan.
- Ensure that trained and licensed professionals perform inspections and take response actions.
- Provide custodial staff with asbestos-awareness training.

## **LEA Responsibilities Under AHERA**

- Perform an initial inspection to determine whether asbestos-containing materials are present and then re-inspect asbestos-containing materials in each school not certified asbestos-free every three years.
- Develop, maintain, and update an asbestos management plan and keep a copy, available for public review, at the school.
- Provide yearly notification to parents, teachers, and employee organizations on the availability of the school's asbestos management plan and any asbestos-related actions taken or planned in the school.

## **Compliance Assistance Resources**

Here are some Internet-based resources to help you comply with these standards, and information about other environmental issues affecting schools.

- **The EPA Asbestos Homepage.** Visit the EPA asbestos website [www.epa.gov/asbestos](http://www.epa.gov/asbestos) for information about regulatory requirements, training programs, courses, and links to other related sources of assistance. Information on developing asbestos management plans as well as electronic formats of EPA documents such as the “Designated Person's Self Study Guide to AHERA” and the “Model AHERA Asbestos Management Plan for Local Education Agencies” are located at

[www2.epa.gov/asbestos/school-buildings](http://www2.epa.gov/asbestos/school-buildings). If removal of asbestos during renovation is warranted, or school buildings will be demolished, public school districts and non-profit schools must comply with the Clean Air Act Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP). Specific information about the Asbestos NESHAP can be found at [www2.epa.gov/asbestos/asbestos-neshap](http://www2.epa.gov/asbestos/asbestos-neshap).

- **The EPA Healthy School Environments Homepage.**

The EPA Healthy Schools website, [www.epa.gov/schools](http://www.epa.gov/schools), provides a variety of resources and information to help support healthy and productive school environments for our nation's children. Children can spend 90 percent of their time indoors and much of that time is spent in school. Unhealthy school environments can affect children's health, attendance, concentration, and performance. Healthy school environments should be addressed and integrated within the education system to foster children's health and academic achievement.

- **The Campus Environmental Resource Center (CampusERC).**

The Campus ERC is a library of resources to support campus environmental performance improvement. The primary audience is staff, administrators or faculties searching for resources to better understand environmental regulations, find relevant contacts, seek model practices, track news or build and manage better environmental programs. There is a segment dedicated to K-12 schools. The Campus ERC is found at [www.campuserc.org/k12/Pages/default.aspx](http://www.campuserc.org/k12/Pages/default.aspx).

- **The Toxic Substances Control Act (TSCA) Hotline.**

Call this hotline at (202) 554-1404 to request copies of the AHERA regulation, or any of EPA's printed AHERA guidance materials, i.e., the "ABC's of Asbestos in Schools Booklet," or "A Guide to Performing Re-inspections under AHERA." You can also send questions to the hotline via e-mail to [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

- **The Lead Renovation, Repair and Painting (RRP) Rule.**

Schools with children under six years old are child-occupied facilities subject to the RRP. Very low-level lead poisoning can cause permanent learning impairment and other serious health issues. EPA's RRP outreach page, [www2.epa.gov/lead/brochures-and-posters](http://www2.epa.gov/lead/brochures-and-posters) has informative documents for all stakeholders.

- **Personnel Working on Asbestos in Schools.**

Personnel working on asbestos activities in schools must be trained and accredited in accordance with the Asbestos Model Accreditation Plan (MAP). Many states have accredited training programs. Please contact your state to see if your state has accredited training providers. Visit this site for the names of state asbestos contacts: [www2.epa.gov/asbestos/state-asbestos-contacts](http://www2.epa.gov/asbestos/state-asbestos-contacts).

States without an OSHA-approved state occupational safety and health plan must comply with EPA's Asbestos Worker Protection Rule to protect state and local employees who may be exposed to asbestos on the job. Information about this rule is available at [www2.epa.gov/asbestos/asbestos-laws-and-regulations](http://www2.epa.gov/asbestos/asbestos-laws-and-regulations).



## Notice 1015

(Rev. December 2017)

### Have You Told Your Employees About the Earned Income Credit (EIC)?

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#### What is the EIC?

The EIC is a refundable tax credit for certain workers.

#### Which Employees Must I Notify About the EIC?

You must notify each employee who worked for you at any time during the year and from whose wages you did not withhold income tax. However, you do not have to notify any employee who claimed exemption from withholding on Form W-4, Employee's Withholding Allowance Certificate.

