



YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

REEMPLOYMENT RIGHTS

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

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

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

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

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



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

U.S. Department of Justice

Office of Special Counsel

1-800-336-4590

Publication Date—October 2008

“EEO is the Law” Poster Supplement

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

The Disability section is revised as follows:

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.

The following section is added:

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.

The EEOC contact information is revised as follows:

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 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.

Employers Holding Federal Contracts or Subcontracts section revisions

The Individuals with Disabilities section is revised as follows:

INDIVIDUALS WITH DISABILITIES

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

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

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

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

The following section is added:

RETALIATION

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

The OFCCP contact information is revised as follows:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Mandatory Supplement to EEOC 9/02 and OFCCP 8/08 “EEO is the Law” Posters

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 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.

Employers Holding Federal Contracts or Subcontracts

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

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

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

INDIVIDUALS WITH DISABILITIES

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

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

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

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

RETALIATION

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

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

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

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

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

EMPLOYEE RIGHTS

FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

*This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities applies to work covered by the **Fair Labor Standards Act (FLSA)**, **McNamara-O'Hara Service Contract Act (SCA)**, and/or **Walsh-Healey Public Contracts Act (PCA)**. Such special minimum wages are referred to as “**commensurate wage rates**” and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of **\$7.25 per hour beginning July 24, 2009**. A “commensurate wage rate” is based on the worker’s individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.*

WORKERS WITH DISABILITIES

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

- An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased.

OVERTIME

Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

Minors younger than **18 years of age** must be employed in accordance with the child labor provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract.

FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). **Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the wage determination.**

WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

PETITION PROCESS

Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it.



For additional information:

1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

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

WORKERS' COMPENSATION

DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF WORKERS' COMPENSATION

PO BOX 56098 WASHINGTON, DC 20011 (202) 671-1000 (202) 671-1929 (fax)

Warning: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

NOTICE OF COMPLIANCE
TO EMPLOYEES

1. You are required by law to report promptly to your employer and the Office of Workers' Compensation an occupational injury or disease, even if you deem it to be minor. Form No. 7 DCWC, Notice of Accidental Injury or Occupational Disease, to be obtained from the employer or the Office of Workers' Compensation, must be used for that purpose. After you have completed and signed it, you should mail it to the Office of Workers' Compensation at the above address, and to your employer.
2. You are entitled, if required, to the services of a physician or hospital of your choice and lost wages. Call (202) 671-1000 for information.
3. You may not sue your employer as a result of a work-connected injury or disease by reason of your exclusive remedy under the Workers' Compensation Law.
4. In order to preserve your right to benefits under the DC Workers' Compensation Law, you must file a written claim on Form No. 7A DCWC, Employee's Claim Application, within one (1) year after your injury, or within (1) year after the last payment of benefits.
5. If you desire information regarding your rights and obligations prescribed by law, you may call your employer first. If you need further information you may call the Office of Workers' Compensation at (202) 671-1000.
6. The law gives you the right to be represented if you so desire.

TO EMPLOYERS

1. You are required to have Workers' Compensation insurance coverage if you have 1 or more employees.
2. You are required to display this poster at each worksite so that it will be of the greatest possible benefit to your employees.
3. You must file an Employer's First Report of Injury or Occupational Disease, Form No. 8 DCWC, with the Office of Workers' Compensation, copy to the nearest claim office of your insurer, on all occupational injuries or disease, as soon as possible, but no later than 10 days after the date of knowledge thereof.
4. Your employee must file Form No. 7 DCWC, Employee's Notice of Accidental Injury or Occupational Disease. Please provide your employee with Form No. 7 DCWC and direct them to complete it and return it to you and the Office of Workers' Compensation. Once you have received notice from the employee, you are required to send the employee a notice of his/her rights and obligations by certified mail, return receipt requested.
5. You are required to report to the Office of Workers' Compensation, and your insurer, and disability of more than 3 days which was not previously reported, as soon as possible, but no later than 10 days after the date of knowledge thereof.
6. You are required to furnish, or cause to be furnished, reasonable medical and hospital services, other remedial care or vocational rehabilitation, and various types of disability compensation, to an injured or disabled employee.
7. You are required to obtain from the insurer identified below a supply of all required Workers' Compensation Forms, or you may download the forms and notice mentioned above at our website <http://does.dc.gov>

NOTICE: Violation of the various provisions of the Workers' Compensation law provides for civil penalties.

The undersigned employer hereby gives notice of compliance with all provisions of the Workers' Compensation Law and Administrative Regulations

NAME OF INSURANCE COMPANY

NAME OF EMPLOYER

BY _____

Employer ID Number
(if number unknown, employer to request from IRS)

THIS NOTICE IS TO BE POSTED CONSPICUOUSLY IN AND ABOUT EMPLOYER'S PLACE(S) OF BUSINESS
FORM NO. 1 DCWC

NOTICE TO EMPLOYEES

Information on Unemployment Compensation in the District of Columbia

Your employer is subject to the District of Columbia Unemployment Compensation Act, which establishes a system of protecting insured workers from complete wage loss when they become unemployed through no fault of their own and are seeking new jobs. To help finance the unemployment insurance system, a tax is levied against employers—not workers. No deductions are made from your pay for this purpose. This program is administered by the District of Columbia’s Department of Employment Services.

If you should become unemployed or your hours are reduced, you may be entitled to receive unemployment compensation benefits. To apply for benefits, please call and make an appointment to visit one of the One-Stop Career Centers listed below.

CVS/South Capitol Street One-Stop
Career Center
4049 South Capitol Street, S.W.
Washington, D.C. 20032
Phone: (202) 724-7000
Fax: (202) 645-5337
Monday-Friday 8:00 am to 3:30 pm

Franklin Street One-Stop
Career Center
1500 Franklin Street, N.E.
Washington, D.C. 20002
Phone: (202) 724-7000
Fax: (202) 576-3103
Monday-Friday 8:00 am to 3:30 pm

Naylor Road One-Stop
Career Center
2626 Naylor Road, S.E.
Washington, D.C. 20020
Phone: (202) 724-7000
Fax: (202) 645-5246
Monday-Friday 8:00 am to 3:30 pm

You may also apply for benefits through the Internet at www.dcnetworks.org

IMPORTANT: Employers must display this Notice to Employees prominently on the work premises. Additional copies may be furnished upon request by calling (202) 698-7550.

