EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Who is Protected? • Employees (current and former), including managers and temporary employees

Know Your Rights: Workplace Discrimination is Illegal

Classification

of employees

Referral

Job applicants • Union members and applicants for membership in a union What Organizations are Covered Most private employers State and local governments (as employers) Educational institutions (as employers)

 Staffing agencies What Types of Employment Discrimination are Illegal? physical conduct) Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the

bases of: Race Color Religion National origin observance or practice Sex (including pregnancy, childbirth, and related Benefits medical conditions, sexual orientation, or Job training

• Obtaining or disclosing genetic information Disability Genetic information (including employer requests for, of employees or purchase, use, or disclosure of genetic tests, genetic • Requesting or disclosing medical information

Federal law from discrimination on the following bases:

protects applicants and employees of Federal contractors from discrimination based on

inquiring about, disclosing, or discussing their compensation or the compensation of

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified

individuals with disabilities from discrimination in hiring, promotion, discharge, pay,

ringe benefits, job training, classification, referral, and other aspects of employment

gender identity)

Age (40 and older

aspects of employment.

other applicants or employees.

of employment, including the executive level.

services, or family medical history)

• Retaliation for filing a charge, reasonably opposing • Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or discrimination, or participating in a discrimination lawsuit, investigation, or proceeding participating in an investigation or proceeding • Interference, coercion, or threats related to exercising • Conduct that coerces, intimidates, threatens, or interferes rights regarding disability discrimination or pregnancy

with someone exercising their rights, or someone assisting or encouraging someone else to exercise accommodation What Employment Practices can be Challenged as rights, regarding disability discrimination (including accommodation) or pregnancy accommodation All aspects of employment, including: What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect • Discharge, firing, or lay-off · Harassment (including unwelcome verbal or discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination Hiring or promotion (180 or 300 days, depending on where you live/work).

You can reach the EEOC in any of the following ways: • Pay (unequal wages or compensation) **Submit** an inquiry through the EEOC's public portal: • Failure to provide reasonable accommodation for https://publicportal.eeoc.gov/Portal/Login.aspx a disability; pregnancy, childbirth, or related medical **Call** 1–800–669–4000 (toll free) condition; or a sincerely-held religious belief, 1-800-669-6820 (TTY)

1–844–234–5122 (ASL video phone) Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of enforces the nondiscrimination and affirmative action commitments of companies 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and doing business with the Federal Government. If you are applying for a job with, or are an equires affirmative action to recruit, employ, and advance in employment, disabled employee of, a company with a Federal contract or subcontract, you are protected under veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin medal veterans.

Executive Order 11246, as amended, prohibits employment discrimination by Federal Retaliation Retaliation is prohibited against a person who files a complaint of contractors based on race, color, religion, sex, sexual orientation, gender identity, or discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination national origin, and requires affirmative action to ensure equality of opportunity in all by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, authorities should contact immediately:

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

1-800-397-6251 (toll-free)

by Federal contractors. Disability discrimination includes not making reasonable If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access accommodation to the known physical or mental limitations of an otherwise qualified telecommunications relay services. OFCCP may also be contacted by submitting a individual with a disability who is an applicant or employee, barring undue hardship to question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling the employer. Section 503 also requires that Federal contractors take affirmative action an OFCCP regional or district office, listed in most telephone directories under U.S. to employ and advance in employment qualified individuals with disabilities at all levels Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT The Employee Polygraph Protection Act prohibits most private employers not preempt any provision of any State or local law or any collective bargaining

during the course of employment discharging, disciplining, or discriminating against an employee or prospective notice before testing, the right to refuse or discontinue a test, and the right not employee for refusing to take a test or for exercising other rights under the Act. to have test results disclosed to unauthorized persons. **EXEMPTIONS** Federal, State and local governments are not affected by the law. **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain 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 applicants may also bring their own court actions. sector, subject to restrictions, to certain prospective employees of security EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 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 economic loss to the employer. The law does

from using lie detector tests either for pre-employment screening or agreement which is more restrictive with respect to lie detector tests. **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to PROHIBITIONS Employers are generally prohibited from requiring or numerous strict standards concerning the conduct and length of the test. requesting any employee or job applicant to take a lie detector test, and from Examinees have a number of specific rights, including the right to a written

violations and assess civil penalties against violators. Employees or job



1-866-487-9243 WH1462 REV 02/22 www.dol.gov/agencies/whd

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can provisions. Heightened civil money penalties may be assessed for each child

OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek. CHILD LABOR An employee must be at least 16 years old to work in most nonfarm 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 n 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. **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 may

be used by the employee to express breast milk. **ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor

labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

 Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors"

when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/agencies/whd

H.B. 4140 MEAL BREAKS

ENROLLED - H.B. 4140 (By Delegate S. Cook) - (Passed March 11, 1994; in effect ninety days from passage)

AN ACT to amend three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees. Be it enacted by the Legislature of West Virginia: That article three, chapter twenty-one of the code of west Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

§21310a Meal Breaks. During the course of a workday of six or more hours. All employers shall make available at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat while working.

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES

TITLE 42, SERIES 8: MINIMUM WAGE AND MAXIMUM HOUR

§4289.9 Rest Periods: Rest Periods of short duration, running from (5) to (20) minutes, must be counted as hours worked. TITLE 42, SERIES 5: WAGE PAYMENT AND COLLECTION ACT §4252 Definitions 2.6

"Break Periods and/or Rest Periods" means when authorized by an employer, break periods and/or rest periods which do not exceed (20) minutes duration must be counted as hours worked.

ARTICLE 6: CHILD LABOR LAW § 2167 Hours and days of labor by minors.

No child under the age of sixteen years shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to interrupt a continuous

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT



Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

This poster is available free from OSHA.

Contact OSHA. We can help.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- 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.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-

supported consultation programs in every

WHISTLE-BLOWERS' PROTECTION ACT

WEST VIRGINIA & FEDERAL LABOR LAW POSTER

NOTICE: WEST VIRGINIA WHISTLE-BLOWER LAW

The West Virginia Whistle-blower Law protects public employees against discharge, discrimination, or retaliation when they, in good faith, report any instances of

Substantial abuse, misuse, destruction, regulation, ordinance, or code of ethics

or loss of public funds or resources designed to protect the public interest

WRONGDOING Non-technical violations of any statute,

To report any instance of waste or wrongdoing, as defined above, contact the appropriate supervisory personnel in your office or agency, or other appropriate official. Published and distributed by the West Virginia Division of Personnel;

WEST VIRGINIA DIVISION OF LABOR

WAGE PAYMENT AND COLLECTION ACT

1900 Kanawha Boulevard East - State Capitol Complex – Building 3, Room 200 - Charleston, WV 25305 Telephone: (304)558-7890 Fax: (304)558-3797 labor.wv.gov

WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT This abstract must be placed in an area accessible to all employees leave and other fringe benefits, if any. in accordance with the requirements of W. Va. Code §21-5-9.

§21-5 REQUIRES THE EMPLOYER TO: Pay employee wages at least twice a month, with no more than 19 Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with a

bank convenient to the place of employment for employees to have immediate access to their wages. When an employee is discharged, guits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

conditions of an employer-employee agreement, whether verbal or written, if any. Notify employees in writing at the time of hire, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding vacation, sick

Provide employees with at least 1 full pay period's written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for meeting payroll, or any other existing terms or conditions of employment

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay period. §21-5 PREVENTS THE EMPLOYER FROM Selling goods or supplies to employees at prices higher than the current market value.

Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid for union or club dues, pension plans, payroll savings plans, On separation from employment, pay an employee the fringe credit unions, charities, and hospitalization and medical insurance). benefits due and payable according to the time, terms, and Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted, and state that 75% of the employee's net wages

are exempt from assignment. Refusing to pay wages owed, up to \$800.00, to the relatives of a Revised January 2018

WEST VIRGINIA MINIMUM WAGE

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305 Telephone: (304)558-7890 labor.wv.gov Fax: (304)558-3797

MINIMUM WAGE REQUIREMENTS

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5C. **Required Minimum Wage Rate**

Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour. **Required Minimum Training Wage Rate**

· An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training wage of at least \$6.40 per hour for the first 90 days of employment. Beginning with the 91st day of employment, an employer must pay the employee the required minimum wage rate. Permissible Minimum Wage Credit for Tipped Employees

Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour. To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name) Shall be as follows

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you... Marry or divorce? Gain or lose a dependent?

Change your name? Were there major changes to... • Your nonwage income (interest, dividends, capital gains, etc.)? • Your family wage income (you or your spouse started or ended

· Your itemized deductions? Your tax credits? If you can answer "YES"... To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

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. For more details,

get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site. **Employer**: Please post or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get

benefits only if: You have made a claim for benefits at a local forms and information on this subject. unemployment office. Publication 213 You have registered for work with the Job Service Office and continue to report as directed.

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

Revised 06/14/2016

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.

DISCRIMINATION



NOTICE THE WEST VIRGINIA HUMAN RIGHTS ACT Prohibits Discrimination in Employment and Places of Public Accommodations Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability THE WEST VIRGINIA FAIR HOUSING ACT

Prohibits Discrimination in Housing Based On Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability, Familial Status THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions

For Further Information or to File a Complaint, Visit, Call or Write to the WV Human Rights Commission at: WV Human Rights Commission Room 108 A, 1321 Plaza East 304-558-2616 www.hrc.wv.gov (Toll Free) 888-676-5546

WORKERS' COMPENSATION

NOTICE TO EMPLOYEES

You are entitled to medical benefits and possibly wage replacement benefits in the event of an occupational injury or disease arising out of employment. When a traumatic injury or death occurs or an occupational disease is contracted in the course of your employment, you must notify your employer immediately. Failure to immediately give notice to your employer of the injury shall weigh against a finding of compensability and will dilute the credibility and reliability of your claim. Notice provided to your employer within two (2) working days of the injury shall be deemed immediate notice. You are responsible for filing the application for workers' compensation benefits within six months from the date of injury. The time limit on occupational pneumoconiosis and disease claims is three years from the date of last exposure. The time limit to file fatal occupational pneumoconiosis/occupational disease claims is one year. For a traumatic death, the claim must be filed within six months of death.

f you are currently receiving Permanent Total Disability benefits, you are hereby notified that it is your responsibility to inform the Workers' Compensation Commission, P. O. Box 431, Charleston, West Virginia 25322-0431, of your employment. In accordance with Section 23-4-25 of the Workers' Compensation statute, your Permanent Total Disability benefits shall be offset as long as you are employed. It is a criminal offense to file a false claim or to furnish false information in support of a claim. Bureau of Employment Program - Charleston, West Virginia 25301

PARENTAL LEAVE ACT

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex – Building 3, Room 200 - Charleston, WV 25305 Fax: (304)558-3797 Telephone: (304)558-7890 labor.wv.gov

PARENTAL LEAVE ACT PARENTAL LEAVE ACT – (W. Va. Code §21-5D-1, et. seq.). This legislation, enacted in 1989, covers employees of all departments, divisions, boards, bureaus, agencies, commissions or other units of State Government and County Boards of Education.

and personal leave, during any 12-month period. The unpaid leave shall be granted to an employee for any of the following reasons: • The birth of a son or daughter of the employee • The placement of a son or daughter with the employee for adoption • To care for the employee's son or daughter, spouse, parent, or dependent who has a serious health condition The statute further states that in the case of a serious health condition, the leave may be taken intermittently when medically necessary.

