# **EMPLOYMENT** LAWS

## **FEDERAL**

The Act also permits polygraph testing, subject to restrictions, of certain employees of

The law does not preempt any provision of any State or local law or any collective

bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict standards

The Secretary of Labor may bring court actions to restrain violations and assess civil

penalties against violators. Employees or job applicants may also bring their own court

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND

JOB APPLICANTS CAN READILY SEE IT.

classification and other aspects of employment. Disability discrimination may include

It is illegal to retaliate against any person because s/he has opposed any discriminatory

practices or because s/he has filed a complaint, testified, or assisted in any proceeding

M.G.L. c. 151B prohibits discrimination and harassment against certain domestic workers

domestic workers generally include individuals paid to perform work of a domestic nature

services, and/or caretaking. Employers are prohibited from engaging in sexual harassment

and harassment and/or discrimination based on the protected classes described above, i.e.

The law prohibits employers from asking applicants on an initial employment application

for any criminal background information unless an exemption by statute or regulation

Employers may not refuse to hire or terminate an employee for failing to furnish

information regarding his/her admission to a facility for the care and treatment of

mentally ill persons. An employment application may not seek information about an

If you feel you have been harassed or discriminated against, you should immediately

An agreement with your employer to arbitrate your discrimination claim(s) does

file a charge of discrimination with the Massachusetts Commission Against

where the employer has one (1) or more employee.\* While some exclusions apply,

within a household on a regular basis, such as housekeeping, housecleaning, nanny

race, color, etc. Domestic workers are also entitled to parental leave.

MENTAL HEALTH FACILITY ADMISSION INQUIRIES

IF YOU HAVE BEEN DISCRIMINATED AGAINST

not bar you from filing a charge of discrimination.

Discrimination, www.mcad.gov, at one of the offices below.

before the Commission. It is also illegal to aid, abet, incite, compel or coerce any act

failing to reasonably accommodate an otherwise qualified person with a disability.

test, and the right not to have test results disclosed to unauthorized persons.

concerning the conduct and length of the test. Examinees have a number of specific rights,

including the right to a written notice before testing, the right to refuse or discontinue a

embezzlement, etc.) that resulted in economic loss to the employer.

private firms who are reasonably suspected of involvement in a workplace incident (theft,

# MASSACHUSETTS

FED

#### **EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT**

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

### The law requires employers to display this poster where

employees can readily see it. At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, nonhazardous jobs with certain work hours restrictions. Different rules apply in agricultural

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

**NURSING MOTHERS** 

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply

such employee has a need to express breast milk. Employers are also required to provide

a place, other than a bathroom, that is shielded from view and free from intrusion from

coworkers and the public, which may be used by the employee to express breast milk.

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

money penalties for each willful or repeated violation of the minimum wage or overtime

pay provisions of the law. Civil money penalties may also be assessed for violations of the

FLSA's child labor provisions. Heightened civil money penalties may be assessed for each

child labor violation that results in the death or serious injury of any minor employee.

and such assessments may be doubled when the violations are determined to be willful

or repeated. The law also prohibits retaliating against or discharging workers who file a

complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

may litigate and/or recommend criminal prosecution. Employers may be assessed civil

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.

Employees are eligible for this leave if the employer has at least 50 employees and the

worked at least 1,250 hours for the employer during the previous 12-month

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

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

To learn about additional rights for workers who provide housekeeping, cleaning,

childcare, cooking, home management, elder care, or similar services in a household, go to

Workers who work on public construction projects and certain other public work must

be paid the prevailing wage, a minimum rate set by the Department of Labor Standards

Employees who are victims, or whose family members are victims, of domestic violence,

sexual assault, stalking or kidnapping have the right to 15 days of leave for related needs,

such as health care, counseling, and victims services; safe housing; care and custody of

The leave can be paid or unpaid depending on the employer's policy. This law applies to

Employees have the right to sue their employer for most violations of wage and hour laws.

similar complaints. Employees who win their case will receive back pay, triple damages,

**Important!** There are strict deadlines for starting a lawsuit. For most cases, the deadline

It is against the law for an employer to punish or discriminate against an employee for

The laws explained in this poster apply to all workers, regardless of immigration status,

including undocumented workers. If an employer reports or threatens to report a worker

to immigration authorities because the worker complained about a violation of rights, the

Employees Under 18 – Child Labor M.G.L. Chapter 149, Sections 56 – 105

All employers in Massachusetts must follow state and federal laws for employees who are

under 18 (minors). These laws say when, where, and how long minors may work. They also

imployers must keep their minor workers' work permits on file at the worksite.