Government of the District of Columbia
Adrian M. Fenty, Mayor



Department of Employment Services
Summer Spencer, Director

OHR WORKPLACE POSTERS:

The Right to Breastfeed



Under the District of Columbia Human Rights Act of 1977, as amended,

- : A woman has a right to breastfeed her child in any location, public or private, where she has the right to be with her child, without respect to whether the mother's breast or any part of it is uncovered during or incidental to the breastfeeding of her child.
- : An employer must provide reasonable daily unpaid break-time, as required by an employee so she may express breast milk for her child to maintain milk supply and comfort.
- : The break-time for expression of milk, if possible, may run concurrently with any break-time, paid or unpaid, already provided to the employee.
- : An employer is not required to provide break-time if it would create an undue hardship on the operations of the employer.
- : An employer shall make reasonable efforts to provide a sanitary room or other location in close proximity to the work area, other than a bathroom or toilet stall, where an employee can express her breast milk in privacy and security.
- : The employer must create a policy for breastfeeding mothers and must post and maintain a poster in a conspicuous place that sets forth these requirements.
- : The employee must file within one (1) year of the occurrence or discovery of the violation of the Act. An employee of the District of Columbia government must file within 180 days of the occurrence or discovery of the violation.
- : If the employee feels as if she is being discriminated against under the Act, she may contact:

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street, NW : Suite 570 North : Washington, DC 20001
[202] 727 / 4559 or ohr.dc.gov

OHR WORKPLACE POSTERS:

Parental Leave Act



- : Under the Parental Leave Act, employees in the District of Columbia who are parents (mother, father, guardian, aunt, uncle, grandparent, or a person married to or in a domestic partnership with any of these individuals) may take leave (unpaid or paid family, vacation, personal, compensatory, or leave bank) to attend school-related events.
- : School related events include, but are not limited to, concerts, plays, rehearsals, sporting events, and parent-teacher conferences, where the child is a participant or subject of the event, not a spectator.
- : The parent is entitled to twenty-four (24) hours of leave during a twelve (12) month period. The employer may deny the leave if granting the leave would disrupt the employer's business and make the achievement of production or service unusually difficult.
- : The employee must notify the employer within ten (10) days unless the school event was not reasonably foreseeable.
- : The employer must post and maintain a poster in a conspicuous place that sets forth these requirements.
- : An employer who willfully fails to post the notice will be assessed a civil penalty not to exceed \$100 for each day the employer fails to post the notice.
- : The employee must file a claim based on a violation of the Act within one (1) year of the occurrence or discovery of the violation.
- : If the employee believes that he or she is being wrongfully denied leave under this Act, he or she may contact:

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street, NW : Suite 570 North : Washington, DC 20001

[202] 727 / 4559 or ohr.dc.gov

OHR WORKPLACE POSTERS:

District of Columbia Family & Medical Leave Act (DCFMLA)



- : Under the District of Columbia Family and Medical Leave Act (DCFMLA), an employer who employs at least twenty (20) employees within the District of Columbia must provide an eligible employee sixteen (16) workweeks of medical leave AND sixteen (16) workweeks of family leave during a twenty-four (24) month period.
- : An employee may be eligible for DCFMLA if he or she has been employed by the employer for at least one (1) year without a break in service and has worked for at least 1,000 hours during the twelve (12)-month period immediately preceding the requested family or medical leave.
- : The one (1) year of service requirement need not be immediately preceding the request for leave pursuant to the Act.
- : The District of Columbia government is considered a single employer under the Act; therefore, if an employee has worked for a District government agency, he or she may be entitled to DCFMLA leave.
- : Leave under the DCFMLA may be taken in blocks of time, intermittently, and under certain circumstances, at a reduced schedule.
- : The employer must post and maintain a poster in a conspicuous place that sets forth the requirements of the Act.
- : Any employer who willfully fails to post the notice may be ordered to pay a fine not to exceed \$100 for each day the employer fails to post the notice.
- : The employee must file within one (1) year of the occurrence or discovery of the violation of the Act.
- : If the employee feels as if he or she is being wrongfully denied leave or retaliated against under this statute, he or she may contact:

THE DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

441 4th Street, NW : Suite 570 North : Washington, DC 20001
[202] 727 / 4559 or ohr.dc.gov



NOTICE OF NON-DISCRIMINATION

In accordance with the District of Columbia Human Rights Act of 1977, as amended, District of Columbia Official Code Section 2-1401.01 *et seq.*, (Act) the District of Columbia does not discriminate on the basis of actual or perceived:

| | | | |
|--|----------------------------|--------------------------------|------------------------------|
| Race | Religion | Sexual Orientation | Matriculation |
| Color | Age | Gender Identity or | Political Affiliation |
| Sex (Gender or sexual harassment) | Marital Status | Expression | Genetic Information |
| National Origin | Personal Appearance | Family Responsibilities | Disability |

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

Equal Employment Opportunity Rules Governing Complaints of Discrimination in the District of Columbia Government, Title 4 DCMR Chapter 1 and Chapter 5 protects your job-related benefits which include but are not limited to:

| | | |
|-----------|-------------|------------------------|
| Hiring | Training | Reassignment |
| Promotion | Recruitment | Separation/Termination |

If you feel you have been discriminated against in any of the above areas you may elect to either go directly to the court to file a complaint within one year of the alleged discrimination or you may report the act within 180 days to your departmental EEO counselor who has 21 days to resolve the matter. If you are not satisfied with the results, you have 15 days to file a formal complaint with the EEO Director at the Office of Human Rights. For complaints of sexual harassment, you may file directly with the Office of Human Rights.

If you have any questions regarding this process you may contact the Intake Unit at the Office of Human Rights; Telephone number (202) 727-4559.

Employees' Rights Under the District of Columbia

FAMILY AND MEDICAL LEAVE ACT OF 1990

The District of Columbia Family and Medical Leave Act of 1990, D.C. Law 8-181, requires, effective April 1, 1991, all employers of 20 or more employees in the District of Columbia to provide up to 16 weeks of unpaid family leave:

- for the birth of a child, adoption or foster care
- to care for a seriously ill family member

And up to 16 weeks of unpaid medical leave:

- to recover from a serious illness rendering the employee unable to work for a total of 32 weeks during a 24-month period

During the period of leave, an employee shall not lose any employment benefits such as seniority or group health plan coverage.

The employer may require medical certification and reasonable prior notice when applicable.

The Act applies to employees who have worked for the employer for one year without a break in service and who have worked at least 1000 hours during the last 12 months. Employers may have leave policies which are more generous than those required by the Act.

A COMPLAINT CONCERNING A DENIAL OF RIGHTS UNDER THIS ACT MUST BE FILED WITHIN ONE YEAR OF THE OCCURRENCE OR DISCOVERY OF THE VIOLATION.

If you feel you have been discriminated against in any of the above areas you may elect to either go directly to the court to file a complaint within one year of the alleged discrimination or you may report the act within 180 days to your departmental EEO counselor who has 21 days to resolve the matter. If you are not satisfied with the results, you have 15 days to file a formal complaint with the EEO Director at the Office of Human Rights.

If you have any questions regarding this process you may contact the Intake Unit at the Office of Human Rights; Telephone number (202) 727-4559.

*Source of income and place of residence or business are not protected categories in employment.

PARENTAL LEAVE ACT OF 1994

In accordance with District of Columbia Law 10-146, effective August 17, 1994, an employee who is a parent shall be entitled to a total of 24 hours leave* during any 12 month period to attend or participate in school-related events for his or her child.

- "Parent" means natural mother or father of child;
- A person who has legal custody of a child;
- A person who acts as a guardian of a child regardless of legal appointment;
- An aunt, uncle, or grandparent of a child; or
- A person married to a person listed above.
- "School-related event" means an activity sponsored by either a school or an associated organization.