Under this law, an employee shall be entitled to a total of 12 weeks of unpaid Parental Leave following the exhaustion of all his or her annual

If a leave of absence due to the birth or adoption of a child is foreseeable, the employee shall provide the employer with a two weeks written notice. If a leave of absence is foreseeable due to planned medical treatment or medical supervision, the employee shall make a reasonable effort to schedule the leave of absence so as not to disrupt the operations of the employer, subject to the approval of the If an employee requests Parental Leave to care for a family member with a serious health condition, the employer may require the

employee to provide certification by a health care provider of the family member's health condition and that the employee's assistance is necessary. The certification shall be sufficient if it contains the following • That the child, dependent, parent, or employee has a serious health condition

position upon his or her return to work. However, the employer may hire a temporary employee to fill the position for the period of time No employer may, because an employee received Parental Leave, reduce or deny any employment benefit or seniority which accrued to the employee before his or her leave commenced.

The position held by an employee immediately before the leave of absence shall be held and the employee shall be returned to that

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

You have the right to be reemployed in your civilian job if you • If you leave your job to perform military service, you have 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: · vou have five years or less of cumulative service in the

vou have not been separated from service with a disqualifying discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND

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

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

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 USERRA Advisor can be viewed at

applicable, for representation. You may also bypass the VETS process and bring a civil action

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

FMI A 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,

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 <u>may</u> take up to 26 workweeks of FMLA eave 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 plocks of time, or on a reduced schedule by working less hours each day or week. Read FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to

act Sheet #28M(c) for more information. 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

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

rline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

Baby sit

• Engage in agricultural activities

Work for parents in their solely owned business

No permits required *excluded hazardous occupations

business activity involves selling, dispensing or serving alcohol

imployment Requirements for 14 & 15 year olds

Entitled to a 30 minute lunch after five hours of work

week in which you are totally separated from your

employment, performing no services for which wages

or other remuneration were paid to you. You must file

continued claims will include telephone or web filing.

have been working full-time, but due to business being

slow, a breakdown of equipment, or similar reasons,

your employer has to reduce your hours during the

veek. You may be entitled to partial unemployment

benefits during this week if you earned less than what

your weekly unemployment benefit amount would be

plus \$60. Under these conditions, your employer should

ssue a Low Earnings Report for the week, showing your

gross wages. You must complete the claims portion of

the Low Earnings Report and file it with the local

for which you are fitted by prior training or experience.

four (4) work search activities each week

13.599.99

3,600.00 - 13,749.99

13.900.00 - 14.049.99

4.050.00 - 14.199.99

14.200.00 - 14.349.99

4,350.00 - 14,499.99

4.500.00 - 14.649.99

4.650.00 - 14.799.99

4.800.00 - 14.949.99

4.950.00 - 15.099.99

5.100.00 - 15.249.99

5.250.00 - 15.399.99

15.400.00 - 15.549.99

5.550.00 - 15.699.99

5.850.00 - 15.999.99

6.000.00 - 16.149.99

16.150.00 - 16.299.99

16.300.00 - 16.449.99

6,450.00 - 16,599.99

6.600.00 - 16.749.99

16.750.00 - 16.899.99

16.900.00 - 17.049.99

17.050.00 - 17.199.99

17,350.00 - 17,499.99

17,500.00 - 17,649.99

17.650.00 - 17.799.99

17.800.00 - 17.949.99

18.100.00 - 18.249.99

18,250.00 - 18,399.99

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18.550.00 - 18.699.99

18.850.00 - 18.999.99

19.000.00 - 19.149.99

19,150.00 - 19,299.99

19,300.00 - 19,449.99

9,450.00 - 19,599.99

19.600.00 - 19.749.99

19.750.00 - 19.899.99

19.900.00 - 20.049.99

20,050.00 - 20,199.99

20,200.00 - 20,349.99

20,350.00 - 20,499.99

20.500.00 - 20.649.99

20.650.00 - 20.799.99

20,800.00 - 20,949.99

20.950.00 - 21.099.99

21,700.00 - 21,849.99

132 21.850.00 - 21.999.99 231.00

133 22.000.00 - 22.149.99 233.00

127 21,100.00 - 21,249.99

128 21,250.00 - 21,399.99

130 21,550.00 - 21,699.99

15.849.99

17.349.99

18,099.99

18.849.99

3.718.00

3,744.00

3,822.00

3.874.00

3.900.00

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162.00

163.00

171.00

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185.00

187.00

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201.00

203.00

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219 00

230.00

Wage

You are actively seeking full-time work by completing

You are documenting and retaining proof of your

unemployment office as directed on the form.