**Note:** You are encouraged to notify each employee whose wages for 2017 are less than \$53,930 that he or she may be eligible for the EIC.

#### How and When Must I Notify My Employees?

You must give the employee one of the following.

- The IRS Form W-2, Wage and Tax Statement, which has the required information about the EIC on the back of Copy B.
- A substitute Form W-2 with the same EIC information on the back of the employee's copy that is on Copy B of the IRS Form W-2.
- Notice 797, Possible Federal Tax Refund Due to the Earned Income Credit (EIC).
- Your written statement with the same wording as Notice 797.

If you give an employee a Form W-2 on time, no further notice is necessary if the Form W-2 has the required information about the EIC on the back of the employee's copy. If you give an employee a substitute Form W-2, but it does not have the required information, you must notify

the employee within 1 week of the date the substitute Form W-2 is given. If Form W-2 is required but is not given on time, you must give the employee Notice 797 or your written statement by the date Form W-2 is required to be given. If Form W-2 is not required, you must notify the employee by February 7, 2018.

You must hand the notice directly to the employee or send it by first-class mail to the employee's last known address. You will not meet the notification requirements by posting Notice 797 on an employee bulletin board or sending it through office mail. However, you may want to post the notice to help inform all employees of the EIC. You can download copies of the notice at [www.irs.gov/FormsPubs](http://www.irs.gov/FormsPubs). Or you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to order it.

#### How Will My Employees Know If They Can Claim the EIC?

The basic requirements are covered in Notice 797. For more detailed information, the employee needs to see Pub. 596, Earned Income Credit (EIC), or the instructions for Form 1040, 1040A, or 1040EZ.

#### How Do My Employees Claim the EIC?

An eligible employee claims the EIC on his or her 2017 tax return. Even an employee who has no tax withheld from wages and owes no tax may claim the EIC and ask for a refund, but he or she must file a tax return to do so. For example, if an employee has no tax withheld in 2017 and owes no tax but is eligible for a credit of \$800, he or she must file a 2017 tax return to get the \$800 refund.

# 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).

# La Igualdad de Oportunidades en el Empleo es

# LA LEY

## **Empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales**

Los solicitantes de empleo y los empleados de la mayoría de los empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales están protegidos conforme a la ley federal contra la discriminación por cualquiera de los siguientes motivos:

### **RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL**

El Título VII de la Ley de Derechos Civiles de 1964, y sus enmiendas, protege a los solicitantes de empleo y a los empleados contra la discriminación en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo, debido a la raza, color, religión, sexo (incluido el embarazo) u origen nacional. La discriminación religiosa incluye el no realizar los arreglos razonables para las prácticas religiosas de un empleado, cuando tales arreglos no impongan una dificultad indebida.

### **DISCAPACIDAD**

El Título I y el Título V de la Ley de Estadounidenses con Discapacidades de 1990, y sus enmiendas, protegen a los individuos que califiquen contra la discriminación por una discapacidad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar los arreglos razonables para las limitaciones mentales o físicas conocidas de un individuo con una discapacidad quien solicite empleo o sea empleado, salvo que implique una dificultad indebida.

### **EDAD**

La Ley Contra la Discriminación por Edad en el Empleo de 1967, y sus enmiendas, protege a los solicitantes de empleo y a los empleados que tengan 40 años de edad o más contra la discriminación por la edad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo.

### **SEXO (SALARIOS)**

Adicionalmente a la prohibición de la discriminación por sexo estipulada en el Título VII de la Ley de Derechos Civiles, y sus enmiendas, la Ley de Igualdad Salarial de 1963, y sus enmiendas, prohíbe la discriminación por sexo en el pago de salarios a los hombres y mujeres que realicen un trabajo sustancialmente similar, en empleos que requieran iguales destrezas, esfuerzos y responsabilidades, bajo condiciones laborales similares, en el mismo establecimiento.

### **GENÉTICA**

El Título II de la Ley contra la Discriminación por Información Genética de 2008 (GINA) protege a los solicitantes de empleo y a los empleados contra la discriminación con basada en información genética, en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. GINA también restringe la adquisición de la información genética por parte de los empleadores y limita estrictamente la divulgación de la información genética. La información genética incluye la información sobre las pruebas genéticas de los solicitantes de empleo, los empleados o sus familiares; la manifestación de enfermedades o desordenes en los familiares (historial médico familiar); y las solicitudes o recibo de servicios genéticos por los solicitantes de empleo, los empleados o sus familiares.