*The leave provided by this Act may consist of unpaid leave unless the parent elects to use any paid family, vacation, personal, compensatory, or leave bank leave that has been provided by the employer.

If you feel you have been discriminated against in any of the above areas you may elect to either go directly to the court to file a complaint within one year of the alleged discrimination or you may report the act within 180 days to your departmental EEO counselor who has 21 days to resolve the matter. If you are not satisfied with the results, you have 15 days to file a formal complaint with the EEO Director.

If you have any questions regarding this process you may contact the Intake Unit at the Office of Human Rights; Telephone number (202)727-4559.

Department

EEO Counselor

Location

Telephone

For answers to questions concerning the Act or to file a complaint under the Act, contact:

Government of the District of Columbia | Office of Human Rights
441 4th Street, N.W., 570N
Washington, D.C. 20001
Telephone (202) 727-4559 • Fax (202) 727-9589
www.ohr.dc.gov
Vincent C. Gray, Mayor



DISTRICT OF COLUMBIA

EQUAL EMPLOYMENT OPPORTUNITY

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§2-1401.01 et seq. (Act), the District of Columbia does not discriminate on the basis of (actual or perceived):

| | | |
|--|--------------------------------------|---|
| Race | Personal Appearance | Political Affiliation |
| Color | Sexual Orientation | Genetic Information |
| Sex (including sexual harassment) | Gender Identity or Expression | Disability |
| National Origin | Familial Status* | Source of Income* |
| Religion | Family Responsibilities | Status as Victim of Intrafamily Offense* |
| Age | Matriculation | Place of Residence or Business* |
| Marital Status | | |

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. **Violators will be subject to disciplinary action.**

* Familial status, source of income, and place of residence or business are only protected classes in housing and public accommodations. Status as a victim of intrafamily offense is only protected in housing.

Questions or complaints regarding violations of the Act can be directed to:

Government of the District of Columbia
Office of Human Rights
441 4th Street, N.W., 570N
Washington, D.C. 20001
Telephone (202) 727-4559 or Fax (202) 727-9589
www.ohr.dc.gov

Employees' Rights Under the District of Columbia

FAMILY AND MEDICAL LEAVE ACT OF 1990

The District of Columbia Family and Medical Leave Act of 1990, D.C. Law 8-181, requires, effective April 1, 1991, all employers of 20 or more employees in the District of Columbia to provide up to 16 weeks of unpaid family leave:

- for the birth of a child, adoption or foster care
- to care for a seriously ill family member

And up to 16 weeks of unpaid medical leave:

- to recover from a serious illness rendering the employee unable to work for a total of 32 weeks during a 24-month period.

During the period of leave, an employee shall not lose any employment benefits such as seniority or group health plan coverage.

The employer may require medical certification and reasonable prior notice when applicable.

The Act applies to employees who have worked for the employer for one year without a break in service and who have worked at least 1000 hours during the last 12 months. Employers may have leave policies which are more generous than those required by the Act.

A COMPLAINT CONCERNING A DENIAL OF RIGHTS UNDER THIS ACT MUST BE FILED WITHIN ONE YEAR OF THE OCCURRENCE OR DISCOVERY OF THE VIOLATION.

PARENTAL LEAVE ACT OF 1994

In accordance with District of Columbia Law 10-146, effective August 17, 1994, an employee who is a **parent** shall be entitled to a total of 24 hours leave* during any 12 month period to attend or participate in **school-related events** for his or her child.

- "Parent" means natural mother or father of child;
- A person who has legal custody of a child;
- A person who acts as a guardian of a child regardless of legal appointment;
- An aunt, uncle, or grandparent of a child; or
- A person married to a person listed above.
- "School-related event" means an activity sponsored by either a school or an associated organization.

*The leave provided by this Act may consist of unpaid leave unless the parent elects to use any paid family, vacation, personal, compensatory, or leave bank leave that has been provided by the employer.

Any employee shall notify the employer of the desire for leave to attend a school-related event at least 10 calendar days prior to the event, unless the need to attend the school-related event cannot be reasonably foreseen.

For answers to questions concerning the Act or to file a complaint under the Act, contact:

Government of the District of Columbia
Office of Human Rights
441 4th Street, N.W., 570N
Washington, D.C. 20001
Telephone (202) 727-4559 • Fax (202) 727-9589
www.ohr.dc.gov

Vincent C. Gray, Mayor



DISTRICT OF COLUMBIA

PUBLIC ACCOMMODATIONS

NOTICE OF NON-DISCRIMINATION

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived:

Race

Color

Sex (Gender or sexual harassment)

National Origin

Religion

Age

Marital Status

Personal Appearance

Sexual Orientation

Gender Identity or Expression

Familial Status

Family Responsibilities

Matriculation

Political Affiliation

Genetic Information

Disability

Source of Income

Place of Residence or Business

Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The D.C. Human Rights Act of 1977, Section 2-1402.31(a) of the D.C. Code, prohibits acts performed wholly or partially for a discriminatory reason:

“To deny, directly or indirectly, any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation...”

These prohibitions also apply to the denial of credit or insurance.

COMPLAINTS OF POSSIBLE VIOLATIONS OF THIS LAW MAY BE FILED WITH:

Government of the District of Columbia

Office of Human Rights

441 4th Street, N.W., 570N

Washington, D.C. 20001

Telephone (202) 727-4559 • Fax (202) 727-9589

www.ohr.dc.gov

Vincent C. Gray, Mayor

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

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

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

Military Family Leave Entitlements

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

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

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

Benefits and Protections

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

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

Eligibility Requirements

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

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

Definition of Serious Health Condition

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

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

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

Use of Leave

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

Substitution of Paid Leave for Unpaid Leave

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

Employee Responsibilities

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

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

Employer Responsibilities

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

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

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

Enforcement

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

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

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



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

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



WHD Publication 1420 · Revised February 2013

OFFICIAL NOTICE

(Post Where Employees Can Easily Read)

Accrued Sick and Safe Leave Act of 2008

(This poster includes provisions of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014)

REQUIRES EMPLOYERS IN THE DISTRICT OF COLUMBIA TO PROVIDE PAID LEAVE TO EMPLOYEES FOR THEIR OWN OR FAMILY MEMBERS' ILLNESSES OR MEDICAL APPOINTMENTS AND FOR ABSENCES ASSOCIATED WITH DOMESTIC VIOLENCE OR SEXUAL ABUSE.

EMPLOYERS REQUIRED TO COMPLY WITH THE ACT

Pursuant to the Accrued Sick and Safe Leave Act of 2008, all employers in the District of Columbia must provide paid leave to each employee, including employees of restaurants and bars and temporary and part-time employees.

ACCRUAL START DATE

Paid leave accrues at the beginning of employment, provided that the accrual need not commence prior to November 13, 2008 and provided that an employer need not allow accrual of paid leave for tipped restaurant or bar employees prior to February 22, 2014.

Paid leave accrues on an employer's established pay period.

ACCESSING PAID LEAVE

An employee must be allowed to use paid leave no later than after 90 days of service with the employer. An employee may use leave on short notice if the reason for leave is unforeseeable.

