

agricultural workers (\$8.00 per

hour is the minimum wage for

most agricultural workers),

members of a religious order,

January 1, 2019

January 1, 2020

January 1, 2021

\$12.00

\$12.75

S13.50

\$4.35

\$4.95

\$5.55

expected hours of work.

Rights of Temporary Workers

**Since 1953** 



Most employees must be paid for 3 hours at no less than minimum wage if the employee

is scheduled to work 3 or more hours, and reports to work on time, and is not given the

M.G.L. Chapter 149, Section 159C

### FEDERAL

# MASSACHUSETTS

### FED FED FED EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT EMPLOYEE RIGHTS YOUR RIGHTS UNDER USERRA **EMPLOYEE POLYGRAPH PROTECTION ACT** THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT than a bathroom, that is shielded from view and free from intrusion from coworkers **FEDERAL MINIMUM WAGE** The Employee Polygraph Protection Act prohibits most private vorkplace incident (theft, embezzlement, etc.) that resulted in economic loss to and the public, which may be used by the employee to express breast milk. ers from using lie detector tests either for pre-employmen 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 \$7.25 PER HOUR **ENFORCEMEN** screening or during the course of employment. The law does not preempt any provision of any State or local law or any collective Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. The Department has authority to recover back wages and an equal amount in bargaining agreement which is more restrictive with respect to lie detector tests. PROHIBITIONS **BEGINNING JULY 24, 2009 REEMPLOYMENT RIGHT HEALTH INSURANCE PROTECTION** liquidated damages in instances of minimum wage, overtime, and other violations. The Employers are generally prohibited from requiring or requesting any employe **EXAMINEE RIGHTS** You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed If you leave your job to perform military service, you have the right to elect to continue your existing Department may litigate and/or recommend criminal prosecution. Employers may be or job applicant to take a lie detector test, and from discharging, disciplining, or Where polygraph tests are permitted, they are subject to numerous strict The law requires employers to display this poster where discriminating against an employee or prospective employee for refusing to take standards concerning the conduct and length of the test. Examinees have a employer-based health plan coverage for you and your dependents for up to 24 months while in the military. assessed civil money penalties for each willful or repeated violation of the minimum service and: a test or for exercising other rights under the Act. number of specific rights, including the right to a written notice before testing, wage or overtime pay provisions of the law. Civil money penalties may also be assessed employees can readily see it. you ensure that your employer receives advance written or verbal notice of your service; Even if you don't elect to continue coverage during your military service, you have the right to be reinstated the right to refuse or discontinue a test, and the right not to have test results EXEMPTIONS for violations of the FLSA's child labor provisions. Heightened civil money penalties in your employer's health plan when you are reemployed, generally without any waiting periods or disclosed to unauthorized persons. you have five years or less of cumulative service in the uniformed services while with that particular Federal, State and local governments are not affected by the law. Also, the **OVERTIME PAY** may be assessed for each child labor violation that results in the death or serious injury exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. **ENFORCEMENT** law does not apply to tests given by the Federal Government to certain private At least 11/2 times the regular rate of pay for all hours worked over 40 in a workweek. of any minor employee, and such assessments may be doubled when the violations individuals engaged in national security-related activities. The Secretary of Labor may bring court actions to restrain violations and assess you return to work or apply for reemployment in a timely manner after conclusion of service; and **ENFORCEMENT** are determined to be willful or repeated. The law also prohibits retaliating against or The Act permits polygraph (a kind of lie detector) tests to be administered in **CHILD LABOR** civil penalties against violators. Employees or job applicants may also bring their discharging workers who file a complaint or participate in any proceeding under the The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate the private sector, subject to restrictions, to certain prospective employees of you have not been separated from service with a disqualifying discharge or under other than honorable An employee must be at least 16 years old to work in most non-farm jobs and at least own court actions. security service firms (armored car, alarm, and guard), and of pharmaceutical and resolve complaints of USERRA violations 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 manufacturers, distributors and dispensers. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER For assistance in filing a complaint, or for any other information on USERRA, contact VETS at and 15 years old may work outside school hours in various non-manufacturing, non-ADDITIONAL INFORMATION The Act also permits polygraph testing, subject to restrictions, of certain If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had employees of private firms who are reasonably suspected of involvement in a WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA mining, non-hazardous jobs with certain work hours restrictions. Different rules apply Certain occupations and establishments are exempt from the minimum wage, not been absent due to military service or, in some cases, a comparable job. in agricultural employment and/or overtime pay provisions. Certain narrow exemptions also apply to the Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra. **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** pump at work requirements If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred TIP CREDI If you: Special provisions apply to workers in American Samoa, the Commonwealth of to the Department of Justice or the Office of Special Counsel, as applicable, for representation. DFPARTMEN<sup>®</sup> Employers of "tipped employees" who meet certain conditions may claim a partial WAGE AND HOUR DIVISION are a past or present member of the uniformed are obligated to serve in the uniformed service; the Northern Mariana Islands, and the Commonwealth of Puerto Rico. OF LABOR 1-866-487-9243 wage credit based on tips received by their employees. Employers must pay tipped You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. UNITED STATES DEPARTMENT VV П UNITED STATES service Some state laws provide greater employee protections; employers must www.dol.gov/agencies/whd employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and OF LABOR OF AMERICA have applied for membership in the uniformed comply with both. minimum wage obligation. If an employee's tips combined with the employer's cash may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer Some employers incorrectly classify workers as "independent contractors" WH1462 service: or law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement must make up the difference. when they are actually employees under the FLSA. It is important to know the then an employer may not deny you: by displaying the text of this notice where they customarily place notices for employees. difference between the two because employees (unless exempt) are entitled REV. 02/2022 initial employment promotion; or PUMP AT WORK to the FLSA's minimum wage and overtime pay protections and correctly U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel The FLSA requires employers to provide reasonable break time for a nursing employee any benefit of employment reemployment; classified independent contractors are not. to express breast milk for their nursing child for one year after the child's birth each Employer Support of the Guard and Reserve • 1-800-336-4590 retention in employment: Certain full-time students. student learners, apprentices, and workers with time the employee needs to express breast milk. Employers must provide a place, other MA disabilities may be paid less than the minimum wage under special certificates because of this status **Fair Employment in Massachusetts** issued by the Department of Labor. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including under 18, or adoption of a child under 23 years old if the child has a mental or testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service Applicants to and employees of private employers with physical disability connection 6 or more employees\*, state and local governments, REV. 05/2022 DEPARTMEN mployment agencies and labor organizations are protected DISABILITY WAGE AND HOUR DIVISION 1-866-487-9243 OF LABOR under Massachusetts General Laws Chapter 151B from M.G.L. c. 151B prohibits discrimination the basis of disability, a record UNITED STATES **UNITED STATES DEPARTMENT OF LABOR** www.dol.gov/agencies/whd of disability or perceived disability, in hiring, promotion, discharge, discrimination on the following bases: OF AMERICA FED compensation, benefits, training, classification and other aspects of RACE, COLOR, RELIGION, DISABILITY, NATIONAL ORIGIN, AGE, SEX, WH1088 employment. Disability discrimination may include failing to reasonably YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT PREGNANCY AND PREGNANCY-RELATED CONDITIONS, GENDER accommodate an otherwise gualified person with a disability. REV. 04/2023 IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, RETALIATION What is FMLA leave? Airline flight crew employees have different "hours of service" What does my employer need to do? MILITARY SERVICE It is illegal to retaliate against any person because s/he has opposed any The Family and Medical Leave Act (FMLA) is a federal law that provides requirements. If you are eligible for FMLA leave, your **employer must**: M.G.L. c. 151B protects applicants and employees from discrimination in hiring, discriminatory practices or because s/he has filed a complaint, testified, or eligible employees with **job-protected leave** for qualifying family and You work for a **covered employer** if **one** of the following applies: Allow you to take job-protected time off work for a qualifying promotion, discharge, compensation, benefits, training, classification and other assisted in any proceeding before the Commission. It is also illegal to aid, abet, MA medical reasons. The U.S. Department of Labor's Wage and Hour Division aspects of employment on the basis of race, color, religion, disability, national