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NORTH CAROLINA & FEDERAL LABOR LAW POSTER

LaborLawCenter.com 1-800-745-9970 • Product ID: NC50



WORKERS' COMPENSATION

FORM 17

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.

 $\star \star \star \star \star \star \star$

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 \$4,000.00.

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.



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

Website: <u>www.ic.nc.gov</u>

TO EMPLOYER: THIS FORM MUST BE PROMINENTLY POSTED IF YOU HAVE WORKERS' COMPENSATION INSURANCE OR QUALIFY AS SELF-INSURED. (N.C. Gen. Stat. §97-93).

PAYDAY NOTICE

Regular Paydays for Employees of

NORTH CAROLINA MINIMUM WAGE & OCCUPATIONAL SAFETY AND HEALTH PROTECTION



Revised 12/2020

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%. 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% of the minimum wage, rounded to the lowest nickel.

Overtime

Time and one-half must be paid to all employees after 40 hours of work in any one workweek with some exceptions. The state overtime provisions specifically do not apply to certain types of employees and do not apply to employees classified as exempt under the FLSA. Exemptions may be found in NCGS § 95-25.14.

Youth Employment

Rules for all youths under 18 years old are: Youth employment certificates are required. To obtain a YEC, please visit our website at www.labor.nc.gov.

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 woodworking machines; work as an electrician or electrician's helper; or work from any height above 10 feet, including the use of ladders and scaffolds. Certain exemptions apply for Supervised Practice Youth Internships. For a complete list of prohibited jobs, please visit our website at **www.labor.nc.gov**. 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. Youths 14 years of age cannot work on the premises of a business holding an ABC permit for the on-premises sale or consumption of alcoholic beverages, except that youths 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian if the youth is not involved with the preparation, pay any dues or other fees of any kind to a labor union. Also, an serving, dispensing or sale of alcoholic beverages. (NOTE: Unless action is taken by the N.C. General Assembly, this rule will apply to youths under 16 years of age effective Jan. 1, 2024.). Maximum hours per day: Three on school days; eight if a nonschool day.

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 may collect 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 call:

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

Employee Classification

Any worker who is defined as an employee by the N.C. Wage and Hour Act (N.C. Gen Stat. 95-25.2(4)), the N.C. Employee Fair Classification Act, the Internal Revenue Code as adopted under N.C. Employment Security laws (N.C. Gen. Stat. 96-1(b)(10)), the N.C. Workers' Compensation Act (N.C. Gen. Stat. 97-2(2)), or the N.C. Revenue Act (N.C. Gen. Stat. 105-163.1(4)) shall be treated as an employee.

Any employee who believes that he or she has been misclassified as an independent contractor by his or her employer may report the suspected misclassification to the N.C. Industrial Commission's Employee Classification Section by phone, email or fax. When filing a complaint, please provide the physical location, mailing address, and if available, the telephone number and email address for the employer suspected of employee misclassification:

> **Employee Classification Section** N.C. Industrial Commission 1233 Mail Service Center Raleigh, NC 27699-4333 Email: emp.classification@ic.nc.gov Phone: 919-807-2582 Fax: 919-715-0282

Employment at Will

North Carolina is an employment-at-will state. The term "employment-atwill" simply means that unless there is a specific law to protect employees or 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.

Right-to-Work Laws

North Carolina is a "right-to-work" state. Right-to-work applies to collective bargaining or labor unions. The right of persons to work cannot be denied or reduced in any way because they are either members of a labor union (including labor organization or labor association) or chose not to be a member of any such labor union. An employer cannot require any person, as a condition of employment or continuation of employment, to 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.

OVERTIME PAY At least 1 ½ times your regular rate of pay for all **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 proceeding under the FLSA. non-manufacturing, non-mining, non-hazardous jobs with

NORTH CAROLINA

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s)

they will accept from an employee. The refusal to hire an individual because the documents

have a future expiration date may also constitute illegal discrimination.

For information, please contact

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

The law requires employers to display this poster where

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

least \$2.13 per hour do not equal the minimum hourly wage,

PUMP AT WORK The FLSA requires employers to provide

reasonable break time for a nursing employee to express breast

milk for their nursing child for one year after the child's birth each

time the employee needs to express breast milk. Employers must

provide a place, other than a bathroom, that is shielded from view

and free from intrusion from coworkers and the public, which

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

may be used by the employee to express breast milk.

the employer must make up the difference.

employees can readily see it.

agricultural employment.

hours worked over 40 in a workweek.

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.

employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employers must comply with both. employee's tips combined with the employer's cash wage of at

> 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.