To get a work permit, the minor must apply to the superintendent of the school

district where the minor lives or goes to school. To learn more about getting a

work permit, contact the Department of Labor Standards at (617) 626-6975, or

Drive most motor vehicles or forklifts

Handle, serve, or sell alcoholic beverages

choppers, processors, cutters, and mixers

Work in freezers or meat coolers

These are just some examples of tasks prohibited under both state and federal law.

For a complete list of prohibited jobs for minors, contact the Attorney General's Fair

Labor Division: (617) 727-3465 • www.mass.gov/ago/youthemployment. Or contact the

At **night**, from 7 p.m. to 7 a.m. *Exception:* In summer (July 1 – Labor

Perform any baking activities

workplaces

U.S. Department of Labor: (617) 624-6700 • www.youth.dol.gov

Must not work

(or past 10:15 if the employer stops

serving customers at 10 p.m.)

may work until 11:30 p.m. or

until midnight, if working at a restaurant or racetrack.

Day), may work until 9 p.m.

During the School Year:\*

During school hours

during any week

weekend or holiday

allowed to work during the school day, up to 23 hours a week

has security from 8 p.m. until the mall closes.

More than 3 hours on any

More than 8 hours on any

Adult Supervision Required After 8 p.m. - After 8 p.m., all minors must

he directly supervised by an adult who is located in the workplace and is

\*Exception: For school-approved career or experience-building jobs, students may be

reasonably accessible. Exception: Adult supervision is not required for minors

working at a kiosk or stand in a common area of an enclosed shopping mall that

Exception: On non-school nights,

At **night**, from 10 p.m. to 6 a.m. •

**Time & Schedule Restrictions for Minors** 

Work 30 or more feet off of the ground

Work at a job that requires that the employee have or use a

Use, clean or repair certain kinds of power-driven machines

Cook (except on electric or gas grills that do not have open

Operate, clean or repair power-driven food slicers, grinders,

Work in or near factories, construction sites, manufacturing

Minors under 14 cannot work in Massachusetts in most cases.

At any time:

More than 9 hours per

More than **48 hours** per

More than **6 days** per

When school is not in session:

More than 8 hours on

More than 40 hours per

More than **6 days** per

Rev. 10/2018

plants, mechanized workplaces, garages, tunnels, or other risky

flames), operate fryolators, rotisseries, NEICO broilers, or

Work Permits Required - Most workers under 18 must obtain a work permit.

making a complaint or trying to enforce the rights explained in this poster.

employer can be prosecuted and/or subject to civil penalties.

say what kinds of work or tasks minors must NOT do.

Dangerous Jobs & Tasks Minors Must Not Do

Employees may sue as an individual or they may sue their employer as a group if they have

been employed for at least 12 months by the employer and

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION **LINITED STATES DEPARTMENT OF LABOR** 

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



**REV. 07/2016** 

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

M.G.L. Chapter 149, Section 190

M.G.L. Chapter 149, Section 150;

M.G.L. Chapter 149, Section 148A;

M.G.L. Chapter 151, Section 19

M.G.L. Chapter 151, Sections 1B and 20

ovees hired through staffing

### MA Wage and Hour Laws Office of Massachusetts **Attorney General**

Fair Labor Hotline TTY (617) 727-4765

OFFICE OF THE ATTORNEY GENERAL www.mass.gov/ago/fairlabor COMMONWEALTH OF MASSACHUSETTS

expected hours of work

**Rights of Temporary Workers** 

Rights of Domestic Workers

employers with 50 or more employees

attorneys' fees, and court costs.

is 3 years after the violation.

**Employers Must Not Retaliate** 

Employees Have the Right to Sue

To learn about rights of temporary workers and emp

agencies, call: 617-626-6970 or go to: www.mass.gov/dols

**Public Works and Public Construction Workers** 

their children; and legal help, protective orders, and going to court.

