

WYOMING & FEDERAL EMPLOYMENT REGULATIONS

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE



Per hour beginning July 24, 2009

Overtime Pay

At least 1¹/₂ times the regular rate of pay for all hours provisions. Heightened civil money penalties may be worked over 40 in a workweek.

Child Labor

declared hazardous by the Secretary of Labor. Youths 14 plaint or participate in any proceeding under the FLSA. 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.

may also be assessed for violations of the FLSA's child labor 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

An employee must be at least 16 years old to work in most determined to be willful or repeated. The law also prohibits non-farm jobs and at least 18 to work in non-farm jobs retaliating against or discharging workers who file a com-

Additional Information

 Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.

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.

> For additional information: U.S. Department of Labor Wage and Hour Division 1-866-487-9243 TTY: 1-877-889-5627

WYOMING WORKERS' COMPENSATION ACT

Your employer may have qualified with the Workers' Compensation Division for the coverage of injuries arising out of and in the course of employment. While at work in or about the premises occupied, used or controlled by the employer. This coverage is required for extra hazardous industries and occupations. Employers in non-extra hazardous industries may opt for this coverage level, as well.

In the event of a work-related injury

- 1. Notify your employer how and when you were injured within 72 hours of the incident.
- 2. Submit a written report of your injury to Wyoming Workers' Compensation within 10 days of the incident. You must complete and sign the "Wyoming Report of Injury" form. If your employer does not have any forms, call (307) 777-7441, or contact your nearest Workforce Center, for information on how or where to obtain an injury report form. This form can also be found on our website at dws.wyo.gov.
- 3. Submit the form to a local Workers' Compensation office or
- representative, or mail it to: Wyoming Workers' Compensation PO Box 20207 Cheyenne, WY 82002

The filing of an injury report is not a claim for lost wages or any other workers' compensation benefit. You must apply for benefits. To obtain the appropriate application form, contact Workers' Compensation. For more detailed information or assistance concerning benefits and procedures, call the Wyoming Workers' Compensation Division at (307) 777-7441 or visit dws.wyo.gov.

WYOMING STATE MINIMUM WAGE

A training wage of \$4.25 per hour is allowed \$5.15 Per Hour for employees under age 20 during the first 90 days of employment.

WORKER'S RIGHTS

Attention Employees: YOUR RIGHTS ARE PROTECTED!

The State of Wyoming requires labor law to be displayed in a conspicuous location accessible to all employees.

FAMILY MEDICAL LEAVE ACT

Employee Rights and Responsibilities Under the Family and Medical Leave Act

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 service - member 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 usual procedures. paid leave policies.

Benefits & Protections

While employees are on FMLA leave, employers must can determine if the leave qualifies for FMLA protection.

continue health insurance coverage as if the employees Sufficient information could include informing an were not on leave. Upon return from FMLA leave, most employer that the employee is or will be unable to employees must be restored to the same job or one perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or nearly identical to it with equivalent pay, benefits, and continuing medical treatment is necessary. Employees 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.

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.

flight crew employees.

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

*Special "hours of service" requirements apply to airline

Requesting Leave

Enforcement of the need for FMLA leave. If it is not possible to give Employees may file a complaint with the U.S. Depart-30-days' notice, an employee must notify the employer ment of Labor, Wage and Hour Division, or may bring a as soon as possible and, generally, follow the employer's private lawsuit against an employer.

certified.

mation is required.

Employer Responsibilities

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or Employees do not have to share a medical diagnosis, but collective bargaining agreement that provides greater must provide enough information to the employer so it family or medical leave rights.

must inform the employer if the need for leave is for a

reason for which FMLA leave was previously taken or

Employers can require a certification or periodic recertifi-

cation supporting the need for leave. If the employer

determines that the certification is incomplete, it must

provide a written notice indicating what additional infor-

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. Generally, employees must give 30-days' advance notice

Enforcement

• Special provisions apply to workers in American Samoa,

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





Applicants to and employees of companies with a Federal government

contract or subcontract are protected under Federal law from discrimina-

Executive Order 11246, as amended, prohibits job discrimination on the

basis of race, color, religion, sex or national origin, and requires affirmative

ified 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 gualified individual with a disabili-

ty 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

Disabled, Recently Separated, Other Protected and Armed Forces

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as

amended, 38 U.S.C. 4212, prohibits job discrimination and requires affir-

mative 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 opera-

political sub-divisions.