NUMBER OF HOURS ACCRUED

Accrual of paid leave is determined by the type of business, the number of employees an employer has, and the number of hours an employee works. For tipped employees of restaurants or bars, regardless of the number of employees the employer has, each tipped employee must accrue at least one (1) hour per 43 hours worked, up to five (5) days per calendar year. For all other employers, use the following chart:

| If an employer has... | Employees accrue at least... | Not to Exceed... |
|------------------------|------------------------------|--------------------------|
| 100 or more employees | 1 hour per 37 hours worked | 7 days per calendar year |
| 25 to 99 employees | 1 hour per 43 hours worked | 5 days per calendar year |
| Less than 25 employees | 1 hour per 87 hours worked | 3 days per calendar year |

UNUSED LEAVE

Under this Act, an employee's accrued paid sick leave carries over from year to year. Employers do not have to pay employees for unused paid sick leave upon termination or resignation of employment.

EMPLOYEE PROTECTION

Under the Act, employees who assert their rights to receive paid sick leave or provide information or assistance to help enforce the Act are protected from retaliation.

ENFORCEMENT

The DC Department of Employment Services, Office of Wage and Hour can investigate possible violations, access employer records, enforce the paid sick leave requirements, order reinstatement of employees who are terminated, as a result of asserting rights to paid sick leave, order payment of paid sick leave unlawfully withheld, and impose penalties.

An employer who willfully violates the requirements of the Act shall be assessed a civil penalty in the amount of one thousand dollars (\$1,000) for the first offense, fifteen hundred dollars (\$1,500) for the second offense, and two thousand dollars (\$2,000) for the third and any subsequent offenses.

TO FILE A COMPLAINT OR FOR ADDITIONAL INFORMATION

To request full text of the Act, to obtain a copy of the rules associated with this Act, to receive the Act translated into other languages, or to file a complaint, visit www.does.dc.gov, call the Office of Wage and Hour at (202) 671-1880, or visit at 4058 Minnesota Avenue, N.E., Suite 4300, Washington, D.C. 20019. Complaints shall be filed within three (3) years after the event on which the complaint is based unless the employer has failed to post notice of the Act.

AVISO OFICIAL

(Publicar en un lugar en que pueda ser leído fácilmente por los empleados)

Ley de Licencia por Enfermedad y Seguridad Generada (ASSLA) de 2008

(Este afiche incluye disposiciones de la Ley Modificativa de Licencia por Enfermedad y Seguridad Generada de 2013, vigente desde el 22 de febrero 2014)

OBLIGA A LOS EMPLEADORES DEL DISTRITO DE COLUMBIA A OTORGAR LICENCIA PAGA A LOS EMPLEADOS EN CASO DE ENFERMEDAD O CONSULTAS MÉDICAS PROPIAS O DE SUS FAMILIARES Y DE AUSENCIAS RELACIONADAS CON VIOLENCIA DOMÉSTICA O ABUSO SEXUAL.

LOS EMPLEADORES QUE DEBEN CUMPLIR CON LA LEY

De conformidad con la Ley de Licencia por Enfermedad y Seguridad Generada de 2008 (Accrued Sick and Safe Leave Act of 2008), todos los empleadores del Distrito de Columbia deben otorgar licencia paga a todos sus empleados, incluyendo a los empleados de restaurantes y bares y a los empleados temporarios y de tiempo parcial.

FECHA DE INICIO DE LA GENERACIÓN

La licencia paga comienza a generarse al inicio del empleo, siempre que no deba comenzar a generarse antes del 13 de noviembre de 2008 y siempre que el empleador no deba permitir la generación de licencia paga para empleados de restaurante o bar con propina antes del 22 de febrero de 2014.

La licencia paga se acumula en el período de pago establecido por un empleador.

FECHA DE INICIO DE LA LICENCIA ACUMULADA

Deberá permitirse utilizar la licencia paga al empleado a más tardar a los 90 días de su servicio con el empleador. Un empleado podrá utilizar la licencia con un aviso con poca anticipación si el motivo de la licencia es imprevisible.

NÚMERO DE HORAS ACUMULADAS

La acumulación de la licencia paga se determina de acuerdo al tipo de negocio, el número de empleados con que cuenta el empleador y el número de horas trabajadas por el empleado. Para empleados de restaurantes y bares con propina, independientemente del número de empleados con que cuente el empleador, cada empleado con propina deberá acumular al menos una (1) hora cada 43 horas trabajadas, con hasta cinco (5) días por año calendario. Para el resto de los empleadores, se deberá utilizar la siguiente tabla:

| Si un empleador cuenta con... | Los empleados acumulan al menos... | Sin exceder... |
|-------------------------------|-------------------------------------|---------------------------|
| 100 o más empleados | 1 hora por cada 37 horas trabajadas | 7 días por año calendario |
| 25 a 99 empleados | 1 hora por cada 43 horas trabajadas | 5 días por año calendario |
| Menos de 25 empleados | 1 hora por cada 87 horas trabajadas | 3 días por año calendario |

LICENCIA NO UTILIZADA

De acuerdo a esta Ley, la licencia con goce de pago devengada por un empleado se transfiere de un año al siguiente. Los empleadores no deberán pagar a los empleados por las licencias por enfermedad no utilizadas al momento de la terminación del empleo o renuncia al mismo.

PROTECCIÓN DEL EMPLEADO

De acuerdo a la Ley, los empleados que hagan valer sus derechos a recibir licencia por enfermedad paga o proporcionen información o asistencia para ayudar a hacer cumplir la Ley están protegidos contra represalias.

CUMPLIMIENTO DE DICHA LEY

El Departamento de Servicios de Empleo del Distrito de Columbia, Oficina de Salarios y Horas (DC Department of Employment Services, Office of Wage and Hour) puede investigar posibles violaciones, acceder a los registros de los empleadores, hacer cumplir las obligaciones de licencia por enfermedad paga, ordenar el reintegro de empleados que hayan sido despedidos como resultado de la afirmación de los derechos de licencia por enfermedad paga, ordenar el pago de licencias por enfermedad paga negadas ilegalmente e imponer sanciones.

Un empleador que intencionalmente viole los requisitos de la Ley será objeto de una multa civil por el importe de mil dólares (\$1,000) por la primera infracción, mil quinientos dólares (\$1,500) por la segunda infracción, y dos mil dólares (\$2,000) para la tercera infracción y subsiguientes.

PARA PRESENTAR UNA RECLAMACIÓN O POR INFORMACION ADICIONAL

Para solicitar el texto completo de la Ley, para obtener una copia de las reglamentaciones asociadas a esta Ley, para recibir la Ley traducida a otros idiomas, o para presentar una reclamación, visite www.does.dc.gov, llame a la Oficina de Salarios y Horas (Office of Wage and Hour) al (202) 671-1880, o concurra personalmente a 4058 Minnesota Avenue, NE, Suite 4300, Washington, DC 20019. Las reclamaciones deberán ser presentadas dentro de los tres (3) años después del evento en el que se basa la reclamación a menos que el empleador haya omitido publicar el aviso de la Ley.