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 454 C.M.R. 27.07(1)

Maura Healey

Minimum Wage	M.G.L. Chapter 151, Sections 1, 2, 2A, ar		
In Massachusetts, all workers are	Effective Date	Minimum Wage	Service Rates
presumed to be employees. The minimum wage applies to <b>all</b> employees, except:  - agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers),  - members of a religious order,  - workers being trained in certain educational, nonprofit, or religious organizations, and  - outside salespeople.	January 1, 2017	\$11.00	\$3.75
	January 1, 2019	\$12.00	\$4.35
	January 1, 2020	\$12.75	\$4.95
	January 1, 2021	\$13.50	\$5.55
	January 1, 2022	\$14.25	\$6.15
	January 1, 2023	\$15.00	\$6.75
•	M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 152A; M.G.L. Chapter 152A; M.G.L		

The hourly "service rate" applies to workers who provide services to customers and who make more than \$20 a month in tips The average hourly tips, plus the hourly service rate paid to the worker must add up to the

Managers, supervisors and owners must never take any part of their employees' tips. Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees. Tip pooling is allowed only for wait staff, service bartenders, and other service employees. M.G.L. Chapter 151, Sections 1A and 1E

Generally, employees who work more than 40 hours in any week must be paid overtime.

Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, not the service rate Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit <a href="https://www.mass.gov/ago/fairlabor">www.mass.gov/ago/fairlabor</a> or call the Attorney General's Fair Labor Division at (617) 727-3465

Payment of Wages M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.02 The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and

Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week Employees who *quit* must be paid in full on the next regular payday or by the first

Saturday after they quit (if there is no regular payday). Employees who are fired or laid off must be paid in full on their last day of work. M.G.L. Chapter 149, Section 148 All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of

nours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period. **Pay Deductions** M.G.L. Chapter 149, Section 148; 454 C.M.R. 27.05 An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made

for the employee's own benefit (such as to put money aside in the employee's savings account). An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs

The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee. Hours Worked Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to

complete the work Meal Breaks M.G.L. Chapter 149, Sections 100 and 101 Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time

M.G.L. Chapter 151, Section 15 Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week). Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

Sick Leave M.G.L. Chapter 149, Section 148C Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick time on their first day of work. Employees must have access to their sick leave 90 days after starting work

Eligible employees may use their sick leave if they or their child, spouse, parent, or spouse's parent is sick, injured, or has a routine medical appointment. They may also use sick leave for themselves or their child to address the effects of domestic violence. Unless it is an emergency, employees must notify the employer before using sick leave. Employees who miss more than 3 days in a row may need to provide their employer a

**Paid Sick Leave** Employers with 11 or more employees *must* provide paid sick leave. Employers with fewer than 11 employees must provide sick leave; however, it does not need to be paid. **Employers Must Not Discriminate** M.G.L. Chapter 149. Section 105A

M.G.L. Chanter 151B. Section 4 Subject to certain limited exceptions, employers must not pay one employee less for doing They must not discriminate in hiring, pay or other compensation, or other terms of Race or color

Religion, national origin, or ancestry Sex (including pregnancy) Military service Sexual orientation or gender identity or expression Genetic information or disability

**Small Necessities Leave** M.G.L. Chapter 149, Section 52D In some cases, employees have the right to take up to 24 hours unpaid leave every 12 months for their:

child's doctor or dentist appointment, or

elderly relative's doctor or dentist appointments, or other appointments.

? Contact the Attorney General's Fair Labor Division: (617) 727-3465 – www.mass.gov/ago/fairlabor

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimur. wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

Sexual Harassment at work does not have to be tolerated.

It's Illegal. If you are being sexually harassed, report it immediately to your supervisor or You can file a complaint with the Massachusetts Commission Against Discrimination (MCAD).

SEXUAL HARASSMENT OFFICER

Visit or contact MCAD at one of the following locations: 436 DWIGHT STREET **R**оом 601 Room 220 Boston, MA 02108 Springfield, MA 01103 617/994-6000 413/739-2145

617/994-6196 TTY MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

## **Earned Sick Time**

**Notice of Employee Rights** 

earn and take sick leave from work.