incite, compel or coerce any act forbidden under M.G.L. c. 151B, or attempt to You work for a private employer that had at least 50 employees Wage and Hour Laws origin (including unlawful language proficiency requirements), age (if you do so (WHD) enforces the FMLA for most employees. during at least 20 workweeks in the current or previous calendar Continue your group health plan coverage while you are on are 40 years old or older), sex, pregnancy or a condition related to pregnancy, DOMESTIC WORKERS Office of Massachusett Eligible employees can take up to 12 workweeks of FMLA leave in a gender identity, sexual orientation, genetic information, ancestry, and military leave on the same basis as if you had not taken leave, and M.G.L. c. 151B prohibits discrimination and harassment against certain service. Religious discrimination includes failing to reasonably accommodate Attorney General 12-month period for: domestic workers where the employer has one (1) or more employee.\* While You work for an elementary or public or private secondary Allow you to return to the same job, or a virtually identical job an employee's religious practices where the accommodation does not impose Maura Healey some exclusions apply, domestic workers generally include individuals paid to The birth, adoption or foster placement of a child with you, school, or an undue hardship with the same pay, benefits and other working conditions, perform work of a domestic nature within a household on a regular basis, such Your serious mental or physical health condition that makes you including shift and location, at the end of your leave. HARASSMENT You work for a public agency, such as a local, state or federal as housekeeping, housecleaning, nanny services, and/or caretaking. Employers **Fair Labor Hotline** Sexual harassment includes sexual advances, requests for sexual favors, and OFFICE OF THE ATTORNEY GENERAL unable to work. are prohibited from engaging in sexual harassment and harassment and/or government agency. Most federal employees are covered by www.mass.gov/ago/fairlabor (617) 727-3465 other verbal or physical conduct of a sexual nature when (a) submission to or discrimination based on the protected classes described above, i.e. race, color, COMMONWEALTH OF MASSACHUSETTS Title II of the FMLA, administered by the Office of Personnel or punish you for exercising your rights under the law. For example, To care for your spouse, child or parent with a serious mental or TTY (617) 727-4765 rejection of such advances, requests or conduct is made explicitly or implicitly etc. Domestic workers are also entitled to parental leave. physical health condition, and Management. a term or condition of employment or as a basis for employment decisions; (b) **CRIMINAL HISTORY INQUIRIES** such advances, requests or conduct have the purpose or effect of unreasonably State law requires all employers to post this notice at the workplace in a location where it can easily be read. cooperating with a WHD investigation. Certain qualifying reasons related to the foreign deployment of The law prohibits employers from asking applicants on an initial employment How do I request FMLA leave? interfering with a person's work performance by creating an intimidating, M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1) application for any criminal background information unless an exemption by After becoming aware that your need for leave is for a reason that may your spouse, child or parent who is a military servicemember. Generally, to request FMLA leave you must: hostile, humiliating or sexually offensive work environment. The law also statute or regulation exists. prohibits harassment based on the protected classes set forth above. An eligible employee who is the spouse, child, parent or next of kin of a Follow your employer's normal policies for requesting leave, MENTAL HEALTH FACILITY ADMISSION INOUIRIES Employees are eligible for this leave if the employer has at least 50 employees and the Minimum Wage M.G.L. Chapter 151, Sections 1, 2, 2A, and 7 PREGNANCY covered servicemember with a serious injury or illness may take up to employee has: Employers may not refuse to hire or terminate an employee for failing to Give notice at least 30 days before your need for FMLA leave, or The Pregnant Workers Fairness Act prohibits employment discrimination on that you are eligible, your employer must notify you in writing: Service 26 workweeks of FMLA leave in a single 12-month period to care for In Massachusetts, all workers are Minimum furnish information regarding his/her admission to a facility for the care and been employed for at least 12 months by the employer and Effective Date the basis of pregnancy and pregnancy-related conditions, such as lactation or Rates If advance notice is not possible, give notice as soon as possible. Wage presumed to be employees. The treatment of mentally ill persons. An employment application may not seek About your FMLA rights and responsibilities, and • worked at least 1,250 hours for the employer during the previous 12-month period. the servicemember the need to express breast milk for a nursing child, and describes employers information about an applicant's admission to such a facility. minimum wage applies to **all** obligations to employees that are pregnant or lactating and the protections January 1, 2017 \$11.00 \$3.75 454 C.M.R. 27.04(1 Reporting Pay employees, except