Important Message from the IRS



If you qualify, you could get money back from the IRS. You have to file a federal tax return to get EITC even if you owe no tax or are not required to file.

If you earn less than \$51,567 and you have a:

- Son, daughter, stepchild, foster child, brother, sister, half brother, half sister, grandchild, niece, nephew, or adopted child living with you

– OR –

If you earn less than \$19,680 and you:

- Have no children living with you or have no child living with you who meets EITC rules,
- Are at least age 25 and under 65

You may be eligible for the EITC, Earned Income Tax Credit.

EITC provides a boost to help pay your bills, fix up your place, or save for a rainy day.

Just imagine what you could do with EITC.



See if you qualify.
www.irs.gov/eitc

Life's a little easier with



EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25

PER HOUR

BEGINNING JULY 24, 2009

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

OVERTIME PAY

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

CHILD LABOR

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

TIP CREDIT

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

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA’s overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA’s child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as “independent contractors” when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA’s minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



WH1088 REV 07/16

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

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

| | |
|-----------------|--|
| PROHIBITIONS | Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act. |
| EXEMPTIONS | <p>Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.</p> <p>The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.</p> <p>The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.</p> <p>The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.</p> |
| EXAMINEE RIGHTS | Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons. |
| ENFORCEMENT | The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions. |

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd





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.

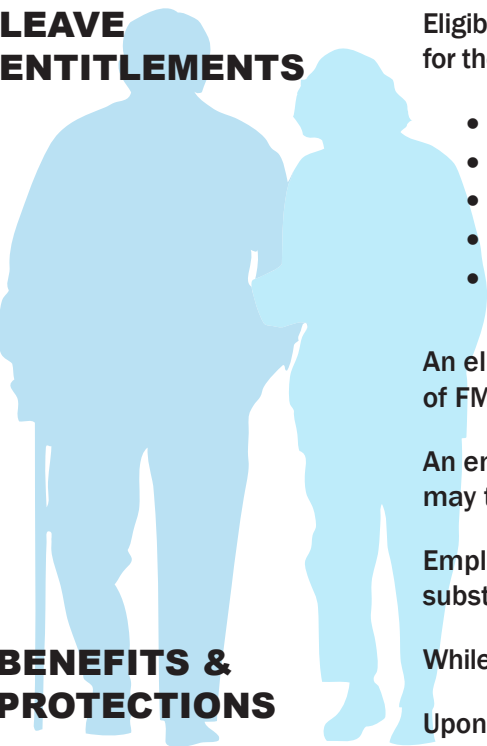
FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

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.

REQUESTING LEAVE

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.

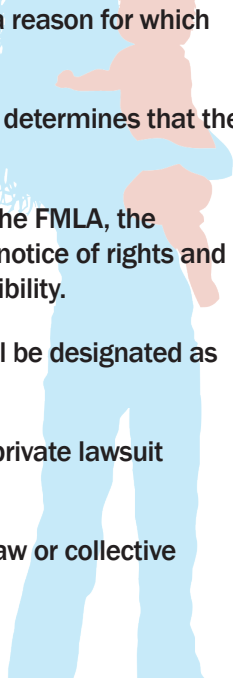
Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

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.



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

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



Protecting Pregnant Workers Fairness Act

- Know Your Rights in the District of Columbia -



Accommodations for Pregnancy, Childbirth and Breastfeeding

The Protecting Pregnant Workers Fairness Act (PPW) requires District of Columbia employers to provide reasonable workplace accommodations for employees whose ability to perform job duties is limited because of pregnancy, childbirth, breastfeeding, or a related medical condition.

The employer must engage in good faith and in a timely and interactive process to determine the accommodations.

Types of Accommodations

Employers must make all reasonable accommodations,* including but not limited to:

- More frequent or longer breaks;
- Time off to recover from childbirth;
- Temporarily transferring the employee to a less strenuous or hazardous position;
- Purchasing or modifying work equipment, such as chairs;
- Temporarily restructuring the employee's position to provide light duty or a modified work schedule;
- Having the employee refrain from heavy lifting;
- Relocating the employee's work area; or
- Providing private (non-bathroom) space for expressing breast milk.

Prohibited Actions by Employers

Employers may not:

- Refuse an accommodation unless it would cause significant hardship or expense to the business;
- Take adverse action against an employee for requesting an accommodation;
- Deny employment opportunities to the employee because of the request or need for an accommodation;
- Require an employee to take leave if a reasonable accommodation can be provided; or
- Require employees to accept an accommodation unless it's necessary for the employee to perform her job duties.

Certification from Health Care Provider

The employer may require an employee to provide certification from a health care provider indicating a reasonable accommodation is advisable. The certification must include: (1) the date the accommodation became or will become medically advisable; (2) an explanation of the medical condition and need for a reasonable accommodation; and (3) the probable length of time the accommodation should be provided.

Filing a Complaint of a Violation

If you believe an employer has wrongfully denied you a reasonable accommodation or has discriminated against you because of your pregnancy, childbirth, need to breastfeed or a related medical condition, you can file a complaint within one year with the DC Office of Human Rights (OHR). To file a complaint, visit:

- **Online** at ohr.dc.gov; or
- **In-Person** at 441 4th Street NW, Suite 570N, Washington, DC 20001.

A case can also be initiated through the Department of Employment Services (DOES) Office of Wage and Hour Compliance by calling (202) 671-1880. All cases must be filed and investigated by OHR. Once OHR issues a decision, a DOES administrative law judge will decide if a violation of the statute occurred. The DOES decision may be appealed to the DC Office of Administrative Hearings.

* A "reasonable accommodation" is one that does not require significant difficulty in the operation of the employer's business or significant expense for the employer, with consideration to factors such as the size of the business, its financial resources and the nature and structure of the business.



Adaptaciones para el embarazo, el parto y la lactancia

La ley de Protección de la Equidad para las Trabajadoras Embarazadas (PPW, por sus siglas en inglés) exige que los empleadores del Distrito de Columbia proporcionen adaptaciones razonables en el trabajo para las empleadas cuya capacidad de desempeñar sus labores en el trabajo se vea limitada por motivo de un embarazo, el parto, la lactancia o una afección relacionada.

El empleador debe participar de buena fe en un proceso oportuno e interactivo para determinar dichas adaptaciones.

Tipos de adaptaciones

Los empleadores deben realizar toda adaptación razonable,* incluyendo, pero sin limitarse a:

- descansos más frecuentes o más prolongados;
- permiso para ausentarse y recuperarse del parto;
- transferir temporalmente a la empleada a un puesto menos extenuante o peligroso;
- adquirir o modificar equipo de trabajo, tal como las sillas;
- reestructurar temporalmente el puesto de la empleada para asignarle labores ligeras o un horario de trabajo modificado;
- hacer que la empleada se abstenga de levantar cosas pesadas;
- reubicar el área de trabajo de la empleada; u
- ofrecer un espacio privado (que no sea el baño) para sacarse la leche materna.