> and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



• Some employers incorrectly classify workers as "independent

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

ADDITIONAL INFORMATION certain work hours restrictions. Different rules apply in

Certain occupations and establishments are exempt from the

• Some state laws provide greater employee protections;

Certain full-time students, student learners, apprentices,

VH1088 REV 04/23

NORTH CAROLINA INDUSTRIAL COMMISSION

UNEMPLOYMENT INSURANCE

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 des.nc.gov, 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 des.nc.gov
- 2. You must notify affected workers of a vacation period within a reasonable period of time before it begins.
- Benefit claims for attached workers may be filed on-line at des.nc.gov. 3.

DES HIGHLY RECOMMENDS POSTING THIS INFORMATION.

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



Revised December 16, 2016

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave • If you leave your job to perform military service, you have the right 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 • The U.S. Department of Labor, Veterans Employment and Training and benefits you would have attained if you had not been absent. Service (VETS) is authorized to investigate and resolve con

HEALTH INSURANCE PROTECTION

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



WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding.

did you... Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to...

Your itemized deductions?

If you can answer "YES"...

gains, etc.)?

ended a job)?

Your tax credits?

www.irs.gov/individuals on the IRS web site. **Employer**: Please post or publish this Bulletin Board Poster Your nonwage income (interest, dividends, capital so that your employees will see it. Please indicate where

they can get forms and information on this subject. Publication 213

For more details, get Publication 919, How Do I Adjust My

Tax Withholding?, or use the Withholding Calculator at

IRS (Rev. 8-2009) Cat. No. 11047P

To any of these questions or you owed extra tax when you Department of the Treasury filed your last return, you may need to file a new form W-4. Internal Revenue Service www.irs.gov

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits economic loss to the employer. The law does not preempt most private employers from using lie detector tests any provision of any State or local law or any collective either for pre-employment screening or during the bargaining agreement which is more restrictive with course of employment. respect to lie detector tests.

PROHIBITIONS Employers are generally prohibited from **EXAMINEE RIGHTS** Where polygraph tests are permitted, requiring or requesting any employee or job applicant to they are subject to numerous strict standards concerning take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective number of specific rights, including the right to a written employee for refusing to take a test or for exercising other notice before testing, the right to refuse or discontinue a rights under the Act.

Your family wage income (you or your spouse started or

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests bring their own court actions. to be administered in the private sector, subject to

restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in

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

the conduct and length of the test. Examinees have a

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 WH1462 REV 02/22

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL



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Age (40 and older)

orientation, or gender identity)

Genetic information (including

Retaliation for filing a charge,

employer requests for, or purchase, use,

or disclosure of genetic tests, genetic

services, or family medical history)

reasonably opposing discrimination,

Know Your Rights: Workplace Discrimination is Illegal

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

Safety and Health

N.C. Department of Labor Responsibilities

Wages are due on the regular payday. If requested in writing, final paychecks must be sent by trackable mail. 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 in writing of paydays, pay rates, policies on vacation and sick leave, and of commission, bonus and other pay matters. Employers must notify employees in writing of any reduction in the rate of promised wages at least one pay period 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 Employees who believe they have been retaliated against in electronic format, provided the requirements of the Uniform Electronic Transactions Act (Chapter 66, Article 40 of the N.C. or employers who have questions about the application of General Statutes) are met. REDA, may call:

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 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.

NCDOL has no enforcement authority regarding labor union laws. For employee concerns regarding labor unions, contact the Regional Office of the National Labor Relations Board. The NLRB is an independent federal agency that protects the rights of private sector employees to join together, with or without a union, to improve their wages and working conditions. Regional office contact:

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

Retaliatory Employment Discrimination

The department's Retaliatory Employment Discrimination Bureau investigates complaints filed by employees against their employers for alleged violations of the N.C. Retaliatory Employment Discrimination Act (REDA). Under REDA, an employer may not retaliate against an employee for engaging in REDAprotected activities, such as filing a claim or initiating an inquiry, related to certain rights under the following: Workers' Compensation Claims • Wage and Hour Complaints Occupational Safety and Health Complaints • Mine Safety and Health Complaints Genetic Testing Discrimination Sickle Cell or Hemoglobin C Carriers Discrimination N.C. National Guard Service Discrimination Participation in the Juvenile Justice System • Exercising Rights Under Domestic Violence Laws Pesticide Regulation Complaints • Drug Paraphernalia Complaints their employment because of activities under the above statutes,

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

A REDA complaint must be filed with the bureau within 180 days of the date of retaliation.

www.labor.nc.gov Follow **NCDOL** on

0 Copyright © 2017 by N.C. Department of Labor All photographs, graphics and illustrations are property of the N.C. Department of Labor or are used by permission/license of their respective copyright holders. 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.labor.nc.gov/labor-law-posters

Printed 9/22 25,000 copies of this public document were printed at a cost of \$3,750, or \$.15 per copy.

