



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.

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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



Equal Employment Opportunity is the Law
(OFCCP 1420)

EMPLOYMENT RELATED POSTERS PRIVATE-SECTOR EMPLOYERS MUST DISPLAY

Equal Employment Opportunity Commission



EEOC Clearinghouse Publication Dept
P.O. Box 541
Annapolis Junction, Maryland 20701-0541
1-800-669-3362
1-800-800-3302 (TTY)
FAX (301) 206-9789

Poster may be downloaded from Internet at <http://www1.eeoc.gov/employers/poster.cfm>

Employees Rights Under the Fair Labor Standards Act

(Federal Minimum Wage Poster)
(WHD Pub. 1088)

U.S. Dept. of Labor
Employment Standards Administration
Wage-Hour Division
1-866-487-9243

4407 Bland Road, Suite 260
Raleigh, N.C. 27609
(919) 790-2741
FAX (919) 790-2843

Employee Polygraph Protection Act (WH Pub. 1462)

Employee Rights and Responsibilities Under the Family and Medical Leave Act (WH Pub. 1420)
(For covered FMLA employers. Effective 1/16/09)

3800 Arco Corporate Drive
Suite 460
Charlotte, N.C. 28273-3436
(704) 749-3360

Posters may be downloaded from Internet at www.wagehour.dol.gov

The Uniformed Services Employment and Reemployment Rights Act

U.S. Department of Labor
Veterans Employment Training Service

1-866-487--2365
1-877-889-5627 (TTY)
(919) 707-1944

Poster may be downloaded from Internet at http://www.dol.gov/vets/programs/serra/USERRA_Federal.pdf

N.C. Department of Labor OSH Notice to Employees

N.C. Dept. of Labor
OSHA ET-TA

1101 Mail Service Center
Raleigh, N.C. 27699-1101
(919) 807-2875 or
1-800-NC-LABOR
(1-800-625-2267)

N.C. Department of Labor Wage and Hour Notice to Employees

Certificate of Coverage for and Notice to Workers as to Benefit Rights (NCESC 524)

Division of Employment Security
Unemployment Insurance

P.O. Box 26504
Raleigh, N.C. 27611
(919) 707-1170
FAX (919) 705-0780

(Note: UI posters are provided to employers when liability is established; replacement posters are available)

N.C. Workers' Compensation Notice (Form No. 17)

N.C. Industrial Commission

4340 Mail Service Center
Raleigh, N.C. 27699
(919) 807-2500
1-800-688-8349
FAX (919) 715-0280

Posters may be downloaded from Internet at <http://www.ic.nc.gov/forms/form17.pdf>

Posters Required for Selected Employers

Notice to Employees Working on Government Contracts (WH Pub. 1313)

U.S. Dept. of Labor
Employment Standards Administration
Wage-Hour Division

4407 Bland Road, Suite 260
Raleigh, N.C. 27609
(919) 790-2741
FAX (919) 790-2843

Notice to Employees Working on Federal or Federally Financed Construction Projects (WH Pub. 1321)

3800 Arco Corporate Drive, Suite 460
Charlotte, NC 28273-3436
(704) 749-3360

Migrant and Seasonal Agricultural Worker Protection Act (WH Pub. 1376)

Posters may be downloaded from the Internet at <http://www.dol.gov>

DES Works for You
See us on the Internet at www.ncesc.com

Compiled and provided as a public service for the Department of Commerce, Division of Employment Security

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

Certificate of Coverage and Notice to Workers as to Benefit Rights

Employers covered by the Employment Security Law of North Carolina (Chapter 96 of the North Carolina General Statutes) contribute to a special fund set aside for the payment of unemployment insurance benefits. No money is withheld from workers' checks for unemployment insurance purposes.

If your work hours are substantially reduced or your job is eliminated due to lack of work you may qualify for unemployment insurance benefits. If you work less than the equivalent of (3) customary scheduled full time days, during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. An employer may file claims for employees through the use of automation in case of partial unemployment. An employer may file an attached claim for an employee only once during a benefit year, and the period of partial unemployment for which the claim is filed may not exceed six consecutive weeks. You must notify the employer of any wages earned from all sources during the payroll week. Unemployment insurance benefit payments are processed in Raleigh, North Carolina. Please be sure that your employer has your correct mailing address.

If you lose your job with this employer, you may contact the Department of Commerce, Division of Workforce Solutions (DWS) at www.nccommerce.com/workforce to assist you in securing suitable work. DWS provides a wide variety of services free of charge. If suitable work is not readily available you may file a claim for unemployment insurance benefits with the Division of Employment Security at www.ncesc.com, or by phone at 877-841-9617.

By law, workers who become unemployed for other reasons or who refuse suitable work may be denied unemployment insurance benefits.

If you have any questions about unemployment insurance benefits or need more information, contact the Division of Employment Security at the address shown on the bottom of this poster.

During Labor Disputes [Section 96-14.7(b)]

An individual is disqualified for benefits if the Division determines the individual's total or partial unemployment is caused by a labor dispute at your place of employment or any location owned by the employer within the state of North Carolina. Once the labor dispute has ended, such workers shall continue to be ineligible for unemployment insurance benefits for the period of time that is reasonably necessary to resume operations in the workers' place of employment

Instructions for Employers

1. Post this notice on your premises in such a place that all employees may see it. Additional copies may be obtained on-line at www.ncesc.com.
2. You must notify affected workers of a vacation period within a reasonable period of time before it begins.
3. Benefit claims for attached workers may be filed on-line at www.ncesc.com.

For More Information, Contact:

North Carolina Department of Commerce
Division of Employment Security
P.O. Box 25903
Raleigh, N.C. 27611
Telephone: (919) 707-1237
www.ncesc.com



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





U.S. Department of Labor



Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

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

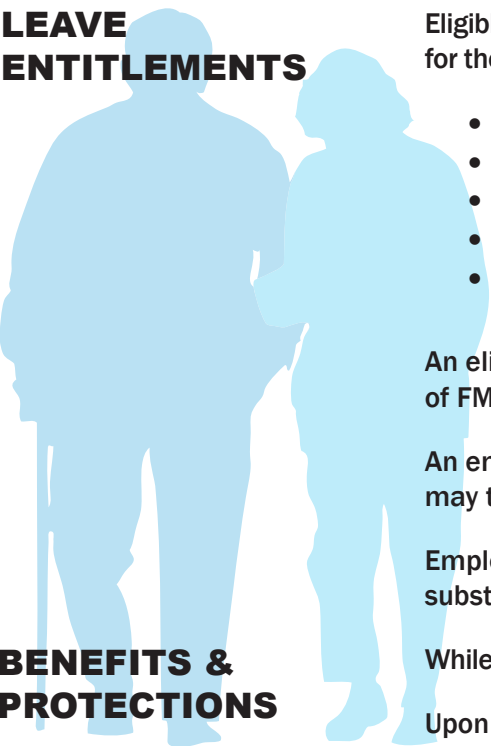
FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.