MA

**WHO QUALIFIES? All employees** in Massachusetts can earn sick time. This includes full-time, part-time, temporary, and seasonal employees.

**HOW IS IT EARNED?** Employees earn 1 hour of sick time for every 30 hours they work.

Employees can earn and use up to **40 hours per year** if they work enough hours. Employees with unused earned sick time at the end of the year can **rollover up** Employees **begin earning** sick time on their first day of work and **may begin** 

**using** earned sick time 90 days after starting work. **WILL IT BE PAID?** If an employer has 11 or more employees, sick time must be paid. For employers with 10 or fewer employees, sick time may be unpaid.

address the effects of domestic violence

Paid sick time must be paid on the same schedule and at the same rate as regular

An employee can use sick time when the employee or the employee's child spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to

The smallest amount of sick time an employee can take is one hour. Sick time cannot be used as an excuse to be late for work without advance notice Use of sick time for other purposes is not allowed and may result in an employee being disciplined

**CAN AN EMPLOYER HAVE A DIFFERENT POLICY?** es. Employers may have their own sick leave or paid time off policy, so long as employees

can use at least the same amount of time, for the same reasons, and with the same jobprotections as under the Earned Sick Time Law.

Beginning July 1, 2015, Massachusetts employees have the right to

undesirable assignments

Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law. Examples of retaliation include: denying use or delaying payment of earned

Employees must **notify** their employer before they use sick time, except in a

sick time, firing an employee, taking away work hours, or giving the employee

Employers may require employees to use a reasonable notification system If an employee is out of work for 3 consecutive days **OR** uses sick time within 2

weeks of leaving his or her job, an employer may require documentation from a medical provider **DO YOU HAVE QUESTIONS?** 

Call the Fair Labor Division at 617-727-3465 • **Visit** www.mass.gov/ago/earnedsicktime **Commonwealth of Massachusetts** Office of the Attorney General

The Attorney General enforces the Earned Sick Time Law and regulations. It is unlawful to violate any provision of the Earned Sick Time Law. Violations of any provision of the Earned Sick time law, M.G.L. c. 149, § 148C, or these regulations, 940 CMR 33.00 shall be subject to paragraphs (1), (2), (4), (6) and (7) of

subsection (b) of M.G.L. c. 149, §27C(b) and to § 150. Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime

Rev. 07/2016

**NOTICE:** Under the Massachusetts Pregnant Workers Fairness Act, employers must distribute a written notice of the right to be free from discrimination due to pregnancy or a condition related to pregnancy. The notice shall be provided to employees in a handbook, pamphlet, or by other means. Posting does not fulfill the notice requirement. For more information, contact the Massachusetts THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

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DEPARTMENT OF LABOR

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UNITED STATES OF AMERICA

**EMPLOYEE RIGHTS** EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

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 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

**WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR

forbidden under M.G.L. c. 151B, or attempt to do so.

**DOMESTIC WORKERS** 

**CRIMINAL HISTORY INQUIRIES** 

applicant's admission to such a facility.

TTY: 1-877-889-5627 www.dol.gov/whd

REV. 07/2016

1-866-487-9243

WH1462

REV. 04/07/2015

Fair Employment in Massachusetts

Applicants to and employees of private employers with 6 or more employees\*, state and local governments, employment agencies and labor organizations are protected under Massachusetts General Laws Chapter 151B from discrimination on the following bases: RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, GENETIC INFORMATION, ANCESTRY, MILITARY

M.G.L. c. 151B protects applicants and employees from discrimination in hiring, promotion, discharge, compensation, benefits, training, classification and other aspects of employment on the basis of race, color, religion, national origin (including unlawful language proficiency requirements), age (if you are 40 years old or older), sex (including pregnancy), gender identity, sexual orientation, genetic information, ancestry, and military service. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose an undue

HARASSMENT Sexual harassment includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a person's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. The law also prohibits harassment based on the protected classes set

forth above. The law requires employers to grant an employee who has completed an initial probationary period and has given two (2) weeks' notice of the anticipated date of departure and the employee's intention to return, at least eight (8) weeks of paid or unpaid leave for the purpose of childbirth, adoption of a child under 18, or adoption of a child under 23 years old if the child has a mental or physical disability.