Employers

Employees

Inspection

own action and conduct.

of an eye within 24 hours.

Employer Reporting Requirements

tion for which an Armed Forces service medal was awarded).

levels of employment, including the executive level.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qual- Labor.

action to ensure equality of opportunity in all aspects of employment.

Employers Holding Federal Contracts or Sub-contracts

tion on the following basis:

Individuals With Disabilities

Service Medal Veterans

Race, Color, Religion, Sex, National Origin

EMPLOYEE RIGHTS ARE PROTECTED

Specific laws and regulations of the Federal Government and the State have been established to protect the rights of employees. To assist you in your awareness of your rights, as your employer, we post these notices in compliance with these laws and regulations. Should you have any questions or need further clarifications of something you read here, please contact your immediate supervisor or the personnel office.

Retaliation is prohibited against a person who files a charge of discrimina-

tion, participates in an OFCCP proceeding, or otherwise opposes discrimi-

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and

employees from discrimination in hiring, promotion, discharge, pay, fringe

national origin. Religious discrimination includes failing to reasonably

accommodate an employee's religious practices where the accommoda-

referral, and other aspects of employment. Disability discrimination includes

Retaliation

following bases:

Disability

Race, Color, Religion, Sex, National Origin

tion does not impose undue hardships.

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW



Revised April 2016

UNEMPLOYMENT INSURANCE

Wyoming **Unemployment Insurance**

Claims may be filed by unemployed workers by telephone or by the Internet. Unemployment insurance taxes are paid by employers.

You are insured under the law

Department of Workforce Services Unemployment Insurance Division PO Box 2760 Casper, WY 82602

Wyoming Claims Center In-State (307) 473-3789; Out-of-State (866) 729-7799

> **Internet Claims** dws.wyo.gov

Unemployment Insurance Information dws.wyo.gov

> HireWyo (find a job in Wyoming) hirewyo.com

nation under these Federal laws. Any person who believes a contractor has to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employviolated its nondiscrimination or affirmative action obligations under the Age ment Opportunity Commission (EEOC) 1-800-669-4000 (toll-free) or authorities above should contact immediately: The Office of Federal Con-The Age Discrimination in Employment Act of 1967, as amended, protects 1-800-669-6820 (toll-free TTY number for individuals with hearing impairitract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constiapplicants and employees 40 years of age or older from discrimination on ments). EEOC field office information is available at www.eeoc.gov or in tution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or age in hiring, promotion, discharge, pay, fringe benefits, job training, classi-(202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFC- fication, referral, and other aspects of employment. most telephone directories in the U.S. Government or Federal Government CP-Public@dol.gov, or by calling an OFCCP regional or district office, listed section. Additional information about EEOC, including information about in most telephone directories under U.S. Government, Department of Sex (Wages) charge filing, is available at www.eeoc.gov. In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men perform- Programs or Activities Receiving Federal Financial Assistance Race, Color, Religion, Sex, National Origin Private Employment, State and Local Governments, Educational Instiing substantially equal work, in jobs that require equal skill, effort and tutions, Employment Agencies and Labor Organizations responsibility under similar working conditions, in the same establish-In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the Applicants to and employees of most private employers, state and local ment. governments, educational institutions, employment agencies and labor basis of race, color or national origin in programs or activities receiving organizations are protected under Federal law from discrimination on the Federal financial assistance. Employment discrimination is covered by Title Genetics VI if the primary objective of the financial assistance is provision of employ-Title II of the Genetic Information Nondiscrimination Act of 2008 protects

applicant or employee, barring undue hardship.

employees, or their family members.