### **REPRESALIA**

Todas estas leyes federales prohíben a las entidades cubiertas tomar represalias contra una persona que presente un cargo de discriminación, participe en un procedimiento de discriminación o se oponga a una práctica laboral ilegal.

### **QUÉ DEBE HACER SI CONSIDERA QUE HA OCURRIDO UNA DISCRIMINACIÓN**

Hay límites estrictos de tiempo para presentar cargos de discriminación en el empleo. Para conservar la capacidad del EEOC de actuar en su nombre y para proteger su derecho de presentar una demanda privada, en caso de que en última instancia lo necesite, usted debe comunicarse con el EEOC de manera oportuna cuando sospeche de la discriminación:

La Comisión para la Igualdad de Oportunidades en el Empleo de los EE.UU. (EEOC), 1-800-669-4000 (número gratuito) o 1-800-669-6820 (número TTY gratuito para las personas con dificultades auditivas). La información de las oficinas de campo del EEOC está disponible en [www.eeoc.gov](http://www.eeoc.gov) o en la mayoría de los directorios telefónicos en la sección de Gobierno de los EE.UU. o Gobierno Federal. Puede encontrar información adicional sobre el EEOC, incluida la información sobre la presentación de cargos, en [www.eeoc.gov](http://www.eeoc.gov).

# 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

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

### 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)



# DERECHOS DEL EMPLEADO

## LEY PARA LA PROTECCIÓN DEL EMPLEADO CONTRA LA PRUEBA DEL POLÍGRAFO

La Ley Para La Protección del Empleado contra la Prueba de Polígrafo le prohíbe a la mayoría de los empleadores del sector privado que utilice pruebas con detectores de mentiras durante el período de pre-empleo o durante el servicio de empleo.

**PROHIBICIONES** Generalmente se le prohíbe al empleador que le exija o requiera a un empleado o a un solicitante a un trabajo que se someta a una prueba con detector de mentiras, y que despida, discipline, o discrimine de ninguna forma contra un empleado o contra un aspirante a un trabajo por haberse negado a someterse a la prueba o por haberse acogido a otros derechos establecidos por la Ley.

**EXENCIONES** Esta Ley no afecta a los empleados de los gobiernos federal, estatales y locales. Tampoco se aplica a las pruebas que el Gobierno Federal les administra a ciertos individuos del sector privado que trabajan en actividades relacionadas con la seguridad nacional.

La Ley permite la administración de pruebas de polígrafo (un tipo de detector de mentiras) en el sector privado, sujeta a ciertas restricciones, a ciertos aspirantes para empleos en compañías de seguridad (vehículos blindados, sistemas de alarma y guardias). También se les permite el uso de éstas a compañías que fabrican, distribuyen y dispensan productos farmacéuticos.

La Ley también permite la administración de estas pruebas de polígrafo, sujeta a ciertas restricciones, a empleados de empresas privadas que estén bajo sospecha razonable de estar involucrados en un incidente en el sitio de empleo (tal como un robo, desfalco, etc.) que le haya ocasionado daños económicos al empleador.

La Ley no substituye ninguna provisión de cualquier otra ley estatal o local ni tampoco a tratos colectivos que sean más rigurosos con respecto a las pruebas de polígrafo.

**DERECHOS DE LOS EXAMINADOS** En casos en que se permitan las pruebas de polígrafo, éstas deben ser administradas bajo una cantidad de normas estrictas en cuanto a su administración y duración. Los examinados tienen un número de derechos específicos, incluyendo el derecho de advertencia por escrito antes de someterse a la prueba, el derecho a negarse a someterse a la prueba o a discontinuarla, al igual que el derecho a negarse a que los resultados de la prueba estén al alcance de personas no autorizadas.

**CUMPLIMIENTO** El/La Secretario(a) de Trabajo puede entablar pleitos para impedir violaciones y puede imponer penas pecuniarias civiles contra los violadores. Los empleados o solicitantes a empleo también tienen derecho a entablar sus propios pleitos en los tribunales.

**LA LEY EXIGE QUE LOS EMPLEADORES EXHIBAN ESTE AVISO DONDE LOS EMPLEADOS Y LOS SOLICITANTES DE EMPLEO LO PUEDAN VER FÁCILMENTE.**



DIVISIÓN DE HORAS Y SALARIOS  
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

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



# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

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

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

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

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

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.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

## EMPLOYER RESPONSIBILITIES

## ENFORCEMENT

For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

**[www.dol.gov/whd](http://www.dol.gov/whd)**

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



# DERECHOS DEL EMPLEADO SEGÚN LA LEY DE AUSENCIA FAMILIAR Y MÉDICA

DIVISIÓN DE HORAS Y SALARIOS DEL DEPARTAMENTO DE EE. UU.