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

OSH NOTICE TO EMPLOYEES

Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call 1-800-625-2267 or 919-707-7876.

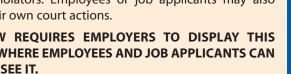
 Accident and Fatality Reporting—An employer must report the following: Within eight hours: Any work-related fatality.

Within 24 hours:

against violators. Employees or job applicants may also

POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN 口話語口

READILY SEE IT.



due to military service or, in some cases, a comparable job.	of USERRA violations.	
RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION	• For assistance in filing a complaint, or for any other information	
If you:	on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website	
 are a past or present member of the uniformed service; 	at https://www.dol.gov/agencies/vets/. An interactive online	
 have applied for membership in the uniformed service; or 	USERRA Advisor can be viewed at	
 are obligated to serve in the uniformed service; 	https://webapps.dol.gov/elaws/vets/userra	
then an employer may not deny you:	 If you file a complaint with VETS and VETS is unable to resolve it, you 	
 initial employment; 	may request that your case be referred to the Department of Justice	
 reemployment; 	or the Office of Special Counsel, as applicable, for representation.	
 retention in employment; 	 You may also bypass the VETS process and bring a civil action 	
 promotion; or 	against an employer for violations of USERRA.	
 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.	Publication Date — May 2022	

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: https://www.dol.gov/agencies/vets/programs/userra/poster. 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.



FMLA - FAMILY AND MEDICAL LEAVE ACT

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a You do not have to share a medical diagnosis but must provide federal law that provides eligible employees with **job-protected leave** for gualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for: • The birth, adoption or foster placement of a child with you,

• Your serious mental or physical health condition that makes you unable to work.

• To care for your spouse, child or parent with a serious mental or physical health condition, and

 Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time.** When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, 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 **all** of the following apply:

You work for a covered employer,

 You have worked for your employer at least 12 months, • You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

• Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements

You work for a **covered employer** if <u>one</u> of the following applies: • You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year, • You work for an elementary or public or private secondary school, or file a complaint with WHD or file a private • You work for a public agency, such as a local, state or federal lawsuit against your employer in court. government agency. Most federal employees are covered by Title II Scan the QR code to learn about

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 <u>may</u> request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

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.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do? If you are eligible for FMLA leave, your **employer** <u>must</u>:

· Allow you to take job-protected time off work for a qualifying reason.

• Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and

• Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer** <u>must</u> confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer** <u>must</u> notify you in writing:

 About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected

leave.

Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may SCAN ME INTERNAL STREET, STREE

The U.S. Equal Employn	oyment. If you believe you've been disci	forces Federal laws that protect you from riminated against at work or in applying
Protected? yees (current and former), ng managers and temporary yees plicants members and applicants for	or participating in a discrimination lawsuit, investigation, or proceeding • Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation	exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation
ership in a union rganizations are Covered? rivate employers nd local governments ployers) ional institutions (as employers) g agencies	 What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct) Hiring or promotion Assignment 	What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC
rpes of Employment ination are Illegal? The EEOC's laws, an employer may riminate against you, regardless mmigration status, on the bases	 Pay (unequal wages or compensation) Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice Benefits 	in any of the following ways: Submit an inquiry through the EEOC's public portal: <u>https://publicportal.eeoc.gov/Portal/</u> Login.aspx Call 1–800–669–4000 (toll free)
n al origin cluding pregnancy, childbirth, ated medical conditions, sexual	 Job training Classification Referral Obtaining or disclosing genetic information of employees 	1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone) Visit an EEOC field office (information at <u>www.eeoc.gov/field-office</u>)

 Requesting or disclosing medical E-Mail info@eeoc.gov information of employees Additional information about the EEOC, Conduct that might reasonably including information discourage someone from opposing about filing a charge discrimination, filing a charge, or of discrimination, is participating in an investigation or available at www.eeoc.gov. Conduct that coerces, intimidates. threatens, or interferes with someone

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

proceeding

The Department of Labor's Office of Federal Contract Compliance **Protected Veteran Status** The Vietnam Era Veterans Programs (OFCCP) enforces the nondiscrimination and affirmative Readjustment Assistance Act of 1974, as amended, 38 U.S.C. action commitments of companies doing business with the 4212, prohibits employment discrimination against, and Federal Government. If you are applying for a job with, or are an requires affirmative action to recruit, employ, and advance in employee of, a company with a Federal contract or subcontract, employment, disabled veterans, recently separated veterans you are protected under Federal law from discrimination on the (i.e., within three years of discharge or release from active following bases: duty), active duty wartime or campaign badge veterans, or