Retaliation

hiring, promotion, discharge, pay, fringe benefits, job training, classification, proceeding, or otherwise opposes an unlawful employment practice.

not making reasonable accommodation to the known physical or mental

limitations of an otherwise qualified individual with a disability who is an

ment, or where employment discrimination causes or may cause discrimiapplicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, nation in providing services under such programs. Title IX of the Education classification, referral, and other aspects of employment. GINA also Amendments of 1972 prohibits employment discrimination on the basis of restricts employers' acquisition of genetic information and strictly limits sex in educational programs or activities which receive Federal assistance. benefits, job training, classification, referal, and other aspects of employ- disclosure of genetic information. Genetic information includes informa-

ment, on the basis of race, color, religion, sex (including pregnancy), or tion about genetic tests of applicants, employees, or their family members; Individuals With Disabilities

Section, 504 of the Rehabilitation Act of 1973, as amended, prohibits the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government, public or private agency. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of a job. If you Title I and Title V of the Americans with Disabilities Act of 1990, as amended, All of these Federal laws prohibit covered entities from retaliating against a protect gualified individuals from discrimination on the basis of disability in person who files a charge of discrimination, participates in a discrimination believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately the Federal agency providing such assistance.

DISCRIMINATION

Discrimination is Against the Law

The Wyoming Fair Employment Practices Act of 1965, as amended, makes it an unlawful employment practice for an employer to: • Refuse to hire • To discharge Refuse to promote • To demote Or To discriminate in matters of compensation or the terms, conditions or privileges of employment against any person otherwise

qualified becau	se of:
• Race	• Age
• Color	• Ancestry
• Sex	National Origin
• Creed	• Disability
	-

Information and materials pertaining to Equal Employment Opportunity may be obtained in writing at the below address. If you feel that you have been discriminated against in matters of employment, contact the below address.

Wyoming Department of Workforce Services Fair **Employment Program** Labor Standards 5221 Yellowstone Road, Cheyenne, WY 82002

(307) 777-7261

Revised November 2009

EMPLOYMENT POLYGRAPH PROTECTION ACT



The Secretary of Labor may bring court

actions to restrain violations and assess civil

penalties up to \$10,000 against violators.

Employees or job applicants may also bring

Revised July 2016

their own court actions.

The Employee Polygraph Protection Act prohibits most private employers from using

HEALTH AND SAFETY PROTECTION ON THE JOB

Wyoming Department of Workforce Services Notice to Employees Health and Safety Protection on the Job

The Wyoming Occupational Health and Safety Act conspicuous place at or near the site of the violation provides job health and safety protection for workers until the violation is corrected, or for three working days, employed by general business and industry throughout whichever period is longer. the state as well as for all employees of the state and its

tions. OSHA will keep your name confidential. You have the right to have a representative contact

• Participate (or have your representative participate) in

• File a complaint with OSHA within 30 days (by

• See any OSHA citations issued to your employer.

Request copies of your medical records, tests that

measure hazards in the workplace, and the work-

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.

an OSHA inpection and speak in private to the inspector.

phone, online or by mail) if you have been retaliated

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.

dents 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.

e detector tests either for pre-employment				
creening or during the course of employment.	The Act also permits polygraph testing,			
	subject to restrictions, of certain employees			
ve hihitiene	the multiple former style a new ward and he had a set			

in private firms who are reasonably suspect-Prohibitions Employers are generally prohibited from ed of involved in a workplace incident (theft, requiring or requesting any employee or job embezzle- ment, etc.) that resulted in applicant to take a lie detector test, and from economic loss to the employer. discharging, disciplining or discriminating

against an employee or prospective employ- The law does not preempt any provision of ee for refusing to take a test or for exercising any State or local law or any collective bargaining agreement which is more restricother rights under the Act. tive with respect to lie detector tests.

Exemptions *

Federal, State and local governments are not **Examinee Rights**

affected by the law. Also, the law does not Where polygraph tests are permitted, they apply to tests given by the Federal Govern- are subject to numerous strict standards ment to certain private individuals engaged concerning the conduct and length of the test. Examinees have a number of specific in national security-related activities. rights, including the right to a written notice

The Act permits polygraph (a kind of lie before testing, the right to refuse or discondetector) tests to be administered in the tinue a test and the right not to have test private sector, subject to restrictions, to results disclosed to unauthorized persons. certain prospective employees of security

service firms (armored car, alarm and guard), Enforcement

and of pharma- ceutical manufacturers, distributors and dispensers.



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

ATTENTION EMPLOYEES AND APPLICANTS

This information must be posted at all times and available for your review. If you have any questions about these postings, please call the Wyoming Department of Workforce Services at (307) 777-8650 or 877-WORK-WYO.

This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.