M.G.L. c. 151B prohibits discrimination the basis of disability, a record of disability or perceived disability, in hiring, promotion, discharge, compensation, benefits, training, BOSTON OFFICE: 1 ASHBURTON PL., SUITE 601, BOSTON, MA 02108 - P: 617-994-6000 F: 617-994-6024 NEW BEDFORD OFFICE: 800 PURCHASE St., ROOM 501, NEW BEDFORD, MA 02740 - P: 508-990-2390 F: 508-990-4260 Springfield Office: 436 Dwight St., Room 220, Springfield, MA 01103 - P: 413-739-2145 F: 413-784-1056

THE COMMONWEALTH OF MASSACHUSETTS **EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT DEPARTMENT OF UNEMPLOYMENT ASSISTANCE** 

Information on Employees' Unemployment Insurance Coverage

Worcester Office, 484 Main Street, Room 320, Worcester, MA 01608 - P: 508-453-9630 F: 508-755-3861

For more information, please see our website: www.mass.gov/mcad/

EMPLOYER DUA ID # \_

Employees of this business or organization are covered by Unemployment Insurance (UI), a program financed entirely by Massachusetts employers. No deductions are made from your salary to cover the cost of your Unemployment Insurance benefits. If you lose your job, you may be entitled to collect Unemployment Insurance. Outlined below is the information you need in order to apply for Unemployment Insurance (UI) benefits. Before you file, your employer will give you a copy of the pamphlet: How to Apply for Unemployment Insurance Benefits, provided by the Massachusetts Department of Unemployment

You must be in the United States, its territories, or Canada when filing a claim or certifying for weekly UI benefits. There are two ways to apply for UI Benefits:

UI Online is a secure, easy-to-use, self-service system. You can apply for benefits, reopen an existing claim, request weekly benefit payments, check your claim status, sign up for direct deposit, update your address, and even file an appeal online. To apply for benefits using UI Online, go to <a href="https://www.mass.gov/dua">www.mass.gov/dua</a>, and select UI Online for Claimants, and complete the

required information to submit your application. Apply by calling the TeleClaim Center Unemployment Insurance services are available by telephone. You can apply for Unemployment Insurance benefits, reopen a current claim, obtain up-to-date information on the status of your claim and benefit payment, resolve problems, and sign up for direct deposit — all by telephone. To apply for benefits by telephone, call the TeleClaim Center at 1-877-626-6800

from area codes 351, 413, 508, 774, and 978; or 1-617-626-6800 from any other area code. You will be asked to enter your Social Security Number and the year you were born. You will

Note: During peak periods from Monday through Thursday, call scheduling implemented, providing priority for callers based on the last digit of their Security Number. This helps ensure that you and others can get through TeleClaim Center in a timely manner. Please check the schedule on the rig

then be connected to an agent who will take the information necessary to file your claim.

	If the last digit of your Social Security Number is:	Assigned day to call Teleclaim is:	
ing may be eir Social n to the right before	0, 1	Monday	
	2, 3	Tuesday	
	4, 5, 6	Wednesday	
	7, 8, 9	Thursday	
	Any last digit	Friday	

rmation. Please have it translated importanti. La preghiamo di tradurlo В данном документе содержится важная — Este documento contém informações нформация. Вам необходимо срочноimportantes. Por favor, traduxi-lo делать перевод документа. Este documento contiene información Docikman sa gen enfômasyon enpôta mportante. Por favor, consiga una traducción Tanpri fé von moun tradwi I touswit 본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 Tài liệu này có chứa thông tin quan trong.

Vui lòng dịch tài liệu này ngay.

MA

MA

entitled to parental leave.

Questo documento contiene informazioni ເສກະສານສະບັບນີ້ ຢັນຈູຂໍ້ມູນສັນສຳຄັນ. 此文件含有服要信息。 neguni8nianewnusedfufftullulaan 請立即找人翻譯。 वातात्राहरू संतिष्ठ विश्वविद्यार कार्य . । वातातिष्ठ विश्वविद्यार विश्वविद्यार विश्वविद्यार विश्वविद्यार विश्वव សូមបកប្រែវាជាបន្ទាន់ ។ Ce document contient des informations importantes. Veuillez le faire traduire

IMPORTANT: Massachusetts General Law, Chapter 151A, Section 62A requires that this notice be displayed at each site operated by an employer, in a conspicuous place, where it is accessible to all employees. It must include the name and mailing address of the employer, and the identification number assigned to the employer by the Department of Unemployment An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services, call 711.