ELIGIBILITY REQUIREMENTS

ELIGIBILITY REQUIREMENTS - OTHER

Work restricted to non hazardous occupations

Deliver Newspapers

Be an actor or performer

Work Permit Required

Work Hours Limited

• more than 3 hrs per day

TOTAL UNEMPLOYMENT

PARTIAL UNEMPLOYMENT

more than 18 hrs per week

during normal school hours

May not work:

WHILE SCHOOL IS IN SESSION

workweeks in the current or previous calendar year, You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of ow do I request FMLA leave? Generally, to request FMLA leave you must: Follow your employer's normal policies for requesting leave,

You work for a private employer that had at least 50 employees during at least 20

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

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical to your employer so they can determine whether the leave qualifies for FMLA protection. easons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the 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.
The FMLA does not affect any federal or state law prohibiting discrimination or supersede To care for your spouse, child or parent with a serious mental or physical health any state or local law or collective bargaining agreement that provides greater family or nedical leave rights.

Certain qualifying reasons related to the foreign deployment of your spouse, child or 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 ional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. Vhat does my employer need to do? If you are eligible for FMLA leave, your employer 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 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 must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must 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 file a complaint with WHD or file a private lawsuit against

SCAN ME WAGE AND HOUR DIVISION

LINITED STATES DEPARTMENT OF LABOR WH1420 REV 04/2

CHILD LABOR LAWS

AGE SPECIFIC GUIDELINES FOR THE EMPLOYMENT OF CHILDREN IN WEST VIRGINIA **SUMMER EMPLOYMENT** 13 year olds may

May not work:

Scan the QR code to learn

complaint process.

• more than 8 hrs per day · more than 40 hrs per week

• before 7:00 am or after 9:00 pm (without supervision permit) Home schooled children are also restricted from working during normal school

16 & 17 year olds Age certificates may be required by employer, Not a requirement of law • an age certificate may be required by the employer as proof of age

 work hours unrestricted Prohibited from working in a bar or other establishment where the primary • may participate in volunteer fire activities • may participate in fighting forest fires (as part of junior forest fire crew)

• prohibited from working in a bar or other establishment where the primary business activity involves the selling, dispensing or serving of alcohol • may not drive a motor vehicle as a principal part of their employment or for delivery purposes

• work limited to age appropriate non hazardous occupations (as determined by

to suspend operations.

annuity, pension, etc.

severe penalties.

SOCIAL SECURITY NUMBER

the Commissioner of Labor) before 7:00 am or after 7:00 pm (without supervision permit) For additional information contact: The West Virginia Division of Labor

UNEMPLOYMENT COMPENSATION

weekly benefit amount plus \$60 during the week for

You requalify on a new claim when you had a previous

Capitol Complex Building 6, Room 749B, Charleston, WV 25305 • (304) 558-7890

WORKFORCE West Virginia **Notice To Employees — Unemployment Benefits**

week during your benefit year. other educational institution, or are waiting to You are considered totally unemployed during any • You have earned gross wages of less than your enter school or an educational institution.

which you claim benefits.

your initial claim for total unemployment in person. benefit year (must have earned eight times your old Since a claim for unemployment compensation is weekly benefit amount in covered employment after effective the Sunday of the week in which it is filed, you the beginning of your previous claim). should file your claim immediately after you are You must participate in profiling and reemployment separated from your employment. You will be instructed services when selected. on filing your continued claim. Your options for filing ou may be disqualified from drawing benefits: 1. If you leave work voluntarily without good cause You would be considered partially unemployed if you

> suitable work, to accept suitable work when offered, or to return to your customary selfemployment when directed to do so. 4. If you are unemployed due to a labor dispute 5. For the week for which you receive wages in lieu of notice or Workers' Compensation for temporary total disability.