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

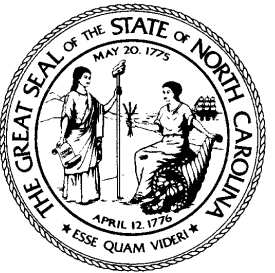
U.S. Department of Labor | Wage and Hour Division





N.C. Department of Labor

Wage and Hour Notice to Employees



Wage and Hour Act

Minimum Wage: \$7.25 per hour (effective 7/24/09).

Employers in North Carolina are required to pay the higher of the minimum wage rate established by state or federal laws. The federal minimum wage increased to \$7.25 per hour effective July 24, 2009; therefore, employers in North Carolina are required to pay their employees at least \$7.25 per hour.

An employer may pay as little as \$2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if no employee's tips are reduced more than 15 percent. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the employer may not be allowed the tip credit.

Certain full-time students may be paid 90 percent of the minimum wage, rounded to the lowest nickel.

Overtime

Time and one-half must be paid after 40 hours of work in any one workweek, except after 45 hours at seasonal recreational and amusement establishments. The state overtime provision does not apply to some employers and employees who are exempt.

Youth Employment

Rules for all youths under 18 years old are: Youth employment certificates (YEC) are required. To obtain a YEC, please visit our website at www.nclabor.com.

Hazardous or Detrimental Occupations: State and federal labor laws protect youth workers by making it illegal for employers to hire them in dangerous jobs. For example, non-agricultural workers under 18 years of age may not operate a forklift; operate many types of power equipment such as meat slicers, circular saws, band saws, bakery machinery or wood-working machines; work as an electrician or electrician's helper; or work from any height above 10 feet, including the use of ladders and scaffolds. For a complete list of prohibited jobs, please visit our website at www.nclabor.com.

Additional rules for 16- and 17-year-olds are: No work between 11 p.m. and 5 a.m. when there is school the next day. Exception: When the employer gets written permission from the youth's parents and principal.

Additional rules for 14- and 15-year-olds are:

Where work can be performed: Retail businesses, food service establishments, service stations and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery, or on the premises of a business holding an ABC permit for the on-premises sale or consumption of alcoholic beverages; except that youths at least 14 years of age can work on the outside grounds of the

premises with written consent from a parent or guardian as long as the youth is not involved with the preparation, serving, dispensing or sale of alcoholic beverages.

Maximum hours per day: Three on school days; eight if a non-school day.

Maximum hours per week: 18 when school is in session; 40 when school is not in session.

Hours of the day: May work only between 7 a.m. and 7 p.m. (9 p.m. from June 1 through Labor Day when school is not in session).

Breaks: 30-minute breaks are required after any period of five consecutive hours of work.

Additional rules for youths under 14 years old are: Work is generally not permitted except when working for the youth's parents; in newspaper distribution to consumers; modeling; or acting in movie, television, radio or theater production.

These state youth employment provisions do not apply to farm, domestic or government work.

Wage Payment

Wages are due on the regular payday. If requested, final paychecks must be mailed. When the amount of wages is in dispute, the employer's payment of the undisputed portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

Employees must be notified of paydays, pay rates, policies on vacation and sick leave, and of commission, bonus and other pay matters. Employers must notify employees in writing or through a posted notice maintained in a place accessible to its employees of any reduction in the rate of promised wages at least 24 hours prior to such change.

Deductions from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The written authorization or written notice may be given in an electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. General Statutes) are met.

The withholding or diversion of wages owed for the employer's benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime wages owed.

Deductions for cash or inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives seven days' advance notice. This seven-day rule does not apply to these deductions made at termination. An employer may not use fraud or duress to require employees to pay back protected amounts.

If the employer provides vacation pay plans to employees, the employer shall give vacation time off or payment in lieu of time off, as required by company policy or practice. Employees must be notified in writing or through a posted notice of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees not so notified are not subject to such loss or forfeiture.

The wage payment provisions apply to all private-sector employers doing business in North Carolina. The wage payment provisions do not apply to any federal, state or local agency or instrumentality of government.

Complaints

The department's Wage and Hour Bureau investigates complaints and collects back wages plus interest if they are due to the employee. The state of North Carolina may bring civil or criminal actions against the employer for violations of the law. The employee may also sue the employer for back wages. The court may award attorney's fees, costs, liquidated damages and interest.

Anyone having a question about the Wage and Hour Act may write or call:

N.C. Department of Labor
Wage and Hour Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2796
Fax: 888-733-9389
www.nclabor.com

Employment at Will—Right-to-Work Laws

North Carolina is an employment-at-will state. The term "employment-at-will" simply means that unless there is a specific law to protect employees or there is an employment contract providing otherwise, then an employer can treat its employees as it sees fit and the employer can discharge an employee at the will of the employer for any reason or no reason at all.

North Carolina is a "right-to-work" state, which means that the right of a person to work cannot be denied or abridged because that person belongs—or does not belong—to a labor union. In addition, an employer cannot require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to a labor union. Also, an employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise.

In addition, in *CWA v. Beck*, 487 U.S. 735 (1988), the U.S. Supreme Court stated that if a collective bargaining agreement between an employer and a labor union requires employees to pay uniform periodic dues and initiation fees, employees who

are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration and grievance adjustment. Thus, if you believe that you have been required to pay dues or fees used in part to support activities not directly related to the duties of collective bargaining, you may be entitled to a refund and to an appropriate reduction in future payments.

NCDOL does not have any enforcement authority of these laws, but if you have any questions, contact the Regional Office of the National Labor Relations Board (NLRB) at the following address and phone number:

NLRB—Region 11 Office
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106-3325
336-631-5201

Employment Discrimination

The department's Employment Discrimination Bureau (EDB) enforces the Retaliatory Employment Discrimination Act (REDA). Employees involved in the following activities are protected from retaliation or discrimination by their employer:

- Workers' Compensation Claims
- Wage and Hour Complaints
- Occupational Safety and Health Complaints
- Mine Safety and Health Complaints
- Genetic Testing
- Sickle Cell or Hemoglobin Carriers
- N.C. National Guard Service
- The Juvenile Justice System
- Victims of Domestic Violence
- Pesticide Regulation Complaints

Employers who have questions about the application of REDA, or employees who believe they have been discriminated or retaliated against, should contact the EDB information officer:

N.C. Department of Labor
Employment Discrimination Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2831
Fax: 919-807-2824
www.nclabor.com

All complaints must be made within 180 days of the date of retaliation.