Race, Color, Religion, Sex, Sexual Orientation, Gender Armed Forces service medal veterans. dentity, National Origin Executive Order 11246, as amended, Retaliation Retaliation is prohibited against a person who prohibits employment discrimination by Federal contractors files a complaint of discrimination, participates in an OFCCP based on race, color, religion, sex, sexual orientation, gender proceeding, or otherwise opposes discrimination by Federal identity, or national origin, and requires affirmative action to contractors under these Federal laws. Any person who believes ensure equality of opportunity in all aspects of employment. a contractor has violated its nondiscrimination or affirmative Asking About, Disclosing, or Discussing Pay Executive Order action obligations under OFCCP's authorities should contact 11246, as amended, protects applicants and employees of immediately:

Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. **Disability** Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities

from discrimination in hiring, promotion, discharge, pay,

1-800-397-6251 (toll-free) accommodation to the known physical or mental limitations to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or of an otherwise qualified individual with a disability who by calling an OFCCP regional or district office, listed in most

telephone directories under U.S. Government, Department of s an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal Labor and on OFCCP's "Contact Us" webpage at contractors take affirmative action to employ and advance in <u>https://www.dol.gov/agencies/ofccp/contact</u>. employment qualified individuals with disabilities at all levels

of employment, including the executive level.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Race, Color, National Origin, Sex In addition to the protections Individuals with Disabilities Section 504 of the Rehabilitation of Title VII of the Civil Rights Act of 1964, as amended, Title Act of 1973, as amended, prohibits employment discrimination VI of the Civil Rights Act of 1964, as amended, prohibits on the basis of disability in any program or activity which receives discrimination on the basis of race, color or national origin in Federal financial assistance. Discrimination is prohibited in all programs or activities receiving Federal financial assistance. aspects of employment against persons with disabilities who, Employment discrimination is covered by Title VI if the primary with or without reasonable accommodation, can perform the objective of the financial assistance is provision of employment, essential functions of the job. If you believe you have been or where employment discrimination causes or may cause discriminated against in a program of any institution which discrimination in providing services under such programs. Title receives Federal financial assistance, you should immediately IX of the Education Amendments of 1972 prohibits employment contact the Federal agency providing such assistance. discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. (Revised 6/27/2023) 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.

The state of North Carolina has a federally approved program to

administer the Occupational Safety and Health Act in North

Carolina. This program is administered by the N.C. Department of

Labor, Occupational Safety and Health (OSH) Division.

• 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—The Commissioner shall have the authority to assess penalties against any employer who violates the requirements of the OSH Act. The Commissioner shall adjust minimum and maximum civil penalties in accordance with the requirements set forth in the U.S. Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor as necessary to comply with federal law. The Commissioner shall have a period of 60 calendar days from the date a final rule is published in the Federal Register to publish the civil penalties in the North Carolina Register under 13 NCAC 07A .0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations, and on its website.

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 **919-707-7876**.

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.

Injury and Illness Records—Employers with 11 or more employees, unless specifically exempted, are required to • Any work-related in-patient hospitalization of one or more employees. Any work-related amputation.

• Any work-related loss of an eve.

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.labor.nc.gov.

• **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 Fax: 919-707-7964 E-mail: ask.osh@labor.nc.gov www.labor.nc.gov



This notice must be posted conspicuously. This poster is available free of charge to all North Carolina workplaces. Call 1-800-625-2267 or 919-707-7876 or order online.

1-800-NC-LABOR (1-800-625-2267) www.labor.nc.gov

Follow NCDOL on 0

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25,000 copies of this public document were printed at a cost of \$7,409.00, or \$.30 per copy.

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

NC-0723-F04

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

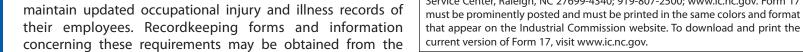
The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210

If you are deaf, hard of hearing, or have a speech disability, fringe benefits, job training, classification, referral, and please dial 7–1–1 to access telecommunications relay services. other aspects of employment by Federal contractors. OFCCP may also be contacted by submitting a question online Disability discrimination includes not making reasonable

of the FMLA, administered by the Office of Personnel Management. our WHD complaint process. How do I request FMLA leave? Generally, to request FMLA leave you <u>must</u>:

• Follow your employer's normal policies for requesting leave, • Give notice at least 30 days before your need for FMLA leave, or • If advance notice is not possible, give notice as soon as possible.





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.