Actos que tienen prohibido realizar los empleadores

Los empleadores no pueden:

- denegar una adaptación, a menos que ocasione dificultades o gastos significativos para el negocio;
- tomar medidas en contra de una empleada por solicitar una adaptación;
- denegarle oportunidades laborales a la empleada por solicitar o necesitar una adaptación;
- exigirle a una empleada que se ausente con permiso si se puede proporcionar una adaptación razonable; ni
- exigirles a las empleadas aceptar una adaptación, a menos que sea necesaria para que cumpla con sus deberes en el trabajo.

Constancia de un prestador de servicios de salud

El empleador puede exigir que la empleada proporcione la constancia de un prestador de servicios de salud indicando que se recomienda hacer una adaptación razonable. La constancia debe incluir: 1) la fecha en que la adaptación se hizo o se hará médicamente recomendable; 2) una explicación de la afección y de la necesidad de recibir una adaptación razonable; y 3) la duración probable por la cual deberá proporcionarse la adaptación.

Cómo presentar una queja por alguna Violación a esta Ley

Si cree que un empleador le ha negado injustamente una adaptación razonable o que la ha discriminado debido a su embarazo, al parto, a la necesidad de amamantar o a una afección médica relacionada, usted tiene un año para presentar una queja ante la Oficina de Derechos Humanos del Distrito de Columbia (OHR, por sus siglas en inglés). Para presentar una queja, visite:

- **en línea**, ohr.dc.gov; o
- **en persona**, el 441 de la calle 4 noroeste, oficina 570N, en Washington, DC 20001.

También puede abrirse un caso a través de la Oficina de Cumplimiento de Salarios y Horarios Laborales del Departamento de Servicios de Empleo (DOES, por sus siglas en inglés) llamando al (202) 671-1880. La OHR debe entablar e investigar todos los casos. Una vez que la OHR llegue a una decisión, un juez contencioso-administrativo del DOES decidirá si se contravino la ley o no. La decisión del DOES puede apelarse ante la Oficina de Audiencias Administrativas del Distrito de Columbia.

* Una "adaptación razonable" es aquella que no ocasiona gastos considerables ni dificultades significativas para el funcionamiento de la empresa del empleador, teniendo en consideración factores tales como el tamaño de la empresa y sus recursos financieros, así como su naturaleza y estructura.

DISTRICT OF COLUMBIA MINIMUM WAGE POSTER

THIS SUMMARY MUST REMAIN IN A VISIBLE LOCATION WHERE EMPLOYEES MAY READ

MINIMUM WAGE RATES

Employees who do not receive gratuities

Employees who receive gratuities

| | |
|--|--|
| \$11.50 per hour beginning July 1, 2016 | \$2.77 per hour beginning January 1, 2005 |
| \$12.50 per hour beginning July 1, 2017 | \$3.33 per hour beginning July 1, 2017 |
| \$13.25 per hour beginning July 1, 2018 | \$3.89 per hour beginning July 1, 2018 |
| \$14.00 per hour beginning July 1, 2019 | \$4.45 per hour beginning July 1, 2019 |
| \$15.00 per hour beginning July 1, 2020 | \$5.00 per hour beginning July 1, 2020 |

Beginning in 2021, the minimum wage will increase during each successive year pursuant to the Consumer Price Index for both employees who do not receive gratuities and employees who receive gratuities. Visit the Department of Employment Services website at www.does.dc.gov for the yearly minimum wage rates.

MINIMUM WAGE EXCEPTIONS

The minimum wage provision does not apply in instances where other laws or regulations establish minimum wage rates for the following:

1. Handicapped workers may be paid less only when the employer has received an authorizing certificate from the U.S. Department of Labor.
2. Persons employed under provisions of the Workforce Innovation and Opportunity Act shall be paid pursuant to that Act.
3. Persons employed under provisions of the Youth Employment Act shall be paid pursuant to that Act.
4. Persons employed under provisions of the Older Americans Act shall be paid pursuant to that Act.
5. Students employed by institutions of higher education may be paid the minimum wage established by the United States government.
6. The Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015, removed adult learners as a minimum wage exception. Newly hired persons 18 years of age or older must be paid the established District of Columbia minimum wage immediately upon hire.
7. The minimum wage provision does not apply to persons:
 - a) employed in a bona fide executive, administrative, professional, computer, or outside sales capacity; or
 - b) engaged in the delivery of newspapers to the home of the consumer.

OVERTIME PAY

At least 1 ½ times the regular rate of pay for all hours worked over 40 hours in a workweek.

OVERTIME EXCEPTIONS

The overtime provision shall not apply to persons employed:

1. In a bona fide executive, administrative, professional, computer, or outside sales capacity;
2. As a private household worker who lives on the premises of the employer;
3. In a retail or service establishment and whose regular rate of pay is in excess of one and one-half times the minimum hourly rate applicable under the Act, and more than one-half of the employee's compensation for a representative period (not less than one month) represents commissions on goods and services;
4. As a seaman, by a railroad, as an attendant in a parking lot or parking garage, or in newspaper home delivery;
5. By an air carrier who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to these employees; or
6. As a salesperson, parts salesperson, or mechanic primarily engaged in selling or servicing automobiles, trailers, or trucks if employed by a non-manufacturing establishment primarily engaged in the business of selling these vehicles to ultimate purchasers.

NOTE: The Car Wash Employee Overtime Amendment Act of 2012, effective May 31, 2012, removed the overtime exception for employees of a car wash. Car wash employees are entitled to overtime for all hours worked over a forty-hour workweek. The United States Department of Labor's Home Care Rule, effective November 12, 2015, became applicable to direct care workers employed by agencies and other third-party employers. Direct care workers are workers who provide home care services, such as certified nursing assistants, home health aides, personal care aides, caregivers, and companions.

PERSONS NOT ENTITLED TO OVERTIME PAY UNDER DISTRICT LAW MAY BE ENTITLED UNDER FEDERAL LAW

For more information, call the U.S. Department of Labor, Wage-Hour Division, or visit www.dol.gov/whd/.

UNIFORMS

Employers must pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing required by employer or by law or pay the employee 15 cents per hour in addition to the minimum wage (maximum required is \$6.00 per week) for washable uniforms. When the employer purchases and the employee maintains washable uniforms, the additional payment required is 10 cents per hour. When the employer cleans and maintains but the employee purchases, the additional payment required is 8 cents per hour.

MEALS

Employers may deduct \$2.12 for each meal made available. For four (4) hours or less of work, a maximum of one (1) meal deduction is allowed. For over four (4) hours of work, a maximum of two (2) meal deductions is allowed. For employees that live on the employer's premises, no more than \$6.36 per day can be deducted.

OTHER PROVISIONS

Additional wages are due to employees for split shifts, travel expenses, and tools. Other deductions may be taken for lodging provided by the employer.

DEDUCTIONS

No employer shall make any deductions, except those specifically authorized by law or court order, which would bring the wages below those required by the Act. An itemized wage statement showing all deductions must be provided with each pay check.

RECORDS

Every employer shall make and keep for at least three (3) years accurate time and payroll records for each employee, in addition to other detailed records required by the Act.