**EMPLOYER** Notice to Employees

**EMPLOYER'S WORKERS'** 

COMPENSATION OFFICER (IF ANY)

**DEPARTMENT OF INDUSTRIAL ACCIDENTS** 1 Congress Street, Suite 100, Boston, Massachusetts 02114-2017 617-727-4900 - http://www.state.ma.us/dia v Massachusetts General Law Chanter 152 Sections 21 22 & 30 this wi give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with: NAME OF INSURANCE COMPANY ADDRESS OF

The Commonwealth of Massachusetts

**EFFECTIVE DATES** NAME OF INSURANCE AGENT \_\_\_\_\_

Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the TO BE POSTED BY EMPLOYER

MEDICAL TREATMENT

The above named insurer is required in cases of personal injuries arising out of and in the

course of employment to furnish adequate and reasonable hospital and medical services

in accordance with the provisions of the Workers' Compensation Act. A copy of the First

**Commission Against Discrimination** Parental Leave

An Act Relative to Parental Leave expands the current maternity leave law, G.L. c. 149, The law clarifies that an employee on parental leave for the adoption of a child § 105D, which is enforced by the Massachusetts Commission Against Discrimination shall be entitled to the same benefits offered to an employee on leave for the (MCAD). Currently, Massachusetts law requires employers with six or more employees to birth of a child. provide eight weeks of unpaid maternity leave for the purpose of giving birth or for the The law expands the notice requirements, mandating that employers keep placement of a child under the age of 18, or under the age of 23 if the child is mentally a posting in a conspicuous place describing the law's requirements and the or physically disabled, for adoption. The new law goes into effect on April 7, 2015 and employer's policies as to parental leave expands the current leave law in the following ways: **Boston:** One Ashburton Place, Room 601, Boston, MA 02108; 617-994-6000 The parental leave law is now gender neutral. Both men and women are

**Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103; 413-739-2145 If the employer agrees to provide parental leave for longer than 8 weeks, the **Worcester:** 484 Main Street, Room 320, Worcester, MA 01608; 508-453-9630 employer must reinstate the employee at the end of the extended leave unless **New Bedford:** 800 Purchase, Room 501, New Bedford, MA 02740; 508-990-2390 it clearly informs the employee in writing before the leave and before any extension of that leave, that taking longer than 8 weeks of leave shall result in **Visit our website** for more resources and instructions on filing a complaint: the denial of reinstatement or the loss of other rights and benefits. The law clarifies that the right to leave applies to employees who have

completed an initial probationary period set by the terms of employment, but which is not greater than 3 months. The law provides that if two employees of the same employer give birth to or adopt the same child, the two employees are entitled to an aggregate of 8 weeks of leave. The law clarifies that an employee seeking leave must provide at least 2 weeks'

notice of the anticipated date of departure and the employee's intention to

return, but also permits the employee to provide notice as soon as practicable if

REV. 3/10/2015

Generally, an employee who has taken paid family or medical leave must be restored

employment benefits, length-of-service credit, and seniority as of the date of leave.

To fund PFML benefits, employers will deduct payroll contributions from a covered

individual's wages or other earnings beginning on Oct. 1, 2019. Covered individuals can

Medical Leave. A covered individual's average weekly earnings will determine his or her

It is unlawful for an employer to discriminate or retaliate against an employee for

An employee or former employee who is discriminated or retaliated against for

occurs, institute a civil action in the superior court, and may be entitled to

If an employer offers employees paid family leave, medical leave, or both, with benefits

that are at least as generous as those provided under the law, the employer may apply for

discrimination and retaliation under the law even when an employer opts to provide paid

an exemption from paying the contributions. Employees continue to be protected from

exercising rights under the law may, not more than three years after the violation

apply for benefits beginning in January 2021 through the Department of Family and

exercising any right to which s/he is entitled under the law.

damages of as much as three times his or her lost wages.

to the employee's previous position or to an equal position, with the same status, pay,

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the delay is for reasons beyond the employee's control.