6. For the week for which you receive unemployment

compensation under the laws of another state or of

involving fault on the part of your employer.

If you fail without good cause to apply for available

If you are discharged for misconduct.

the United States.

o be monetarily eligible to receive unemployment benefits you must have earned \$2200 gross wages in 7. For any week you are training, participating, or covered employment during two or more calendar preparing to participate in sports or athletic events quarters of your regular base period (first four of the f there is reasonable assurance you will perform ast five completed calendar quarters) or alternative such services in the current or upcoming seasons. base period (the last four quarters immediately 8. If you are an employee of an educational institution preceding the first day of the individual's benefit year). or educational service agency, for any week of unemployment which commences during: a paid sabbatical leave; a holiday or vacation period If you are unemployed, you shall be eligible to receive between two academic years or terms, if you perform services in the first academic year or term or prior to the beginning of a holiday or vacation period and there is a contract or a reasonable assurance that you will perform services in the second academic vear or term or after a holidav or You are able to work and available for full-time work vacation period. (EXCEPTION: If you have sufficient

will only be printed on the most pertinent documents. **VOLUNTARY INCOME TAX WITHHOLDING PROGRAM** mployment compensation benefits are subject to Federal and State income tax and there are ements relating to estimated tax payments. You may choose to have Federal and State income tax deducted and withheld from any unemployment

disqualification is given here in detail.

CLAIMS OFFICES Monday through Friday each week HUNTINGTON CHARLESTON LOGAN nonschool wages in your base period to qualify for MARTINSBURG benefits based upon the non-school wages only, CLARKSBURG WEIRTON you may be entitled to benefits during this period.) FI KINS WELCH

. For any week on the basis of services performed as an alien, unless you are lawfully residing in the

benefits paid to you. hese **FULL-TIME CLAIMS OFFICES** are operated

GREENBRIER

MERCER COUNTY

11. For each week in which you are unemployed

because of your request or that of your duly

authorized agent for a vacation at a specified time

that leaves your employer no other alternative but

12. For the week in which you receive any annuity,

pension, or other retirement pay from a base

base period employer has contributed. If you

period employer, or from a fund towards which a

remuneration is less than the unemployment

benefits otherwise due vou, vour unemploymen

benefits will be reduced by the amount of your

13. For each week in which and for 52 weeks thereafter.

if the commissioner finds that you, within the

preceding 24 months, knowingly made a false

statement or failed to reveal a material fact in

order to obtain or increase or attempt to obtain or

increase a benefit; and you shall be considered quilty of a misdemeanor and may be subject to