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To find out more information about this poster and to download all of the required state and federal posters, please visit our website at:
www.nclabor.com/posters/posters.htm

Printed 12/16
25,000 copies of this public document were printed at a cost of \$3,000, or \$.12 per copy.

Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

OSH Notice to Employees

Safety and Health (OSHA)

N.C. Department of Labor Responsibilities

The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act (OSHA) in North Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSH) Division.

The OSH Division has the following responsibilities and powers:

- **Inspections**—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.
- **Citations**—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action.
- **Penalties**—An employer can be fined up to \$7,000 for each “serious” violation. Serious violations that involve injury to a person under 18 years of age could result in fines up to \$14,000 per violation. An additional maximum \$7,000 penalty can be assessed for each day an employer fails to correct or abate a violation after the allotted time to do so has passed.
A penalty of up to \$70,000 may be issued for each willful or repeat violation of an OSHA standard.
Criminal penalties of up to \$10,000 may apply against employers who are found guilty of willfully violating any standard, rule or regulation that has resulted in an employee’s death.
- **OSHA Standards**—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least as strict as the federal standard.

A copy of any specific standard adopted by the OSH Division is available free of charge. The entire “General Industry” or “Construction Industry” standards are available for a nominal cost by calling **1-800-625-2267** or **919-807-2875**.

Unemployment Insurance

NCDOL does not handle matters relating to unemployment insurance. If you would like information about unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 25903, Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

Employer Rights and Responsibilities

Public and private sector employers have a “general duty” to provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department.

- **Inspections**—An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative inspection warrant. If this occurs, the inspector will obtain a warrant to conduct the inspection. The employer has the right to accompany the inspector during the physical inspection.
- **Discrimination**—It is illegal to retaliate in any way against an employee for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness, or assisting an inspector. The department will investigate and may prosecute employers who take such action.
- **Citations**—If an OSH inspection results in one or more citations, the employer is required to promptly and prominently display the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three working days or until the violation has been corrected or abated, whichever is longer.
- **Contesting Penalties**—Once an employer has been cited, he or she may request an “informal conference” with OSH officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received.

The employer may formally contest (by filing a “Notice of Contest”) the citation(s) or proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and decides contestments by employers and employees concerning citations, abatement periods and penalties.

Employers wishing to know more about the procedures for filing a “Notice of Contest” should contact the Review Commission. Telephone: **919-733-3589**. Website: www.oshrb.state.nc.us.

N.C. Workers’ Compensation Notice to Injured Workers and Employers (Form 17)

NCDOL does not handle matters relating to workers’ compensation. If you would like information about workers’ compensation policies or procedures, please contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Form 17 must be prominently posted and must be printed in the same colors and format that appear on the Industrial Commission website. To download and print the current version of Form 17, visit www.ic.nc.gov.

- **Injury and Illness Records**—Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of their employees. Recordkeeping forms and information concerning these requirements may be obtained from the Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call **1-800-625-2267** or **919-807-2875**.
- **Accident and Fatality Reporting**—An employer must report the following:
Within eight hours: Any work-related fatality.
Within 24 hours:
 - Any work-related in-patient hospitalization of one or more employees.
 - Any work-related amputation.
 - Any work-related loss of an eye.To report an accident, call the OSH Division at **1-800-625-2267** or **919-779-8560**.

Employee Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct.

- **Complaints**—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSH inspector is in an employee’s workplace, that employee has a right to point out unsafe or unhealthy conditions and to freely answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be kept confidential.
To make a complaint, call **1-800-625-2267** or **919-779-8560**. Complaints also can be made online at www.nclabor.com.
- **Contesting Abatement**—Employees may contest any abatement period set as a result of an OSH inspection at their workplace. An employee has the right to appear before the Review Commission to contest the abatement period and seek judicial review.

Other OSHA Information

- **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued state administration is merited. Any person who has a complaint about the state’s administration of OSHA may contact the Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303.
- **Additional Information or Questions**—Anyone having a question about any of the above information may write or call:

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: 1-800-625-2267 or 919-807-2796
Fax: 919-807-2856
E-mail: ask.osh@labor.nc.gov
www.nclabor.com



Cherie Berry

Cherie Berry
Commissioner of Labor

This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces.
Call 1-800-625-2267 or 919-807-2875 or order online.

1-800-NC-LABOR
(1-800-625-2267)
www.nclabor.com

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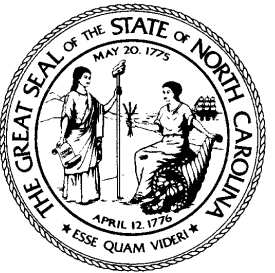
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Departamento de Trabajo de Carolina del Norte

Pagos y Horarios: Noticia a los Empleados



Acta de Pagos y Horarios

Salario Mínimo: \$7.25 (con efecto 7/24/09).

Los empleadores en Carolina del Norte están obligados a pagar el más alto de los salarios mínimos establecidos por las leyes estatales o federales. El salario mínimo federal se incremento a \$7.25 por hora con fecha efecto de 24 de julio de 2009; por lo tanto, los empleadores en Carolina del Norte están obligados a pagar a sus empleados por lo menos \$7.25 por hora.

El empleador puede pagar el mínimo de \$2.13 por hora a empleados que reciben propinas, siempre y cuando cada empleado reciba suficientes propinas para cubrir la diferencia entre el pago recibido y el pago mínimo. Se debe permitir que los empleados se queden con todas las propinas, excepto cuando sea permitido crear un fondo común y que las propinas de cada empleado no sean reducidas en más de un 15%. El empleador deberá mantener la cuenta de todas las propinas de una manera precisa y completa, tal y como lo certifique cada empleado de forma mensual o para cada período de pago. Sin estos registros, no se le permitirá al empleador tener derecho al crédito por las propinas.

Ciertos estudiantes de tiempo completo pueden recibir 90% del pago mínimo, redondeado al múltiplo inferior de cinco centavos.

Tiempo Extra

Tiempo y medio debe ser pagado por tiempo de trabajo que exceda 40 horas en una semana laboral, con excepción de trabajo que exceda 45 horas en una semana laboral en establecimientos de recreo y diversión de temporada. La estipulación estatal de tiempo extra no es válida para algunos empleadores y empleados que están exentos.