date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child

## these employees are entitled to receive.

PARENTAL LEAVE The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated

IF YOU HAVE REEN DISCRIMINATED AGAINST If you feel you have been harassed or discriminated against, you should mmediately file a charge of discrimination with the Massachusetts **Commission Against Discrimination**, www.mcad.gov, at one of the offices below. An agreement with your employer to arbitrate your

Your **employer cannot interfere with your FMLA rights** or threaten your employer cannot retaliate against you for requesting FMLA leave or

qualify under the FMLA, your **employer must confirm whether you** are eligible or not eligible for FMLA leave. If your employer determines

REV. 06/27/2023



You have the right to use FMLA leave in <b>one block of time</b> . When it is medically necessary or otherwise permitted, you may take FMLA leave <b>intermittently in separate blocks of time</b> , or on a reduced <b>schedule</b> by working less hours each day or week. Read Fact Sheet	You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.		<ul> <li>How much of your requested leave, if any, will be FMLA-protected leave.</li> <li>Where can I find more information?</li> <li>Call 1-866-487-9243 or visit dol.gov/fmla to learn more.</li> <li>If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process</li> </ul>	
#28M(c) for more information. FMLA leave is <b><u>not</u> paid leave</b> , but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA				
leave. Am I eligible to take FMLA leave? You are an eligible employee if <u>all</u> of the following apply:	discrimina	does not affect any federal or state law prohibiting tion or supersede any state or local law or collective agreement that provides greater family or medical leave	process. Department of Labor	SCAN ME
<ul> <li>You work for a covered employer,</li> <li>You have worked for your employer at least 12 months,</li> <li>You have at least 1,250 hours of service for your employer during the 12 months before your leave, and</li> </ul>	State empl direct laws Most feder	oyees may be subject to certain limitations in pursuit of uits regarding leave for their own serious health conditions. al and certain congressional employees are also covered by t are subject to the jurisdiction of the U.S. Office of Personnel	UNITED STATES OF AMERICA WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR	WH1420
• Your employer has at least 50 employees within 75 miles of your work location.	Managem	ent or Congress.		REV. 04/2023
FED				/ . W . W . W
		Equal Employment Opportunity Commission		
Kno	ow your	Rights: Workplace Discrimination is II	legal	
The U.S. Equal Employment Opportunity Commission been discriminated against at work or in applying fo			liscrimination in employment. If you be	lieve you've
Who is Protected? Employees (current and former), including managers and temporary	<ul> <li>Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding</li> </ul>		barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive	
employees Job applicants		nduct that coerces, intimidates, threatens, or interferes with someone	level.	-
Union members and applicants for membership in a union	els	ercising their rights, or someone assisting or encouraging someone e to exercise rights, regarding disability discrimination (including	Protected Veteran Status	
What Types of Employment Discrimination are Illegal?		commodation) or pregnancy accommodation	The Vietnam Era Veterans' Readjustment Assistance Act of 1 U.S.C. 4212, prohibits employment discrimination against, a	
Jnder the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:		n You Do if You Believe Discrimination has Occurred?	action to recruit, employ, and advance in employment, disa separated veterans (i.e., within three years of discharge or r	
Race		EEOC promptly if you suspect discrimination. Do not delay, because ict time limits for filing a charge of discrimination (180 or 300 days,	active duty wartime or campaign badge veterans, or Armed Forces service medal	
Color	depending o	n where you live/work). You can reach the EEOC in any of the following	veterans.	
Religion	ways: <b>Submit</b>	an inquiry through the EEOC's public portal:	Retaliation	· · · · · · · · · · · · · · · · · · ·
National origin	Sublint	https://publicportal.eeoc.gov/Portal/Login.aspx	Retaliation is prohibited against a person who files a comple participates in an OFCCP proceeding, or otherwise opposes	