These job protections do not apply to contractors.

**No Retaliation or Discrimination** 

leave benefits through a private plan.

benefit amount, for a maximum weekly benefit of up to \$850.

Notice of Benefits Available Under M.G.L. Chapter 175M

**Paid Family and Medical Leave** Beginning on October 1, 2019: Employers will deduct payroll contributions from a covered individual's wages or other earnings to fund PFML benefits. Beginning on January 1, 2021:

Covered individuals may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from Covered individuals may be entitled to up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the

Covered individuals may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition. Beginning on July 1, 2021: Covered individuals may be entitled to up to 12 weeks of paid family leave to care for a family member with a serious health condition.

Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year. Who is a Covered Individual Under the Law? Generally, a worker qualifies as a covered individual and may be eligible for paid family S/he is paid wages by a Massachusetts employer; or

S/he resides in Massachusetts and is paid for contract services by a Massachusetts more than 50 percent of its workforce; or S/he is a self-employed individual who resides in Massachusetts and chooses to opt-in to the program.

> MassPFML@Mass.gov or visit: https://www.mass.gov/DFML This notice must be posted in a conspicuous place on the employer's premises.

If you have questions or concerns about your Paid Family and Medical Leave rights, please contact:

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

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed

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 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 If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are a past or present member of the uniformed have applied for membership in the uniformed

then an employer may not deny you

because of this status

**LEAVE ENTITLEMENTS** 

normal paid leave policies.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

FED

the following bases:

child's birth or placement)

qualifying serious health condition;

following reasons:

**FED** 

FED

retention in employment;

initial employment promotion; or any benefit of employmen

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

**HEALTH INSURANCE PROTECTION** 

be viewed at http://www.dol.gov/elaws/userra.htm.

• If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or

and resolve complaints of USERRA violations For assistance in filing a complaint, or for any other information on USERRA, contact VETS at

exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate

If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by

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

qualifies for FMLA protection. Sufficient information could include

his or her job functions, that a family member cannot perform daily

activities, or that hospitalization or continuing medical treatment is

for a reason for which FMLA leave was previously taken or certified.

supporting the need for leave. If the employer determines that the

certification is incomplete, it must provide a written notice indicating

Once an employer becomes aware that an employee's need for leave is

for a reason that may qualify under the FMLA, the employer must notify

the employee if he or she is eligible for FMLA leave and, if eligible, must

Employers must notify its employees if leave will be designated as FMLA

also provide a notice of rights and responsibilities under the FMLA. If

the employee is not eligible, the employer must provide a reason for

discrimination or supersede any state or local law or collective

Employers can require a certification or periodic recertification

what additional information is required.

**EMPLOYER RESPONSIBILITIES** 

informing an employer that the employee is or will be unable to perform

necessary. Employees must inform the employer if the need for leave is

**1-866-4-USA-DOL** or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can

REV. 04/2017

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION **BENEFITS & PROTECTIONS** 

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the insurance coverage as if the employees were not on leave. The birth of a child or placement of a child for adoption or foster same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. To bond with a child (leave must be taken within 1 year of the

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, To care for the employee's spouse, child, or parent who has a any proceeding under or related to the FMLA.

military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, Have at least 1,250 hours of service in the 12 months before parent, or next of kin may also take up to 26 weeks of FMLA leave in a taking leave;\* and single 12-month period to care for the servicemember with a serious iniury or illness

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave employees. intermittently or on a reduced schedule Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's