Empleo de Jóvenes Menores de Edad

Las reglas para todos los jóvenes menores de 18 años de edad son: Se requieren Certificados de Empleo a Menores (Youth Employment Certificates, YEC). Para obtener un certificado visite nuestro sitio de Internet: www.nclabor.com.

Ocupaciones peligrosas o perjudiciales: El estado y las leyes laborales federales protegen a los trabajadores menores de edad haciendo ilegal para los patronos que los contraten para desempeñar trabajos peligrosos. Por ejemplo, los trabajadores no agrícolas menores de 18 años de edad no podrán operar un montacargas; operar varios tipos de equipo motorizado tales como máquinas de cortar carne, sierras circulares, sierras de banda, maquinaria de panadería o máquinas de carpintería; trabajo de electricista o como ayudante de electricista; o trabajo a cualquier altura por encima de 10 pies, incluyendo el uso de escaleras y andamios. Para una lista completa de trabajos prohibidos, por favor visite nuestro sitio web en www.nclabor.com.

Reglas adicionales para jóvenes de 16 y 17 años: No deben trabajar entre las 11:00 p.m. y las 5:00 a.m. cuando tienen escuela al día siguiente. Excepción: cuando el empleador tiene permiso por escrito de los padres y del director de la escuela del menor.

Reglas adicionales para jóvenes de 14 y 15 años:

Donde pueden trabajar: Comercios de venta al por menor, establecimientos que sirven comida, estaciones de servicio y oficinas de otros negocios. No se permite el trabajo en fábricas, minería o lugares de construcción, o con maquinaria motorizada, o en los lugares de negocios que tengan una licencia de ABC

para la venta o consumo de bebidas alcohólicas; con la excepción de que los jóvenes de por lo menos 14 años de edad pueden trabajar en el exterior del edificio con el consentimiento escrito del padre, la madre o guardián, provisto que el joven no esté involucrado en preparar, servir, proveer, o vender bebidas alcohólicas.

Horas máximas por día: tres en días escolares, ocho en días sin escuela.

Horas máximas por semana: 18 durante el período escolar; 40 cuando las escuelas no están funcionando.

Horas del día: Pueden trabajar solamente entre las 7:00 a.m. y las 7:00 p.m. (hasta las 9:00 p.m. desde el 1 de junio hasta el Día del Trabajo fuera de los días escolares).

Descansos: Descansos de 30 minutos son requeridos al final de un período de cinco horas consecutivas de trabajo.

Reglas adicionales para jóvenes de menos de 14 años de edad: En general, no se les permite trabajar, excepto cuando trabajan para sus padres, en reparto de periódicos a domicilio, o como modelos o actores en cine, televisión, radio o producciones teatrales.

Estas reglas de empleo a menores no son válidas en trabajos de agricultura, domésticos o gubernamentales.

Pago de Salarios

Los salarios deben ser pagados en el día regular de pago. Si se solicita, el cheque de pago final debe ser enviado por correo. Cuando la cantidad del salario está en disputa, el pago por parte del empleador de la porción no disputada no debe interferir con el derecho del empleado a continuar su reclamo por el resto del salario.

Los empleados deben ser notificados de los días de pago, la cantidad del pago, reglas sobre vacaciones y ausencias por enfermedad, y acerca de comisiones, bonos, y otros asuntos relacionados con el pago. Los empleadores deben notificar a los empleados por escrito o a través de un aviso colocado en un lugar accesible a los empleados, sobre cualquier reducción en la cantidad prometida de los salarios por lo menos 24 horas antes de tal cambio.

Las deducciones en los salarios están limitadas a aquellas requeridas por la ley y a aquellas acordadas por escrito en el día de pago o anteriormente. Si la autorización que el empleado firma no especifica el monto a ser deducido, el empleado deberá recibir antes del día de pago (1) notificación por escrito de la cantidad que va a ser deducida, (2) notificación por escrito de su derecho a retirar la autorización, y (3) tener una oportunidad razonable de cancelar su autorización. La autorización por escrito o la notificación por escrito puede estar dada en forma electrónica mientras se cumplan los requerimientos del Acta de Uniformidad en las Transacciones Electrónicas (Capítulo 66, Artículo 40 de los Estatutos Generales de Carolina del Norte).

La retención o desvío de salarios debidos al empleado para su beneficio no pueden hacerse si resultan en la reducción del salario por debajo del salario mínimo. Ninguna reducción puede ser hecha a salarios debidos por tiempo extra.

Deducciones por falta de dinero o bajo inventario de mercadería, o por daño a la propiedad del empleador, no pueden hacerse a menos que el empleado sea notificado con siete días anticipación. Esta regla de siete días no es aplicable a deducciones hechas por terminación del empleo. Un empleador no puede recurrir a fraude

o presión para requerir a los empleados el pago de cantidades que están protegidas.

Si el empleador ofrece un plan de vacaciones a sus empleados, el empleador debe dar tiempo sin trabajar o pago en lugar del tiempo de vacaciones, de acuerdo a las reglas y prácticas de la compañía. Los empleados deberán ser notificados por escrito o por medio de un aviso público, sobre cualquier regla o práctica de la compañía que resulte en la pérdida o reducción del tiempo o pago de vacaciones. Los empleados que no han sido notificados no están sujetos a esa pérdida o reducción de vacaciones.

Las estipulaciones sobre el pago de salarios son aplicables a todos los empleadores del sector privado con actividad en Carolina del Norte. Las estipulaciones sobre el pago de salarios no son aplicables a ninguna agencia o instrumento de gobierno federal, estatal, o local.

Quejas

La Oficina de Salarios y Horas (Wage and Hour Bureau) del Departamento de Trabajo de Carolina del Norte investiga quejas y cobra salarios atrasados más los intereses que se le deban al empleado. El Estado de Carolina del Norte puede iniciar una acción civil o criminal contra un empleador por violaciones de la ley. El empleado también puede iniciar una acción legal para recuperar salarios atrasados. La corte le puede otorgar los costos de abogados, gastos de la corte, pagos por daños, e intereses.