## DE LOS DERECHOS DE LA LICENCIA

Los empleados elegibles que trabajan para un empleador sujeto a esta ley pueden tomarse hasta 12 semanas de licencia sin sueldo sin perder su empleo por las siguientes razones:

- El nacimiento de un hijo o la colocación de un hijo en adopción o en hogar de crianza;
- Para establecer lazos afectivos con un niño (la licencia debe ser tomada dentro del primer año del nacimiento o la colocación del niño);
- Para cuidar al cónyuge del empleado, al hijo, o al padre que tenga un problema de salud serio que califique;
- Debido a un problema de salud serio del mismo empleado que califique y que resulte en que el empleado no pueda realizar su trabajo;
- Por exigencias que califiquen relacionadas con el despliegue de un miembro de las fuerzas armadas que sea cónyuge del empleado, hijo o padre.

Un empleado elegible que es cónyuge, hijo, padre o familiar más cercano del miembro de las fuerzas armadas que está cubierto, puede tomarse hasta 26 semanas de licencia bajo la Ley de Ausencia Familiar y Médica (FMLA, por sus siglas en inglés) en un periodo de 12 meses para cuidar al miembro de las fuerzas armadas que tenga una lesión o enfermedad seria.

Un empleado no tiene que tomarse la licencia de una sola vez. Cuando es médicamente necesario o de otra manera permitido, los empleados pueden tomarse la licencia de forma intermitente o en una jornada reducida.

Los empleados pueden elegir, o un empleador puede exigir, el uso de licencias pagadas acumuladas mientras se toman la licencia bajo la FMLA. Si un empleado sustituye la licencia pagada acumulada por la licencia bajo la FMLA, el empleado tiene que respetar las políticas de pago de licencias normales del empleador.

## BENEFICIOS Y PROTECCIONES

Mientras los empleados estén de licencia bajo la FMLA, los empleadores tienen que continuar con la cobertura del seguro de salud como si los empleados no estuvieran de licencia.

Después de regresar de la licencia bajo la FMLA, a la mayoría de los empleados se les tiene que restablecer el mismo trabajo o uno casi idéntico, con el pago, los beneficios y otros términos y otras condiciones de empleo equivalentes.

Un empleador no puede interferir con los derechos de la FMLA de un individuo o tomar represalias contra alguien por usar o tratar de usar la licencia bajo la FMLA, oponerse a cualquier práctica ilegal hecha por la FMLA, o estar involucrado en un procedimiento según o relacionado con la FMLA.

## REQUISITOS DE ELEGIBILIDAD

Un empleado que trabaja para un empleador cubierto tiene que cumplir con tres criterios para poder ser elegible para una licencia bajo la FMLA. El empleado tiene que:

- Haber trabajado para el empleador por lo menos 12 meses;
- Tener por lo menos 1,250 horas de servicio en los 12 meses previos a tomar la licencia\*; y
- Trabajar en el lugar donde el empleador tiene al menos 50 empleados dentro de 75 millas del lugar de trabajo del empleado.

\*Requisitos especiales de "horas de servicio" se aplican a empleados de una tripulación de una aerolínea.

## PEDIDO DE LA LICENCIA

En general, los empleados tienen que pedir la licencia necesaria bajo la FMLA con 30 días de anticipación. Si no es posible avisar con 30 días de anticipación, un empleado tiene que notificar al empleador lo más pronto posible y, generalmente, seguir los procedimientos usuales del empleador.

Los empleados no tienen que informar un diagnóstico médico, pero tienen que proporcionar información suficiente para que el empleador pueda determinar si la ausencia califica bajo la protección de la FMLA. La información suficiente podría incluir informarle al empleador que el empleado está o estará incapacitado para realizar sus funciones laborales, que un miembro de la familia no puede realizar las actividades diarias, o que una hospitalización o un tratamiento médico es necesario. Los empleados tienen que informar al empleador si la necesidad de la ausencia es por una razón por la cual la licencia bajo la FMLA fue previamente tomada o certificada.

Los empleadores pueden exigir un certificado o una recertificación periódica que respalde la necesidad de la licencia. Si el empleado determina que la certificación está incompleta, tiene que proporcionar un aviso por escrito indicando qué información adicional se requiere.