TIPPED EMPLOYEES

Employers must pay a service rate per hour (please see the rate of current minimum wage in accordance with the regulations set forth in this document under tipped employees) to "tipped employees." If an employee's hourly tip earnings (averaged weekly) added to the service rate do not equal the minimum wage, the employer must pay the difference.

INTERNET-BASED TIP PORTAL FOR ONLINE REPORTING OF THE QUARTERLY WAGE REPORT

An employer who employs an employee who receives gratuities shall submit a quarterly wage report within 30 days of the end of each quarter to the Mayor certifying that the employee was paid the required minimum wage.

1. The Mayor has created an Internet-based portal for online reporting of the quarterly wage reports and it is located at www.does.dc.gov/service/wage-hour-compliance.
2. An employer shall submit its quarterly wage reports online unless the employer claims that online reporting creates a hardship, in which case the employer shall submit its reports in hard-copy form.
3. The Mayor shall provide reporting requirements training to educate employers about the reporting requirements and use of the Internet-based portal.

ADDITIONAL LAWS ADMINISTERED BY THE OFFICE OF WAGE- HOUR

All labor laws enforced within the District of Columbia can be found on www.does.dc.gov.

FOR A COMPLETE TEXT OF EACH LAW OR TO FILE A COMPLAINT CONTACT



Department of Employment Services
Office of Labor Law and Enforcement
4058 Minnesota Avenue, N.E.
Washington, D.C. 20019
(202) 671-1880
www.does.dc.gov

AFICHE DE SALARIOS MÍNIMOS DEL DISTRITO DE COLUMBIA

ESTE RESUMEN DEBERÁ PERMANECER EN UN LUGAR VISIBLE DONDE TODOS LOS EMPLEADOS PUEDAN LEERLO

TASAS DE SALARIO MÍNIMO

Empleados que no reciben propinas

Empleados que reciben propinas

| | |
|--|---|
| \$11.50 por hora a partir del 1 de Julio del 2016 | \$2.77 por hora a partir del 1 de Enero del 2005 |
| \$12.50 por hora a partir del 1 de Julio del 2017 | \$3.33 por hora a partir del 1 de Julio del 2017 |
| \$13.25 por hora a partir del 1 de Julio del 2018 | \$3.89 por hora a partir del 1 de Julio del 2018 |
| \$14.00 por hora a partir del 1 de Julio del 2019 | \$4.45 por hora a partir del 1 de Julio del 2019 |
| \$15.00 por hora a partir del 1 de Julio del 2020 | \$5.00 por hora a partir del 1 de Julio del 2020 |

A partir de 2021 el salario mínimo aumentará durante cada año sucesivo de acuerdo al Índice de Precios al Consumidor para los empleados que no reciben propinas y los empleados que reciben propinas. Visite el sitio web del Departamento de Servicios de Empleo en www.does.dc.gov anualmente para informarse más de las tasas de salario mínimo.

EXCEPCIONES A LAS HORAS EXTRAS

La disposición sobre salarios mínimos no se aplicará en los casos en que otras leyes o reglamentos establecen las tasas de salario mínimo para los siguientes:

1. Los trabajadores discapacitados sólo podrán recibir un pago menor cuando el empleador haya recibido un certificado de autorización del Departamento de Trabajo de EE.UU. (U.S. Department of Labor).
2. Las personas empleadas de acuerdo a las disposiciones Del Acta de la Fuerza Laboral de Innovación y Oportunidad (Workforce Innovation and Opportunity Act) serán pagas de conformidad con esa Ley.
3. Las personas empleadas de acuerdo a las disposiciones de la Ley de Empleo de Jóvenes (Youth Employment Act) serán pagas de conformidad con esa Ley.
4. Las personas empleadas de acuerdo a las disposiciones de la Ley de Estadounidenses Mayores (Older Americans Act) serán pagas de conformidad con esa Ley.
5. Los estudiantes empleados por instituciones de educación superior podrán ser pagos con el salario mínimo establecido por el gobierno de los Estados Unidos.
6. La "Ley de enmienda de la Ley de Prevención de robo de salarios del 2014" ("Wage Theft Prevention Amendment Act of 2014") a partir del 26 de Febrero, 2015 elimino la ley de aprendiz como una excepción del salario mínimo. Las personas recién contratadas de 18 o más años de edad deben ser pagado el salario mínimo establecido por el Distrito de Columbia inmediatamente al ser contratado.
7. La disposición del salario mínimo no se aplica a las personas:
 - a) empleadas en puestos ejecutivos, administrativos, profesionales, de computación o ventas externas de buena fe; o
 - b) que se dediquen a la entrega de periódicos en los domicilios de los consumidores)

PAGO DE HORAS EXTRAS

Al menos 1 vez y media la tasa de pago normal para todas las horas trabajadas que excedan las 40 horas en una semana de trabajo.

EXCEPCIONES AL SALARIO

La disposición acerca de las horas extras no se aplicará a los trabajadores empleados:

1. En puestos ejecutivos, administrativos, profesionales de computación o ventas externas de buena fe;
2. Como trabajador doméstico privado que viva en el local del empleador;
3. En un establecimiento de ventas al por menor o de servicios y cuya tasa de pago normal exceda una vez y media el salario mínimo por hora aplicable en virtud de la Ley, y cuando más de la mitad de la compensación del empleado durante un período representativo (no menos de un mes) sean comisiones sobre bienes y servicios;
4. Como marinero, por una compañía de ferrocarriles, como asistente en un lote o garaje de aparcamiento, o en la entrega a domicilio de periódicos;
5. Por una compañía aérea y que intercambie voluntariamente días de trabajo con otro empleado con el objetivo principal de utilizar los beneficios de viaje por avión disponibles para estos empleados; o
6. Como vendedor, vendedor de repuestos o mecánico dedicado principalmente a la venta o servicio de automóviles, remolques, o camiones si es empleado por un establecimiento no manufacturero dedicado principalmente al negocio de venta de estos vehículos a compradores finales.

NOTA: La Ley Modificativa de las Horas Extras de los Empleados de los Lavaderos de Automóviles de 2012 (Car Wash Employee Overtime Amendment Act of 2012), vigente desde el 31 de mayo de 2012, eliminó la excepción de horas extras para loempleados de un lavadero de automóviles. Los empleados de lavaderos de automóviles tienen derecho a horas extras por todas las horas trabajadas que superen una semana de trabajo de cuarenta horas. El Departamento de Trabajo de los Estados Unidos norma de atención domiciliaria, efectivo el 12 de Noviembre de 2015, pasó a ser aplicable a la atención directa a los trabajadores empleados por las agencias y los empleadores de otros fabricantes. La atención directa de los trabajadores son trabajadores que prestan servicios de cuidado en el hogar, tales como asistentes de enfermería certificadas, los asistentes de salud en casa, cuidado personal, cuidadores, asistentes y acompañantes.

PERSONAS QUE NO TIENEN DERECHO AL PAGO DE HORAS EXTRAS DE ACUERDO A UNA LEY DE DISTRITO PODRÍAN TENERLO DE ACUERDO A UNA LEY FEDERAL

Por más información, llame al Departamento de Trabajo de los EE.UU, División Salarios-Horarios (U.S. Department of Labor, Wage-Hour Division), o visite www.dol.gov/whd/.