Cualquier persona que tenga una pregunta en relación al Acta de Salarios y Horas, puede escribir o llamar a:

N.C. Department of Labor
Wage and Hour Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Teléfono: 1-800-625-2267 ó 919-807-2796
Fax: 888-733-9389
www.nclabor.com

La Contratación a Voluntad—Leyes de Derecho al Trabajo

Carolina del Norte es un estado con contratación a voluntad. El término “contratación a voluntad” simplemente significa que a menos que haya una ley específica para proteger a los empleados o que haya un contrato de empleo que provea lo contrario, entonces el patrono puede tratar a sus empleados como considere apropiado y el patrono puede despedir a un empleado a su voluntad por cualquier razón o sin ninguna razón en absoluto.

Carolina del Norte es un estado con “derecho al trabajo”, lo que significa que el derecho de una persona a trabajar no puede ser negado o impedido porque esa persona pertenece o no pertenece a un gremio. Además, un empleador no puede requerir a una persona que pague a un gremio cuotas, aranceles, u otros cargos como condición de empleo o de continuación de empleo. Además, un empleador no puede establecer un acuerdo con un gremio por el cual (1) a personas no afiliadas les es negado el derecho a trabajar para ese empleador, (2) la afiliación al gremio es una condición para empleo o continuación de empleo, o (3) el gremio adquiere monopolio sobre el empleo en una empresa.

Además, en *CWA v. Beck*, 487 U.S. 735 (1988), la Corte Suprema de los E.E.U.U. indicó que si un acuerdo de negociación colectiva entre

un patrón y un sindicato requiere que los empleados paguen cuotas periódicas uniformes y cuotas de membresía, los empleados que no son sindicalistas pueden oponerse al uso de sus pagos para ciertos propósitos y pueden ser obligados a pagar únicamente la parte de cuotas del sindicato referentes la negociación colectiva, la administración de contrato y el ajuste del agravio. Así que, si usted cree que le han obligado a pagar deudas u honorarios usados para pagar actividades no directamente relacionadas con los deberes de negociación colectiva, usted puede tener derecho a un reembolso o a una reducción apropiada en pagos futuros.

El Departamento de Trabajo de Carolina del Norte no tiene autoridad para aplicar estas leyes, pero si usted tiene preguntas puede contactar a “Regional Office of the National Labor Relations Board” (NLRB) en la siguiente dirección y teléfono:

NLRB—Region 11 Office
Republic Square
4035 University Parkway, Suite 200
Winston-Salem, NC 27106-3325
336-631-5201

Discriminación en el Empleo

La Oficina de Discriminación en el Empleo (Employment Discrimination Bureau, EDB) del Departamento de Trabajo de Carolina del Norte aplica el Acta de Discriminación por Represalia en el Empleo (Retaliatory Employment Discrimination Act, REDA). Los empleados involucrados en las siguientes actividades están protegidos contra represalias o discriminación por parte de sus empleadores:

- Reclamos de compensación al trabajador (workers' compensation claims)
- Quejas relacionadas con salarios y horas
- Quejas relacionadas con seguridad y salud ocupacional
- Quejas relacionadas con seguridad y salud en minas
- Exámenes genéticos
- Anemia drepanocítica o falciforme (sickle cell anemia)
- Servicio de la Guardia Nacional de Carolina del Norte
- Sistema de justicia juvenil
- Víctimas de violencia doméstica
- Quejas con respecto a la regulación de pesticidas

Los empleadores que tengan preguntas relacionadas con la aplicación del Acta de Discriminación por Represalia en el Empleo, o los empleados que sientan que han sido discriminados o han recibido represalias, pueden contactar a un representante de la Oficina de Discriminación:

N.C. Department of Labor
Employment Discrimination Bureau
1101 Mail Service Center
Raleigh, NC 27699-1101
Teléfono: 1-800-625-2267 ó 919-807-2831
Fax: 919-807-2824
www.nclabor.com

Todas las quejas deben ser hechas dentro de los 180 días de la fecha de la represalia.

To find out more information about this poster and to download all of the required state and federal posters, please visit our Web site at: www.nclabor.com/posters/posters.htm

Coloca *La Noticia de OSH* para los Empleados junto a Pagos y Horarios: Noticia a los Empleados.

Noticia de OSH para los Empleados

Seguridad y Salud Ocupacional (OSHA) *Responsabilidades del Departamento de Trabajo de Carolina del Norte (NCDOL)*

El Estado de Carolina del Norte tiene un programa aprobado por las autoridades federales para administrar el Acta de Seguridad y Salud Ocupacional (OSHA) en el estado. Este programa está administrado por la División de Seguridad y Salud Ocupacional (OSH) del Departamento de Trabajo de Carolina del Norte.

Como administrador de OSHA en el estado, la división tiene los siguientes poderes y responsabilidades:

- **Inspecciones**—La división realiza inspecciones en los lugares de trabajo por varias razones. Las inspecciones pueden iniciarse por quejas, accidentes o porque el lugar de trabajo fue seleccionado al azar para recibir una inspección de sorpresa. Las quejas en relación a una condición insegura o accidente deben ser completadas sin demora.
- **Citaciones**—A la conclusión de una inspección, el empleador puede ser citado por una o más violaciones de las normas de OSHA. Una citación de OSHA puede incluir una multa. La citación siempre le dará al empleador un plazo determinado para corregir las violaciones a fin de evitar sanciones adicionales.
- **Multas y Sanciones**—Un empleador puede recibir una multa de hasta \$7,000 por cada violación “grave”. Violaciones graves que involucren lesiones a una persona menor de 18 años de edad podrían resultar en multas de hasta \$14,000 por violación. También se puede aplicar una multa por una violación “leve”. Se puede aplicar una multa adicional máxima de \$7,000 por día por cada día que un empleador demore en corregir las violaciones después que pasó el plazo acordado.

Cuando se determina que un empleador ha violado una norma de OSHA “intencionalmente”, éste puede recibir una multa de hasta \$70,000 por cada violación “intencional”. Este nivel de multas también puede ser aplicado contra un empleador que ha sido encontrado con “violaciones repetidas” en un lugar de trabajo.

Cargos criminales pueden ser aplicados a empleadores culpables de violar intencionalmente cualquier norma, reglamento u ordenanza que haya resultado en la muerte de un trabajador. Si se lo prueba culpable de tal violación, el empleador deberá pagar una multa de \$10,000 o servir seis meses de prisión, o ambas sanciones. Con la repetición de un cargo de este tipo, se duplican las sanciones.

Seguro de Desempleo

El Departamento de Trabajo de Carolina del Norte (NCDOL) no maneja cuestiones relacionadas con el seguro de desempleo. Si usted desea información sobre normas o procedimientos relacionados con el seguro de desempleo, por favor contacte la División de Seguridad en el Empleo (Division of Employment Security) a Department of Commerce, Division of Employment Security, P.O. Box 25903, Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

- **Normas de OSHA**—La división adopta todos los mandatos federales de OSHA, llamados normas. La división puede adoptar esas normas tal como están escritas por el gobierno federal, o las puede editar, siempre que la nueva versión estatal sea tan estricta o más estricta que la versión federal.