Neither the full effect nor the duration of a

ing your Social Security Card with you when you

report to the local office. Your Social Security Number

SOUTH BRANCH **SUMMERSVILLE** MORGANTOWN WHEELING PARKERSBURG Maximum

four (4) work search activities and providing them to United States and have a valid permit to work. WorkForce WV upon request by the agency. 10. If you leave work voluntarily to attend school or You have filed for and served a waiting period of one **Unemployment Compensation Benefit Rate Table** Weekly Maximum Base Benefit Benefit Base Benefit Benefit Base Benefit Class Period Rate Rate Period Rate Rate Period Rate Under \$2,200 ineligible 137 22,600.00 - 22,749.99 239.00 6,214.00 274 43,150.00 - 43,299.99 457.00 \$2,200.00 - 2,349.99 24.00 22,750.00 - 22,899.99 275 43,300.00 - 43,449.99 2,350.00 - 2,499.99 650.00 22,900.00 - 23,049.99 243.00 6,318.00 276 43,450.00 - 43,599.99 460.00 25.00 139 6.344.00 2.500.00 - 2.649.99 27.00 702.00 23.050.00 - 23.199.99 244.00 277 43.600.00 - 43.749.99 461.00 278 43,750.00 - 43.899.99 2,650.00 - 2,799.99 28.00 728.00 141 23,200.00 - 23,349.99 246 00 6 396 00 463.00 142 23,350.00 - 23,499.99 2,800.00 - 2,949.99 780.00 6,422.00 279 43,900.00 - 44,049.99 465.00 2,950.00 - 3,099.99 143 23,500.00 - 23,649.99 280 44.050.00 - 44.199.99 3,100.00 - 3,249.99 33.00 858.00 144 23,650.00 - 23,799.99 250.00 6,500.00 281 44,200.00 - 44,349.99 468.00 12,168.00 145 23.800.00 - 23.949.99 3.250.00 - 3.399.99 35.00 910.00 252.00 6.552.00 282 44.350.00 - 44.499.99 469.00 12.194.00 3,400.00 - 3,549.99 36.00 936.00 146 23,950.00 - 24,099.99 254 00 6 604 00 283 44,500.00 - 44,649.99 471.00 12,246.00 3,550.00 - 3,699.99 988.00 24,100.00 - 24,249.99 6,630.00 284 44,650.00 - 44,799.99 473.00 3,700.00 - 3,849.99 1.014.00 24.250.00 - 24.399.99 6.682.00 285 44,800.00 - 44,949.99 12.324.00 149 24,400.00 - 24,549.99 6,708.00 286 44,950.00 - 45,099.99 476.00 12,376.00 3,850.00 - 3,999.99 41.00 1,066.00 258.00 4 000 00 - 4 149 99 150 24 550 00 - 24 699 99 43.00 1.118.00 260.00 6.760.00 287 45.100.00 - 45.249.99 477.00 12.402.00 4,150.00 - 4,299.99 1,144.00 151 24,700.00 - 24,849.99 262.00 6,812.00 288 45,250.00 - 45,399.99 479.00 12,402.00 24.850.00 - 24.999.99 4,300.00 - 4,449.99 1,196.00 6,838.00 289 45,400.00 - 45,549.99 480.00 12,480.00 290 45 550 00 - 45 699 99 4,450.00 - 4,599.99 1.222.00 25,000.00 - 25,149.99 6.890.00 12.532.00 25 150 00 - 25 299 99 4.600.00 - 4.749.99 6.916.00 291 45.700.00 - 45.849.99 12.584.00 49.00 1.274.00 154 266.00 484.00 4.750.00 - 4.899.99 51.00 1.326.00 155 25.300.00 - 25.449.99 268.00 6.968.00 292 45.850.00 - 45.999.99 485.00 12.610.00 293 46,000.00 - 46,149.99 4,900.00 - 5,049.99 1,352.00 156 25,450.00 - 25,599.99 6,994.00 269.00 487.00 12,662.00 46.150.00 - 46.299.99 5,050.00 - 5,199.99 ,404.00 25,600.00 - 25,749.99 5,200.00 - 5,349.99 25.750.00 - 25.899.99 7.098.00 46.300.00 - 46.449.99 490.00 159 25 900 00 - 26 049 99 5.350.00 - 5.499.99 1.482.00 7.124.00 296 46.450.00 - 46.599.99 57.00 274.00 492.00 5.500.00 - 5.649.99