Voluntary Action

Consultative Services is responsible for providing free The Wyoming Department of Workforce Services, OSHA technical assistance to all employers, associations, state and local governments working within the boundaries Division, created by the Act, has primary responsibility for administering the Act, and the Occupational Health and Safeof Wyoming. These services are available upon a written request from employers. These services include but are ty Commission promulgates rules and regulations for workplace health and safety standards as authorized by the Act. not limited to courtesy visits (without assessment of penalties), health and safety training and consultive Safety on the job is everybody's responsibility! services

Complaint

Employees or their representatives have the right to file a Each employer shall provide a place of employment complaint with Wyoming OSHA requesting an inspecwhich are free from recognized hazards that are causing tion if they believe unsafe or unhealthful conditions exist or that are likely to cause death or serious physical harm. in their workplace. Wyoming OSHA will withhold complainant names.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Note: Discrimination cases do not have a set number of days to issue a citation for protected activity.

Office of OSHA, U.S. Department of Labor, at the Address

you believe there are unsafe or unhealthy condi-

• Comply with all applicable OSHA standards. • 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 for a minimum of 3 days or until all the citations are abated.

OSHA on your behalf.

against for using your rights.

place injury and illness log.

Employers must...

An employee who believes he or she has been discrimi- Note: Additional information may be obtained from..

nated against through retaliatory action by your Wyoming OSHA employer may file a complaint with Wyoming OSHA Divi-Cheyenne, Wyoming 82002 sion, Cheyenne, Wyoming 82002 and/or the Regional

(307) 777-7786 | dws.wyo.gov

listed below this notice within 30 days of the alleged THIS NOTICE SHALL BE CONSPICUOUSLY POSTED IN EACH PLACE OF EMPLOYMENT IN THE STATE OF WYO-

MING AS REQUIRED BY THE RULES OF PRACTICE AND

tion for workers throughout the state. OSHA will monitor

any willful violation resulting in the death of an employ-

fines, by imprisonment for not more than six (6) months, Where there is no authorized employee representative, the or both. Conviction of an employer after a first convic- State of Wyoming is providing job safety and health protec-Compliance Officer shall consult with a reasonable number of employees concerning matters of safety and health tion doubles these maximum penalties.

discrimination.

Penalty

Violation If upon inspection Wyoming OSHA Division determines that an employer has violated the Act, a citation and notification of penalty will be issued to the employer within 180 days following the occurrence of the violation. Each notice of violation will specify a time period within which the violation must be corrected.

The notice of violation must be prominently posted in a

Each employee shall comply with occupational safety and

health standards and all rules, regulations and orders

issued pursuant to this Act, which are applicable to their

Report to OSHA all work-related fatalities within 8 hours,

and all inpatient hospitalizations, amputations and losses

The Act requires that a representative or representatives

of the employers and a representative or representatives

authorized by the employees shall be given an opportu-

nity to accompany a duly authorized representative of the

Commission before or during the physical inspection of

any workplace for the purpose of aiding such inspection.

All Workers have the right to...

 A safe workplace. Raise a safety or health concern with your employer without being retaliated against. • Request an OSHA inspection of your workplace if

the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the state administration of this place directly to the Regional Office of OSHA, U.S. Department of Labor, Occupational

or OSHA, or report a work-related injury or illness, Receive information and training on job hazards, including all hazardous substances in your workplace.

Safety and Health Administration, 1999 Broadway #1690, Denver, CO 80202-5716, Phone: (303) 844-1600.

Revised September 6, 2023

Reemployment Rights

honorable conditions.

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

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; • If you have applied for membership in the uniformed service; or

If you 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 depen-

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 www.dol.gov-/vets. An interactive online USERRA Advisor can be viewed at 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:

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



ESGR 1-800-336-4590

Revised February 2, 2018

What is the Pregnant Workers Fairness Act?

The Pregnant Workers Fairness Act (PWFA) is a new law that requires covered employers to provide "reasonable accommodations" to a worker's known limitations related to pregnancy, childbirth, or relat-

or related medical conditions. is required to issue regulations to carry out the law. The EEOC will issue a proposed version of the PWFA

regulations so the public can give their input and offer comments before the regulations become final.