El público puede obtener una copia gratis de cualquier norma específica adoptada por la división, o puede comprar a un costo nominal una colección de normas tales como “Normas de la Industria General” (“General Industry”), o “Normas de la Industria de la Construcción” (“Construction Industry”). Dirijase por escrito a la división, o llame al **1-800-625-2267** ó **919-807-2875** para mayor información.
- **Derechos y Responsabilidades del Empleador**

Los empleadores tienen la “obligación general” de proveer a sus trabajadores lugares de trabajo libres de peligros reconocidos que puedan causar lesiones o muerte. Todo empleador debe cumplir con las normas de seguridad y salud de OSHA adoptadas por el Departamento de Trabajo de Carolina del Norte.
- **Inspecciones**—Cuando un inspector se presenta a un lugar de trabajo para hacer una inspección, el empleador tiene derecho a ver sus credenciales. El empleador puede llamar a NCDOL para verificar la identidad del inspector. Un empleador tiene el derecho legal de negar la entrada de un inspector al lugar de trabajo y requerir que éste presente una orden judicial de inspección. Si esto ocurre, el inspector obtendrá esa orden judicial para conducir la inspección.
- **Discriminación**—Es ilegal represalias de cualquier forma contra un empleado por presentar un problema de salud o la seguridad, la presentación de una queja, reportar una lesión o enfermedad relacionada con el trabajo, o asistiendo a un inspector. El departamento va a investigar y puede procesar a los empleadores que puede tomar tal acción.
- **Citaciones**—Si una inspección de la división resulta en una o más citaciones, el empleador deberá exhibir esa citación inmediatamente y en forma visible en el lugar, o en la cercanía del lugar donde ocurrió la violación. Debe permanecer exhibida durante tres días hábiles o hasta que la violación haya sido corregida, por el período más largo de los dos. Vea la sección “Responsabilidades del Departamento de Trabajo de Carolina del Norte” para más detalles en relación a inspecciones/citaciones.
- **Cuestionamiento de Citaciones**—Una vez que el empleador ha sido citado, él (o ella) puede pedir una “conferencia informal” con representantes de la división para discutir el importe de la multa, correcciones, u otros asuntos relacionados con la citación. Esta petición debe ser hecha dentro de los 15 días hábiles (lunes a viernes exceptuando días festivos estatales) desde la fecha en que se recibió la citación.

El empleador puede decidir hacer una protesta formal (presentando una “Notificación de Protesta”) a la citación o citaciones, en cuyo caso el asunto será referido a la Comisión de Revisión de Seguridad y Salud de Carolina del Norte (N.C. Occupational Safety and Health Review Commission). Este es un organismo independiente que revisa y toma decisiones sobre protestas formales presentadas por empleadores y empleados en relación a citaciones, períodos para efectuar correcciones, y multas.

Aviso de la Compensación de Trabajadores y Empleadores Lesionados de N.C. (formulario 17)

NCDOL no trata asuntos referentes a la compensación de los trabajadores. Si usted desea obtener información sobre las políticas o los procedimientos de la compensación de los trabajadores, por favor contacte a la Comisión Industrial de N.C. en 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Formulario 17 debe ser publicada y debe ser impresa en los mismos colores y formato que aparecen en el sitio Web de la Comisión Industrial. Para obtener e imprimir la versión actual del formulario 17, visite www.ic.nc.gov.

- Los empleadores que deseen más información sobre los procedimientos para presentar una “Notificación de Protesta”, deben contactar a la Comisión de Revisión de Seguridad y Salud de Carolina del Norte (N.C. Occupational Safety and Health Review Commission). Teléfono **919-733-3589**. Sitio de Internet: www.oshrb.state.nc.us.
- **Registros de Lesiones y Enfermedades**—Los empleadores con 11 empleados o más, a menos que hayan sido exentos específicamente, deben mantener registros actualizados de lesiones y enfermedades ocupacionales de sus empleados. Formularios para el registro de datos e información acerca de estos requerimientos pueden ser obtenidos en la Oficina de Educación, Entrenamiento y Ayuda Técnica (Education, Training and Technical Assistance Bureau) del Departamento de Trabajo de Carolina del Norte. Teléfono **1-800-625-2267** ó **919-807-2875**.
 - **Comunicación de Accidentes y Fatalidades**—Un empleador deberá reportar lo siguiente:

Dentro de las ocho horas: Cualquier fatalidad en el lugar de trabajo.
Dentro de las 24 horas:

 - Cualquier accidente o enfermedad en el lugar de trabajo que requiera la hospitalización de un empleado o más empleados.
 - Cualquier amputación en el lugar de trabajo.
 - Cualquier pérdida de un ojo en el lugar de trabajo.



Para comunicar un accidente, llame a la división al **1-800-625-2267** ó **919-779-8560**.
- **Derechos y Responsabilidades del Empleado**

Los empleados públicos y del sector privado deben cumplir con las normas de seguridad y salud ocupacional, reglas, reglamentos y con aquellas órdenes emitidas bajo OSHA que sean aplicables a sus acciones y conducta.
- **Quejas**—Un empleado tiene el derecho de presentar una queja sobre las condiciones del lugar de trabajo que él o ella considere peligrosas, insalubres, o en violación de las normas de OSHA. Cuando un inspector está en el lugar de trabajo de un empleado, ese empleado tiene el derecho de indicar condiciones peligrosas o insalubres, y de contestar libremente cualquier pregunta que el inspector le haga. Al presentar una queja, el empleado puede solicitar que su nombre sea mantenido en forma confidencial.
- Para presentar una queja llame al 1-800-625-2267 ó 919-779-8560. También, se puede usar el sitio de Internet: www.nclabor.com.**
- **Procedimientos de Cuestionamiento**—Los empleados pueden cuestionar cualquier período de tiempo otorgado para corregir una violación que se ha establecido como resultado de una inspección realizada por la división en el lugar de trabajo. Un empleado tiene el derecho de comparecer ante la Comisión de Revisión de Seguridad y Salud de Carolina del Norte para cuestionar el período de corrección otorgado. Los empleados pueden apelar a la Corte Superior de Carolina del Norte (N.C. Superior Court).