## RESPONSABILIDADES DEL EMPLEADOR

Una vez que el empleador tome conocimiento que la necesidad de la ausencia del empleado es por una razón que puede calificar bajo la FMLA, el empleador tiene que notificar al empleado si él o ella es elegible para una licencia bajo FMLA y, si es elegible, también tiene que proporcionar un aviso de los derechos y las responsabilidades según la FMLA. Si el empleado no es elegible, el empleador tiene que brindar una razón por la cual no es elegible.

Los empleadores tienen que notificar a sus empleados si la ausencia será designada como licencia bajo la FMLA, y de ser así, cuánta ausencia será designada como licencia bajo la FMLA.

## CUMPLIMIENTO

Los empleados pueden presentar un reclamo ante el Departamento de Trabajo de EE. UU., la División de Horas y Salarios, o pueden presentar una demanda privada contra un empleador.

La FMLA no afecta a ninguna ley federal o estatal que prohíba la discriminación ni sustituye a ninguna ley estatal o local o convenio colectivo de negociación que proporcione mayores derechos de ausencias familiares o médicas.

Para información adicional o para presentar un reclamo:

# 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

## www.dol.gov/whd



Departamento de Trabajo de los EE.UU. | División de Horas y Salarios DIVISIÓN DE HORAS Y SALARIOS

# 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.

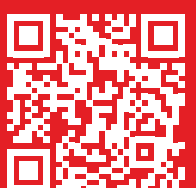
**ADDITIONAL INFORMATION**

- 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

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# DERECHOS DE LOS TRABAJADORES

BAJO LA LEY DE NORMAS JUSTAS DE TRABAJO (FLSA—siglas en inglés)

## SALARIO MÍNIMO FEDERAL

# \$7.25

POR HORA

A PARTIR DEL 24 DE JULIO DE 2009

**La ley exige que los empleadores exhiban este cartel donde sea visible por los empleados.**

### PAGO POR SOBRETIENTO

Por lo menos tiempo y medio (1½) de la tasa regular de pago por todas las horas trabajadas en exceso de 40 en una semana laboral.

### TRABAJO DE MENORES DE EDAD

El empleado tiene que tener por lo menos 16 años para trabajar en la mayoría de los trabajos no agrícolas y por lo menos 18 años para trabajar en los trabajos no agrícolas declarados peligrosos por la Secretaría de Trabajo. Los menores de 14 y 15 años pueden trabajar fuera del horario escolar en varias ocupaciones que no sean de manufactura, de minería, y que no sean peligrosas con ciertas restricciones al horario de trabajo. Se aplican distintos reglamentos al empleo agrícola.

### CRÉDITO POR PROPINAS

Los empleadores de “empleados que reciben propinas” que cumplan con ciertas condiciones, pueden reclamar un crédito de salario parcial basado en las propinas recibidas por sus empleados. Los empleadores les tienen que pagar a los empleados que reciben propinas un salario en efectivo de por lo menos \$2.13 por hora si ellos reclaman un crédito de propinas contra su obligación de pagar el salario mínimo. Si las propinas recibidas por el empleado combinadas con el salario en efectivo de por lo menos \$2.13 por hora del empleador no equivalen al salario mínimo por hora, el empleador tiene que compensar la diferencia.

### MADRES LACTANTES

La FLSA exige que los empleadores le proporcionen un tiempo de descanso razonable a la empleada que sea madre lactante y que esté sujeta a los requisitos de sobretiempos de la FLSA, para que la empleada se extraiga leche manualmente para su niño lactante por un año después del nacimiento del niño, cada vez que dicha empleada tenga la necesidad de extraerse leche. A los empleadores también se les exige que proporcionen un lugar, que no sea un baño, protegido de la vista de los demás y libre de la intrusión de los compañeros de trabajo y del público, el cual pueda ser utilizado por la empleada para extraerse leche.

### CUMPLIMIENTO

El Departamento tiene la autoridad de recuperar salarios retroactivos y una cantidad igual en daños y perjuicios en casos de incumplimientos con el salario mínimo, sobretiempos y otros incumplimientos. El Departamento puede litigar y/o recomendar un enjuiciamiento criminal. A los empleadores se les pueden imponer sanciones pecuniarias civiles por cada incumplimiento deliberado o repetido de las disposiciones de la ley del pago del salario mínimo o de sobretiempos. También se pueden imponer sanciones pecuniarias civiles por incumplimiento con las disposiciones de la FLSA sobre el trabajo de menores de edad. Además, se pueden imponer sanciones pecuniarias civiles incrementadas por cada incumplimiento con el trabajo de menores que resulte en la muerte o una lesión seria de un empleado menor de edad, y tales evaluaciones pueden duplicarse cuando se determina que los incumplimientos fueron deliberados o repetidos. La ley también prohíbe tomar represalias o despedir a los trabajadores que presenten una queja o que participen en cualquier proceso bajo la FLSA.