After June 27, 2023, the EEOC will analyze charges done at work. regarding accommodations for workers affected by

pregnancy, childbirth, or related medical conditions The House Committee on Education and Labor

"Reasonable accommodations" are changes to the work environment or the way things are usually

PREGNANT WORKERS FAIRNESS ACT

 Require an employee to accept an accommodation without a discussion about the accommodation between the worker and the employer; Deny a job or other employment opportunities to a qualified employee or applicant based on

Title VII (enforced by the EEOC), which: ditions; and

 Protects an employee from discrimination based on pregnancy, childbirth, or related medical con-

The PUMP Act (Providing Urgent Maternal Protec-

leave for certain family and medical reasons; and

tions for Nursing Mothers Act) (enforced by the • Requires covered employers to treat a worker U.S. Department of Labor), which broadens work-



Office of Special Counsel



PROCEDURE. ee, upon conviction of an employer, is punishable by Under a place approved by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the

ed medical conditions, unless the accommodation	Is the EEOC accepting charges under the PWFA?	under the PWFA (if the violation occurred after June	Report on the PWFA provides several examples of	the person's need for a reasonable accommo-		place protections for employees to express breast
will cause the employer an "undue hardship."	The EEOC will start accepting charges under the	27, 2023) and, where applicable, under the ADA	possible reasonable accommodations including the	dation;	medical conditions the same as other workers	milk at work.
	PWFA on June 27, 2023. For the PWFA to apply, the	and/or Title VII.	ability to sit or drink water; receive closer parking;	 Require an employee to take leave if another 	similar in their ability or inability to work;	
The PWFA applies only to accommodations. Existing	situation complained about in the charge must have		have flexible hours; receive appropriately sized	reasonable accommodation can be provided	The ADA (enforced by the EEOC), which:	
laws that the EEOC enforces make it illegal to fire or	happened on June 27, 2023, or later. A pregnant	Who does the PWFA protect?	uniforms and safety apparel; receive additional	that would let the employee keep working;	 Protects an employee from discrimination based 	
otherwise discriminate against workers on the basis of	worker who needs an accommodation before June	The PWFA protects employees and applicants of	break time to use the bathroom, eat, and rest; take	 Retaliate against an individual for reporting or 	on disability; and	Revised August 11, 2023
pregnancy, childbirth, or related medical conditions.	27th may, however, have a right to receive an accom-	"covered employers" who have known limitations	leave or time off to recover from childbirth; and be	opposing unlawful discrimination under the	 Requires covered employers to provide reason- 	hevised August 11, 2025
	modation under another federal or state law.	related to pregnancy, childbirth, or related medical	excused from strenuous activities and/or activities	PWFA or participating in a PWFA proceeding	able accommodations to a person with a disabili-	
The PWFA does not replace federal, state, or local		conditions.	that involve exposure to compounds not safe for	(such as an investigation); or	ty if the reasonable accommodation would not	
laws that are more protective of workers affected by	In some situations, workers affected by pregnancy,		pregnancy. Employers are required to provide	 Interfere with any individual's rights under the 	cause an undue hardship for the employer.	
pregnancy, childbirth, or related medical conditions.	childbirth, or a related medical condition may be	"Covered employers" include private and public	reasonable accommodations unless they would	PWFA.	 While pregnancy is not a disability under the 	
More than 30 states and cities have laws that provide	able to get an accommodation under Title VII of the	sector employers with at least 15 employees, Con-	cause an "undue hardship" on the employer's opera-		ADA, some pregnancy-related conditions may be	
accommodations for pregnant workers.	Civil Rights Act of 1964 or the Americans with	gress, Federal agencies, employment agencies, and	tions. An "undue hardship" is significant difficulty or	What other federal laws may apply to pregnant	disabilities under the law.	
	Disabilities Act (ADA). Therefore, until June 27,	labor organizations.	expense for the employer.	workers?		
When does the PWFA go into effect, and will the	2023, the EEOC will continue to accept and process			Other laws that apply to workers affected by preg-	The Family and Medical Leave Act of 1993 (enforced	Attach your business card here.
public have input on any regulations?	Title VII and/or ADA charges involving a lack of	What are some examples of reasonable accom-	What else does the PWFA prohibit?	nancy, childbirth, or related medical conditions,	by the U.S. Department of Labor), which provides	
The PWFA goes into effect on June 27, 2023. The EEOC	accommodation regarding pregnancy, childbirth,	modations for pregnant workers?	Covered employers cannot:	include:	covered employees with unpaid, job-protected	