Información Adicional Sobre OSHA

- **Supervisión Federal**—La división está supervisada por el Departamento de Trabajo de los Estados Unidos (U.S. Department of Labor). Las autoridades federales verifican que la agencia estatal administra adecuadamente la Ley de Seguridad y Salud Ocupacional en el estado de Carolina del Norte. Cualquier persona que tenga una queja sobre la administración de OSHA por parte del estado puede ponerse en contacto con la Oficina Regional del Departamento de Trabajo de los Estados Unidos (Regional Office of the U.S. Department of Labor), 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303.
- **Información o Preguntas Adicionales**—Para cualquier pregunta relacionada con la información presentada en este documento, puede escribir o llamar a:

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
Teléfono: 1-800-625-2267 ó 919-807-2796
Fax: 919-807-2856
Correo Electrónico: ask.osh@labor.nc.gov
www.nclabor.com




Cherie Berry
Commissioner of Labor

Este aviso debe ser exhibido en un lugar visible. Este cartel está disponible gratis para todos los lugares de trabajo de carolina del norte. Llame 1-800-625-2267 ó 919-807-2875 o haga su pedido en el sitio web.

**1-800-NC-LABOR
(1-800-625-2267)**

Dirección de Internet del Departamento de Trabajo:
www.nclabor.com

*To find out more information about this poster and to download all of the required state and federal posters, please visit our website at:
www.nclabor.com/posters/posters.htm*



Aviso a los Trabajadores acerca de los Derechos de Beneficios y Certificado de Cobertura

Los empleadores asegurados por la Ley de Seguridad de Empleo de Carolina del Norte (Capítulo 96 de los Estatutos Generales de Carolina del Norte) contribuyen a un fondo especial reservado para el pago de subsidios de desempleo. Ningún dinero de los cheques de los trabajadores se retiene con el propósito de cubrir el seguro de desempleo.

Si sus horas de trabajo se reducen sustancialmente o su empleo es eliminado debido a la escasez de trabajo, usted podría calificar para beneficios de seguro de desempleo. Si usted trabajó menos del equivalente de tres (3) días usualmente programados durante cualquier semana de pago, porque el trabajo no estaba disponible, usted puede tener derecho a los beneficios del seguro de desempleo. En caso de desempleo parcial, el empleador puede presentar una reclama para sus empleados mediante el uso de automatización. El empleador puede presentar una reclama adscrita para un empleado solamente una vez durante el año de beneficios establecido, y el período de desempleo parcial presentado en la reclama no podrá exceder seis semanas consecutivas. Asegúrese de notificar al empleador de cualquier salario ganado por otras fuentes de ingreso durante la semana de nómina de pago. Los pagos de beneficios del seguro de desempleo se procesan en Raleigh, Carolina del Norte. Por favor, asegúrese de que su empleador tenga su dirección postal correcta.

Si usted pierde su empleo con este empleador, puede comunicarse con el Departamento de Comercio, División de Soluciones de Fuerza Laboral (DWS) en www.nccommerce.com/workforce para que lo asistan a obtener un trabajo adecuado. La DWS ofrece una amplia variedad de servicios gratuitos. Si trabajo adecuado no está inmediatamente disponible, puede aplicar para beneficios de desempleo con la División de Seguridad de Empleo en el sitio www.ncesc.com, o por teléfono al 877-841-9617.

Por ley, los trabajadores que quedan sin empleo por otras razones, o que rechazan trabajo adecuado, pueden ser rechazados para beneficios de seguro de desempleo.

Si tiene algunas preguntas acerca de los beneficios de seguro de desempleo, o necesita más información, póngase en contacto con la División de Seguridad de Empleo en la dirección indicada al fondo de este cartel.

Durante Disputas laborales [Sección 96-14.7 (b)]

Un individuo es descalificado para recibir beneficios si la División determina que el desempleo total o parcial del individuo se debe a una disputa laboral en su lugar de trabajo o cualquier lugar propiedad del mismo empleador en el estado de Carolina del Norte. Una vez que se ha finalizado el conflicto laboral, estos trabajadores continuaran siendo inelegibles para beneficios del seguro de desempleo por el período de tiempo que sea razonablemente necesario para reanudar las operaciones en el lugar de trabajo de los obreros.

Instrucciones para los empleadores

1. Coloque este aviso en su establecimiento en un lugar donde todos los empleados lo puedan ver. Copias adicionales pueden ser obtenidas en el Internet www.ncesc.com.
2. Usted tiene que notificar a los trabajadores afectados por un período de vacaciones, en un plazo razonable de tiempo antes de que las vacaciones comiencen.
3. Las reclamaciones de beneficios para los trabajadores adscritos pueden ser sometidas a través del Internet en www.ncesc.com.

DES recomienda publicar esta información.

Para obtener más información, comuníquese con:
North Carolina Department of Commerce
Unemployment Insurance Division
P.O. Box 25903
Raleigh, North Carolina 27611

Teléfono: (919) 707-1290
www.ncesc.com



EMPLEADOR: ESTA INFORMACIÓN DEBE ESTAR *PROMINENTEMENTE* VISIBLE.
REGLA 201 DE LA COMISIÓN INDUSTRIAL

INFORMACIÓN SOBRE COMPENSACIÓN LABORAL

Instrucciones para Empleadores y Empleados

Todo empleado de este negocio que sufre lesiones relacionadas al trabajo puede tener derecho a beneficios de compensación laboral por parte del empleador o el portador de seguro del empleador, exento oficiales ejecutivos expresamente excluidos.

— INFORMACIÓN IMPORTANTE EN CASO DE UNA LESIÓN O ENFERMEDAD OCUPACIONAL —

El empleado deberá:

1. Notificar inmediatamente por escrito al empleador sobre la lesión o enfermedad ocupacional. El no informar al empleador dentro de los treinta (30) días después de una lesión o desarrollo de una enfermedad ocupacional, o el rehusar servicios médicos provistos por el empleador, pueden privar al empleado del derecho a compensación.
2. Hacer un reclamo a la Comisión Industrial (Industrial Commission) dentro de los dos (2) años de ocurrir el accidente o lesión, o dos (2) años después de la muerte, incapacidad o incapacitación causada por una enfermedad ocupacional. (Forma 18 de la Comisión puede ser utilizada para dar notificación al empleador y hacer el reclamo en la Comisión.) En caso de una lesión fatal, el reclamó deberá ser hecho por uno o más dependientes o herederos del empleado dentro de los dos (2) años después de la muerte del empleado.
3. Si no se llega a un acuerdo con el empleador en relación al pago de compensación por lesión o enfermedad ocupacional, o si hay un desacuerdo en cuanto se debe de la compensación, el empleado lo mas pronto possible debe pedir una audiencia a la Comisión Industrial para que decidan sobre los méritos del caso. Los beneficios pueden ser negados si la petición se hace después de dos (2) años de la fecha de la lesión o de el último pago de compensación.