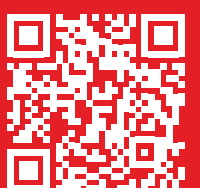
### INFORMACIÓN ADICIONAL

- Ciertas ocupaciones y ciertos establecimientos están exentos de las disposiciones del salario mínimo, y/o de las disposiciones del pago de sobretiempos.
- Se aplican disposiciones especiales a trabajadores de Samoa Americana, del Estado Libre Asociado de las Islas Marianas del Norte y del Estado Libre Asociado de Puerto Rico.
- Algunas leyes estatales proporcionan protecciones más amplias a los trabajadores; los empleadores tienen que cumplir con ambas.
- Algunos empleadores clasifican incorrectamente a sus trabajadores como “contratistas independientes” cuando en realidad son empleados según la FLSA. Es importante conocer la diferencia entre los dos porque los empleados (a menos que estén exentos) tienen derecho a las protecciones del salario mínimo y del pago de sobretiempos bajo la FLSA y los contratistas correctamente clasificados como independientes no lo tienen.
- A ciertos estudiantes de tiempo completo, estudiantes alumnos, aprendices, y trabajadores con discapacidades se les puede pagar menos que el salario mínimo bajo certificados especiales expedidos por el Departamento de Trabajo.



DIVISIÓN DE HORAS Y SALARIOS  
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

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# 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 — April 2017



U.S. Department of Labor



# Job Safety and Health IT'S THE LAW!

## All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

*This poster is available free from OSHA.*

**Contact OSHA. We can help.**

## Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.





Departamento de Trabajo  
de los EE. UU.

**OSHA**<sup>®</sup>

Administración de  
Seguridad y Salud  
Ocupacional

# Seguridad y Salud en el Trabajo

## ¡ES LA LEY!

### Todos los trabajadores tienen el derecho a:

- Un lugar de trabajo seguro.
- Decir algo a su empleador o la OSHA sobre preocupaciones de seguridad o salud, o reportar una lesión o enfermedad en el trabajo, sin sufrir represalias.
- Recibir información y entrenamiento sobre los peligros del trabajo, incluyendo sustancias tóxicas en su sitio de trabajo.
- Pedirle a la OSHA inspeccionar su lugar de trabajo si usted cree que hay condiciones peligrosas o insalubres. Su información es confidencial. Algún representante suyo puede comunicarse con OSHA a su nombre.
- Participar (o su representante puede participar) en la inspección de OSHA y hablar en privado con el inspector.
- Presentar una queja con la OSHA dentro de 30 días (por teléfono, por internet, o por correo) si usted ha sufrido represalias por ejercer sus derechos.
- Ver cualquieras citaciones de la OSHA emitidas a su empleador.
- Pedir copias de sus registros médicos, pruebas que miden los peligros en el trabajo, y registros de lesiones y enfermedades relacionadas con el trabajo.

*Este cartel está disponible de la OSHA para gratis.*

**Llame OSHA. Podemos ayudar.**

### Los empleadores deben:

- Proveer a los trabajadores un lugar de trabajo libre de peligros reconocidos. Es ilegal discriminar contra un empleado quien ha ejercido sus derechos bajo la ley, incluyendo hablando sobre preocupaciones de seguridad o salud a usted o con la OSHA, o por reportar una lesión o enfermedad relacionada con el trabajo.
- Cumplir con todas las normas aplicables de la OSHA.
- Reportar a la OSHA todas las fatalidades relacionadas con el trabajo dentro de 8 horas, y todas hospitalizaciones, amputaciones y la pérdida de un ojo dentro de 24 horas.
- Proporcionar el entrenamiento requerido a todos los trabajadores en un idioma y vocabulario que pueden entender.
- Mostrar claramente este cartel en el lugar de trabajo.
- Mostrar las citaciones de la OSHA acerca del lugar de la violación alegada.

Los empleadores de tamaño pequeño y mediano pueden recibir ASISTENCIA GRATIS para identificar y corregir los peligros sin citación o multa, a través de los programas de consultación apoyados por la OSHA en cada estado.