UNIFORMES

Los empleadores deben pagar el costo de adquisición, mantenimiento y limpieza de los uniformes y vestimenta de protección requeridos por el empleador o exigidos por la ley o pagar al empleado 15 centavos por hora adicionales al salario mínimo (el máximo exigido es \$6.00 por semana) para uniformes lavables. Cuando el empleador compra y el empleado mantiene los uniformes lavables, el pago adicional requerido es de 10 centavos por hora. Cuando el empleador limpia y mantiene el uniforme, por el empleado lo adquiere, el pago adicional requerido es de 8 centavos por hora.

COMIDAS

Los empleadores podrán deducir \$2.12 por cada comida que pongan a disposición del empleado. Para cuatro (4) horas o menos de trabajo, se permite la deducción máxima de una (1) comida. Para más de cuatro (4) horas de trabajo, se permite la deducción máxima de dos (2) comidas. Para los empleados que viven en los recintos de los empleadores, no más de \$6.36 por día puede ser deducido.

OTRAS DISPOSICIONES

Se debe pagar salarios adicionales a los empleados por turnos divididos, gastos de viaje y herramientas. Se podrán realizar otras deducciones por alojamiento provisto por el empleador.

DEDUCCIONES

Ningún empleador podrá realizar deducción alguna que podría llevar los salarios por debajo de los exigidos por la Ley, a excepción de las específicamente autorizadas por ley o por una orden de un tribunal. Un detalle de salarios ítem por ítem mostrando todas las deducciones deberá ser entregado junto con cada cheque de pago.

REGISTROS

Todos los empleadores deberán realizar y mantener por al menos tres (3) años, registros precisos de los tiempos y las liquidaciones de salarios para cada empleado, además de otros registros detallados requeridos por la Ley.

EMPLEADOS CON PROPINA

Los empleadores deben pagar una tasa de servicio por hora (por favor, vea dicha tasa de salario mínimo actual de acuerdo a las regulaciones establecidas en este documento bajo empleados que reciben propinas) los “empleados con propina”. Si las propinas por hora de un empleado (promediadas semanalmente) añadidas a la tasa de servicio no alcanzan el salario mínimo, el empleado deberá pagar la diferencia.

PORTAL DE PROPINAS EN INTERNET PARA EL REPORTE DEL INFORME SALARIAL TRIMESTRAL

Un empleador que contrata a un empleado que recibe propinas presentará trimestralmente un informe dentro de los 30 días de salario al final de cada trimestre al Alcalde que certifique que al empleado se le pagó el salario mínimo exigido.

1. El Alcalde ha creado un portal de propinas de internet para el reporte del informe salarial trimestral el cual es accesible en el sitio de internet al www.does.dc.gov/service/wage-hour-compliance
2. El empleador debe someter el reporte salarial trimestral por medio del portal de internet. Pero si el empleador alega que el sitio de internet no es accesible y se le hace difícil ingresarlo en dicho caso el empleador debe someter dicho reporte en persona o en forma de documento impreso.
3. El alcalde deberá proporcionar los requisitos de presentación de informes salariales y capacitación para educar a los empleadores sobre los requisitos de presentación de dicho informes y la utilización del portal basado en Internet.

LEYES ADICIONALES ADMINISTRADAS POR LA OFICINA DE SALARIOS Y HORARIOS LABORALES

Todas las leyes laborales aplicables dentro del Distrito de Columbia pueden ser encontradas en el sitio de internet www.does.dc.gov

PARA OBTENER EL TEXTO COMPLETO DE CADA LEY O PARA PRESENTAR UNA DEMANDA, COMUNIQUESE CON



El Departamento de Servicios de Empleo
Oficina de Implementación de Leyes Laborales
4058 Minnesota Avenue, N.E. Washington, D.C. 20019
(202) 671-1880 www.does.dc.gov



New Health Insurance Marketplace Coverage Options and Your Health Coverage

Form Approved
OMB No. 1210-0149
(expires 5-31-2020)

PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution—as well as your employee contribution to employer-offered coverage—is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

For more information about your coverage offered by your employer, please check your summary plan description or contact _____.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit HealthCare.gov for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

¹ An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

| | | | |
|--|----------|---|--|
| 3. Employer name | | 4. Employer Identification Number (EIN) | |
| 5. Employer address | | 6. Employer phone number | |
| 7. City | 8. State | 9. ZIP code | |
| 10. Who can we contact about employee health coverage at this job? | | | |
| 11. Phone number (if different from above) | | 12. Email address | |

Here is some basic information about health coverage offered by this employer:

- As your employer, we offer a health plan to:

☐ All employees. Eligible employees are:

☐ Some employees. Eligible employees are:

- With respect to dependents:

☐ We do offer coverage. Eligible dependents are:

☐ We do not offer coverage.

- ☐ If checked, this coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable, based on employee wages.

** Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount.

If you decide to shop for coverage in the Marketplace, [HealthCare.gov](https://www.healthcare.gov) will guide you through the process. Here's the employer information you'll enter when you visit [HealthCare.gov](https://www.healthcare.gov) to find out if you can get a tax credit to lower your monthly premiums.

The information below corresponds to the Marketplace Employer Coverage Tool. Completing this section is optional for employers, but will help ensure employees understand their coverage choices.

13. Is the employee currently eligible for coverage offered by this employer, or will the employee be eligible in the next 3 months?

☐ **Yes** (Continue)

13a. If the employee is not eligible today, including as a result of a waiting or probationary period, when is the employee eligible for coverage? _____ (mm/dd/yyyy) (Continue)

☐ **No** (STOP and return this form to employee)

14. Does the employer offer a health plan that meets the minimum value standard*?

☐ Yes (Go to question 15) ☐ No (STOP and return form to employee)

15. For the lowest-cost plan that meets the minimum value standard* offered only to the employee (don't include family plans): If the employer has wellness programs, provide the premium that the employee would pay if he/ she received the maximum discount for any tobacco cessation programs, and didn't receive any other discounts based on wellness programs.

a. How much would the employee have to pay in premiums for this plan? \$ _____

b. How often? ☐ Weekly ☐ Every 2 weeks ☐ Twice a month ☐ Monthly ☐ Quarterly ☐ Yearly

If the plan year will end soon and you know that the health plans offered will change, go to question 16. If you don't know, STOP and return form to employee.

16. What change will the employer make for the new plan year? _____

☐ Employer won't offer health coverage

☐ Employer will start offering health coverage to employees or change the premium for the lowest-cost plan available only to the employee that meets the minimum value standard.* (Premium should reflect the discount for wellness programs. See question 15.)

a. How much would the employee have to pay in premiums for this plan? \$ _____

b. How often? ☐ Weekly ☐ Every 2 weeks ☐ Twice a month ☐ Monthly ☐ Quarterly ☐ Yearly

• An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs (Section 36B(c)(2)(C)(ii) of the Internal Revenue Code of 1986)