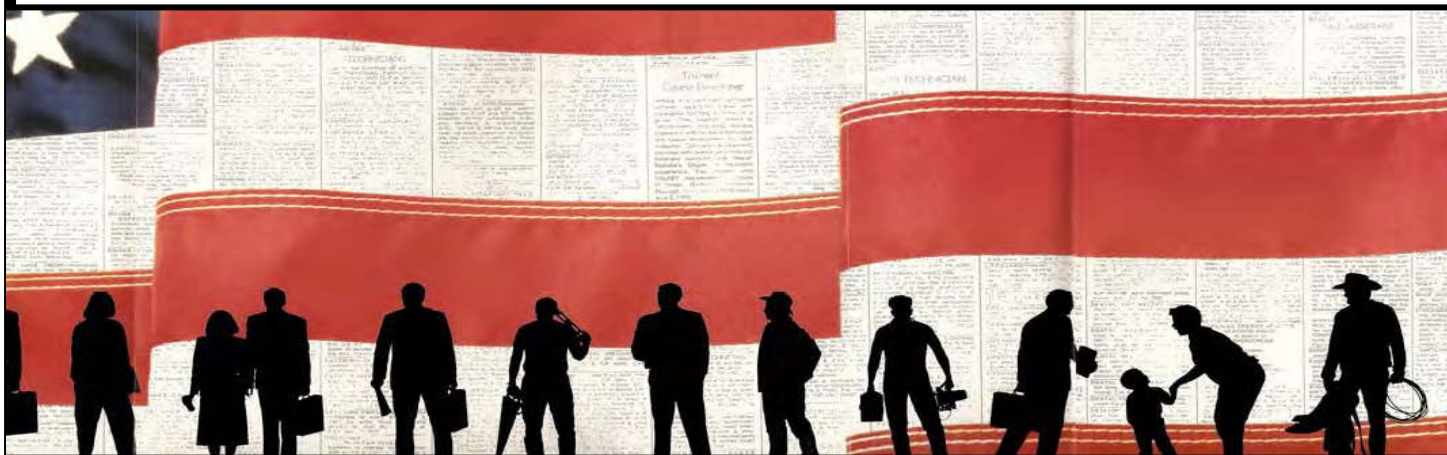
El empleador debe:

1. Proveer todo servicio de hospital, médico, quirúrgico, y servicios de rehabilitación necesarios para la cura, el alivio y la minimización del período de incapacitación del empleado. N.C.G.S. §97-25. Mantener un archivo y reportar a la compañía de seguro/administrador de compensación TODAS las lesiones ocurridas a sus empleados usando la Forma 19 de la Comisión. El empleador, o el portador de seguro deben enviar por correo la Forma 19 a la Comisión Industrial dentro de los cinco (5) días de ocurrido el reporte de una lesión que causa la ausencia del empleado por más de un (1) día o \$2,000.00 o más en tratamiento médico, excluyendo tratamientos provistos en el trabajo. N.C.G.S. §97-92.
2. Pagar compensación al empleado de acuerdo con lo provisto en el la Ley de Compensación Laboral para incapacidad. Los acuerdos de pago de compensación entre empleador y empleado deberán ser sometidos a la Comisión Industrial para su apruebo.

Información sobre alivio médico y monetario por lesiones ocurridas en el empleo.

NORTH CAROLINA INDUSTRIAL COMMISSION
4340 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-4340
(919) 807-2500

IF YOU HAVE THE RIGHT TO WORK



Don't let anyone take it away.

There are laws to protect you from discrimination in the workplace.

You should know that...

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.

Contact IER

For assistance in your own language
Phone: 1-800-255-7688
TTY: 1-800-237-2515

Email us
IER@usdoj.gov

Or write to
U.S. Department of Justice – CRT
Immigrant and Employee Rights – NYA
950 Pennsylvania Ave., NW
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).



— DEPARTMENT OF JUSTICE —
IMMIGRANT & EMPLOYEE RIGHTS SECTION
— CIVIL RIGHTS DIVISION —

Immigrant and Employee Rights Section

U.S. Department of Justice, Civil Rights Division

www.justice.gov/ier

This Organization Participates in E-Verify

Esta Organización Participa en E-Verify



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

E-Verify Works for Everyone

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS.

Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU.

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

E-Verify Funciona Para Todos

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.

888-897-7781
dhs.gov/e-verify



E-VERIFY IS A SERVICE OF DHS AND SSA

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N.C. WORKERS' COMPENSATION NOTICE TO INJURED WORKERS AND EMPLOYERS

All employees of this business, except specifically excluded executive officers, suffering work-related injuries may be entitled to Workers' Compensation benefits from the employer or its insurance carrier.

IF YOU HAVE A WORK-RELATED INJURY OR AN OCCUPATIONAL DISEASE

The Employee Should:

- Report the injury or occupational disease to the Employer immediately.
- Give written notice to the Employer within 30 days.
- File a claim with the Industrial Commission on a Form 18 immediately, but no later than 2 years from injury date or occupational disease. Give a copy to the Employer.
- If medical treatment and wage loss compensation are not promptly provided, call the insurance carrier/administrator or request a hearing before the Industrial Commission using a Form 33 Request for Hearing. Commission forms are available at website www.ic.nc.gov or by calling the Help Line.
- Your employer's workers' compensation insurance carrier is _____.
- The insurance policy number is _____.
- Your employer's workers' compensation insurance policy is valid from _____ until _____.

For assistance: Call the Industrial Commission HELP LINE—(800) 688-8349.

The Employer Should:

- Provide all necessary medical services to the Employee.
- Report the injury to the carrier/administrator and file a Form 19 Report of Injury within 5 days with the Industrial Commission, if the Employee misses more than 1 day from work or if cumulative medical costs exceed \$2,000.00.
- Give a copy of your completed Form 19 to the Employee along with a copy of a blank Form 18 Notice of Accident.
- Ensure that compensation is promptly paid as required under the Workers' Compensation Act.

**For assistance with Safety Education Training contact:
Director of Safety Education at (919) 807-2602 or safety@ic.nc.gov**



**NORTH CAROLINA INDUSTRIAL COMMISSION
1235 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1235**

Website: www.ic.nc.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)