58.00 1.508.00 160 26.050.00 - 26.199.99 276.00 7.176.00 297 46.600.00 - 46.749.99 493.00 5,650.00 - 5,799.99 1,560.00 161 26,200.00 - 26,349.99 298 46,750.00 - 46,899.99 277.00 7,202.00 495.00 5,800.00 - 5,949.99 1,612.00 26.350.00 - 26.499.99 7,254.00 299 46,900.00 - 47,049.99 300 47.050.00 - 47.199.99 5,950.00 - 6,099.99 163 26,500.00 - 26,649.99 7,306.00 498.00 1,638.00 281.00 164 26.650.00 - 26.799.99 6.100.00 - 6.249.99 65.00 1.690.00 282.00 7.332.00 301 47.200.00 - 47.349.99 500.00 302 47 350 00 - 47 499 99 6,250.00 - 6,399.99 66 00 1.716.00 165 26,800.00 - 26,949.99 284 00 7 384 00 501.00 166 26,950.00 - 27,099.99 303 47,500.00 - 47,649.99 6,400.00 - 6,549.99 1,768.00 7,410.00 6.550.00 - 6.699.99 27.100.00 - 27.249.99 .820.00 ,462.00 304 47.650.00 - 47.799.99 6,700.00 - 6,849.99 168 27,250.00 - 27,399.99 7,514.00 305 47.800.00 - 47.949.99 506.00 1.846.00 289.00 6 850 00 - 6 999 99 169 27.400.00 - 27.549.99 306 47 950 00 - 48 099 99 73.00 1.898.00 290.00 7.540.00 507.00 307 48 100 00 - 48 249 99 7.000.00 - 7.149.99 74 00 1.924.00 170 27.550.00 - 27.699.99 292.00 7.592.00 509.00 308 48,250.00 - 48,399.99 7,150.00 - 7,299.99 171 27,700.00 - 27,849.99 7,618.00 172 27,850.00 - 27,999.99 7,300.00 - 7,449.99 2.028.00 7.670.00 309 48,400.00 - 48,549.99 512.00 7,450.00 - 7,599.99 7.600.00 - 7.749.99 2.106.00 28.150.00 - 28.299.99 298.00 7.748.00 48.700.00 - 48.849.99 515.00 7,750.00 - 7,899.99 2,132.00 7,800.00 517.00 28,300.00 - 28,449.99 300.00 48.850.00 - 48.999.99 7,900.00 - 8,049.99 2,184.00 28,450.00 - 28,599.99 49,000.00 - 49,149.99 28 600 00 - 28 749 99 3,050.00 - 8,199.99 2.210.00 7.878.00 314 49.150.00 - 49.299.99 8.200.00 - 8.349.99 87.00 28 750 00 - 28 899 99 304.00 7.904.00 522.00 2.262.00 315 49.300.00 - 49.449.99 8 350 00 - 8 499 99 2.314.00 179 28.900.00 - 29.049.99 306.00 7.956.00 316 49.450.00 - 49.599.99 523.00 8.500.00 - 8.649.99 8,008.00 2,340.00 29,050.00 - 29,199.99 308.00 317 49.600.00 - 49.749.99 525.00 29.200.00 - 29.349.99 318 49,750.00 - 49,899.99 2.418.00 29,350.00 - 29,499.99 319 49.900.00 - 50.049.99 528.00 8.086.00 2,470.00 183 312.00 29.500.00 - 29.649.99 8.112.00 320 50.050.00 - 50.199.99 530.00 2.522.00 184 29,650.00 - 29,799.99 314.00 8.164.00 50.200.00 - 50.349.99 531.00 2,548.00 50.350.00 - 50.499.99 29,800.00 - 29,949.99 315.00 8,190.00

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JSERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

YOUR RIGHTS UNDER USERRA 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.

uniformed services while with that particular employer; vou return to work or apply for reemployment in a timely manner after conclusion of service; and

The date the serious health condition commenced and its probable duration

The medical facts regarding the serious health condition, upon release by the patient

f you: • are a past or present member of the uniformed service; have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer

at https://www.dol.gov/agencies/vets/. An interactive online https://webapps.dol.gov/elaws/vets/userra. • 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

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

11,752.00 Official Business 11,804.00 PENALTY FOR PRIVATE USE \$300 11,830.00

Benefit Rate 11,960.00 11.986.00 12.038.00 12,090.00

12.740.00 12,792,00 12.818.00 12,870.00 12,948.00 13.000.00 13.026.00 13,078.00 13,156.00 13.182.00 13,234.00 13,286.00 13.390.00 13,442.00 13,494.00 13,572,00 13,650.00

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WVUC-B-59, effective July 1, 2022 WV-1024-F04

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U.S. Department of Justice Office of Special Counsel

•The U.S. Department of Labor, Veterans Employment and against an employer for violations of USERRA

> 134 22,150.00 - 22,299.99 235.00 135 22,300.00 - 22,449.99 236.00 136 22,450.00 - 22,599.99 238.00

Employer Support Of The Guard And Reserve 1-800-336-4590