<ul> <li>Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity)</li> </ul>	Call	1-800-669-4000 (toll free)	Federal contractors under these Federal laws.	
Age (40 and older)		1—800—669—6820 (TTY) 1—844—234—5122 (ASL video phone)	Any person who believes a contractor has violated its nondi or affirmative action obligations under OFCCP's authorities	
Disability	Visit	an EEOC field office (information at	immediately:	
<ul> <li>Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)</li> </ul>		www.eeoc.gov/field-office)	The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor	)
Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding	E-Mail	info@eeoc.gov	200 Constitution Avenue, N.W. Washington, D.C. 20210 1–800–397–6251 (toll-free)	
<ul> <li>Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation</li> </ul>		formation about the EEOC,	If you are deaf, hard of hearing, or have a speech disability,	
What Organizations are Covered? Most private employers		on, is available at <u>www.eeoc.gov</u> .	7–1–1 to access telecommunications relay services. OFCCP be contacted by submitting a question online to OFCCP's He at <u>https://ofccphelpdesk.dol.gov/s/</u> , or by calling an OFCCP re	lp Desk egional or
State and local governments (as employers)			district office, listed in most telephone directories under U.S Department of Labor and on OFCCP's "Contact Us" webpage	
Educational institutions (as employers)	EN	IPLOYERS HOLDING FEDERAL CONTRACTS OR	https://www.doi.gov/agencies/ofccp/contact	
<ul> <li>Unions</li> <li>Staffing agencies</li> </ul>		SUBCONTRACTS	PROGRAMS OR ACTIVITIES RECEIVING FED	ERAL FINANCIAL
What Employment Practices can be Challenged as	enforces the doing busine	nent of Labor's Office of Federal Contract Compliance Programs (OFCCP) nondiscrimination and affirmative action commitments of companies ess with the Federal Government. If you are applying for a job with,	ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended	
Discriminatory? All aspects of employment, including:		ployee of, a company with a Federal contract or subcontract, you are der Federal law from discrimination on the following bases:		
Discharge, firing, or lay-off	•	5	Title VI of the Civil Rights Act of 1964, as amended, prohibit	s discrimination
Harassment (including unwelcome verbal or physical conduct)		lor, Religion, Sex, Sexual Orientation, Gender National Origin	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.	
Hiring or promotion	Executive Or	der 11246, as amended, prohibits employment discrimination by		
<ul> <li>Assignment</li> <li>Pay (unequal wages or compensation)</li> </ul>	Federal cont	ractors based on race, color, religion, sex, sexual orientation, gender national origin, and requires affirmative action to ensure equality of		
Failure to provide reasonable accommodation for a disability; pregnancy,	opportunity	in all aspects of employment.		
childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice		bout, Disclosing, or Discussing Pay		
Benefits	Executive Or	der 11246, as amended, protects applicants and employees of Federal rom discrimination based on inquiring about, disclosing, or discussing	Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment	
Job training		nsation or the compensation of other applicants or employees.	discrimination on the basis of disability in any program or a receives Federal financial assistance. Discrimination is prohi	
Classification	Disability		employment against persons with disabilities who, with or	without reasonable
Referral     Obtaining or disclosing genetic information of employees	Section 503	of the Rehabilitation Act of 1973, as amended, protects qualified	accommodation, can perform the essential functions of the job. If you believe you have been discriminated against in a program of any institution	
<ul> <li>Obtaining or disclosing genetic information of employees</li> <li>Requesting or disclosing medical information of employees</li> </ul>	pay, fringe b	vith disabilities from discrimination in hiring, promotion, discharge, enefits, job training, classification, referral, and other aspects of t by Federal contractors. Disability discrimination includes not making	If you believe you have been discriminated against in a prog which receives Federal financial assistance, you should imm Federal agency providing such assistance.	