Private Employers, State and Local Governments,

Educational Institutions, Employment Agencies and

Labor Organizations

Applicants to and employees of most private employers, state and local

organizations are protected under Federal law from discrimination on

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

fringe benefits, job training, classification, referral, and other aspects

pregnancy), or national origin. Religious discrimination includes failing

to reasonably accommodate an employee's religious practices where the

of employment, on the basis of race, color, religion, sex (including

Title I and Title V of the Americans with Disabilities Act of 1990,

as amended, protect qualified individuals from discrimination on

the basis of disability in hiring, promotion, discharge, pay, fringe

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

employment. Disability discrimination includes not making reasonable

otherwise qualified individual with a disability who is an applicant or

accommodation to the known physical or mental limitations of an

The Age Discrimination in Employment Act of 1967, as amended,

protects applicants and employees 40 years of age or older from

discrimination based on age in hiring, promotion, discharge, pay,

Act, as amended, the Equal Pay Act of 1963, as amended, prohibits

performing substantially equal work, in jobs that require equal skill,

sex discrimination in the payment of wages to women and men

Title II of the Genetic Information Nondiscrimination Act of 2008

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

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

accommodation does not impose undue hardship.

employee, barring undue hardship.

SEX (WAGES)

establishment.

governments, educational institutions, employment agencies and labor

employer's usual procedures.

www.dol.gov/whd U.S. Department of Labor • Wage and Hour Division • WH1420

**Equal Employment Opportunity is THE LAW** 

(family medical history); and requests for or receipt of genetic services

by applicants, employees, or their family members.

affirmative action to employ and advance in employment disabled

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice. RETALIATION WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is

available at www.eeoc.gov or in most telephone directories in the U.S.

Government or Federal Government section. Additional information

about EEOC, including information about charge filing, is available at **Employers Holding Federal Contracts or Subcontracts** Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of fringe benefits, job training, classification, referral, and other aspects of INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act of 1973, as amended, protects In addition to sex discrimination prohibited by Title VII of the Civil Rights qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to effort, and responsibility, under similar working conditions, in the same

the known physical or mental limitations of an otherwise qualified

individual with a disability who is an applicant or employee, barring

affirmative action to employ and advance in employment qualified

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

undue hardship. Section 503 also requires that Federal contractors take

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

individuals with disabilities at all levels of employment, including the protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND also restricts employers' acquisition of genetic information and strictly ARMED FORCES SERVICE MEDAL VETERANS limits disclosure of genetic information. Genetic information includes The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as information about genetic tests of applicants, employees, or their family

veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. or affirmative action obligations under the authorities above should

Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at <a href="OFCCP-Public@dol.gov">OFCCP-Public@dol.gov</a>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment

prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities

who, with or without reasonable accommodation, can perform the essential functions of the iob. If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should

**REV. 11/2009** 

## **Job Safety and Health** IT'S THE LAW!

All workers have the right to:

retaliated against.

 Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being

Receive information and training on job hazards, including all hazardous substances in your workplace.

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.

speak in private to the inspector. • File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been

retaliated against for using your rights.

 See any OSHA citations issued to your employer. Request copies of your medical records, tests that measure hazards in the workplace, and

This poster is available free from OSHA.

the workplace injury and illness log.

**Employers must:** 

recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness. Comply with all applicable OSHA standards.

Provide employees a workplace free from

inpatient hospitalization, amputation, or loss of an eye.

Notify OSHA within 8 hours of a workplace

fatality or within 24 hours of any work-related

 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 state.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



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Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

**EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT** 

While employees are on FMLA leave, employers must continue health Upon return from FMLA leave, most employees must be restored to the

opposing any practice made unlawful by the FMLA, or being involved in

**ELIGIBILITY REQUIREMENTS** For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: For qualifying exigencies related to the foreign deployment of a Have worked for the employer for at least 12 months:

> Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite. \*Special "hours of service" requirements apply to airline flight crew

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

Employees do not have to share a medical diagnosis, but must provide

enough information to the employer so it can determine if the leave

leave, and if so, how much leave will be designated as FMLA leave. **ENFORCEMENT** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against ar The FMLA does not affect any federal or state law prohibiting

ineligibility.

bargaining agreement that provides greater family or medical leave

REV. 04/2016

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

Any person who believes a contractor has violated its nondiscrimination The Office of Federal Contract Compliance Programs (OFCCP), U.S.

Programs or Activities Receiving Federal Financial RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as

discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972

immediately contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

members; the manifestation of diseases or disorders in family members

A safe workplace.

Request a confidential OSHA inspection

 Participate (or have your representative) participate) in an OSHA inspection and

Contact OSHA. We can help.