# **EMPLOYMENT** LAWS

FED

**LEAVE ENTITLEMENTS** 

period for the following reasons:

take leave intermittently or on a reduced schedule.

benefits, and other employment terms and conditions.

Have worked for the employer for at least 12 months;

Have at least 1,250 hours of service in the 12 months before taking leave;\* and

\*Special "hours of service" requirements apply to airline flight crew employees.

bargaining agreement that provides greater family or medical leave rights.

**ELIGIBILITY REQUIREMENTS** 

**REQUESTING LEAVE** 

DEPARTMENT OF LABOR

more of the following reasons:

UNITED STATES OF

AMFRICA

RI

RI

FMLA leave was previously taken or certified.

# **FEDERAL**

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

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA

leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee

Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

the certification is incomplete, it must provide a written notice indicating what additional information is required.

responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

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

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine

if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or

will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that

employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the

or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay,

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee

substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month

The birth of a child or placement of a child for adoption or foster care;

To bond with a child (leave must be taken within 1 year of the child's birth or placement);

FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

To care for the employee's spouse, child, or parent who has a qualifying serious health condition;

# RHODE ISLAND

#### 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

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, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment. 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

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

shielded from view and free from intrusion from coworkers and

also required to provide a place, other than a bathroom, that is

the public, which may be used by the employee to express breast

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT

or discharging workers who file a complaint or participate in any proceeding under the FLSA. **ADDITIONAL INFORMATION** 

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

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.

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

## Effective OCTOBER 1, 2020 - THIS LAW PROVIDES HOURLY MINIMUM WAGE FOR ALL

**EMPLOYEES EXCEPT: Full-time students under** 19 years of age working in a non-profit religious, educational, librarial or community services

Minors 14 and 15 years of 24 hours in a week gratuities (as of Jan. 1, 2017):

for all hours worked over 40 in any one workweek. The law requirements for certain occupations or establishments.

discretion of the DLT Director. **Mandatory Nurse Overtime** - a hospital may not require certain nurses and certified nurse assistants to work overtime except in an unforeseeable emergency. Minimum Shift Hours - Employees requested or permitted to

with 3 hours work or 3 hours wages. Retail establishment

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 iolation 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

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the

exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

## Department of Labor and Training (DLT)

# Attention Employees - MINIMUM WAGE - Rhode Island

\$11.50 \$10.35 (90% of Minimum

organization. \$8.63 age working not more than (75% of Minimum Wage)

Overtime Pay - At least 1½ times the regular rate of pay contains exemptions from minimum wage and/or overtime pay Learners and handicapped workers may be paid less than the applicable minimum but only under certificates issued at the

report for duty at the beginning of a work shift must be provided

**Enforcement** - DLT may bring criminal action against any employer who pays substandard wages to an employee, and may seek, upon conviction, a penalty up to \$500 and/or imprisonment of up to 90 days. Each week an employer fails to pay the applicable minimum wage constitutes a separate violation. Any employer who hinders or delays the DLT Director or

enforcement of the law: refuses to admit the Director or said representative to any place of employment; fails to make, keep, and preserve, any records as required; falsifies any such record; refuses to make such record accessible to the Director or said representative upon demand; or refuses to furnish a sworn statement of such record or any other information needed for the proper enforcement of this law, shall be deemed in violation and subject to a fine of up to \$500. Each day such violation occurs constitutes a separate offense. Visit www.dlt.ri.gov/ls or call (401) 462-WAGE (9243) for more

2. You provide the department with the required medical

relationship for bonding claims and

evidence of the seriously ill family member and your need

to care for him/her or the required proof of parent child

You earned enough in qualifying wages to be monetarily

**To Apply** - Complete a TDI/TCI application. TDI claims must be

filed within 90 days of the first week out of work due to illness.

The DLT Director may extend this period up to 26 weeks if the

filing. TCI claims must be filed within 30 days after the first day

of leave is taken for reasons of bonding or caregiving. TDI/TCI

application may be obtained online at www.dlt.ri.gov/tdi. or call

(401) 462-8420, Option #1 to request an application be mailed

contributions if during the calendar year TDI contributions were

may be obtained regarding a refund by calling (401) 574-8700 or

writing to the RI Division of Taxation, Employer Tax Section, One

**EMPLOYMENT AND TRAINING SERVICES** 

Internet access for employment and training information.

Job Search workshops to help you develop interviewing

Résumé writing seminars to help you create an effective

Visit www.networkri.org to find a career center near you

If you believe you are or have been the victim of sexual

harassment, contact:

**RHODE ISLAND COMMISSION FOR HUMAN RIGHTS** 

180 WESTMINSTER STREET, THIRD FLOOR

Providence, RI 02903

401-222-2661

TDD: 401-222-2664

Fax: 401-222-2616

www.richr.ri.gov

States, unless the employee knows or has reason to know

participate in an investigation, hearing, or inquiry held by

Because an employee refuses to violate or assist in violating

Because the employee reports verbally or in writing to the

employer or to the employee's supervisor a violation, which

the employee knows or reasonably believes has occurred or

is about to occur, of a law or regulation or rule promulgated

under the laws of this state, a political subdivision of this

state, or the United States, unless the employee knows or

has reason to know that the report is false. Provided, that if

the report is verbally made, the employee must establish by

clear and convincing evidence that the report was made.

§ 28-50-4 Relief and damages. – (a) A person who alleges

a violation of this act may bring a civil action for appropriate

after the occurrence of the alleged violation of this chapter.

injunctive relief, or actual damages, or both within three (3) years

(b) An action commenced pursuant to subsection (a) of this

section may be brought in the superior court for the county where

the alleged violation occurred, the county where the complainant

resides, or the county where the person against whom the civil

complaint is filed resides or has their principal place of business.

(c) As used in subsection (a) of this section, "damages" means

damages for injury or loss caused by each violation of this chapter.

§ 28-50-5 Reinstatement. – A court, in rendering a judgment

payment of back wages, full reinstatement of fringe benefits and

remedies. A court may also award the complainant all or a portion

seniority rights, actual damages, or any combination of these

of the costs of litigation, including attorneys' fees if the court

§ 28-50-6 Collective bargaining. – This chapter shall not be

construed to diminish or impair the rights of a person under any

§ 28-50-7 Exemption. – This chapter shall not be construed to

in an investigation, hearing or inquiry held by a public body in

§ 28-50-8 Notices posted. – An employer shall post notices

and use other appropriate means to keep his or her employees

§ 28-50-9 Severability. – If any provision of this chapter or its

application to any person or circumstances is held invalid or

informed of their protections and obligations under this chapter.

nconstitutional, the invalidity or unconstitutionality shall not

or application, and to this end the provisions of this chapter are

affect other provisions or applications of this act which can be

given effect without the invalid or unconstitutional provision

require an employer to compensate an employee for participation

determines that the award is appropriate.

collective bargaining agreement.

accordance with § 28-50-3.

declared to be severable.

RI General Laws §28-29-13, §28-44-38 and §28-41-15 state that these notices must be posted and maintained in conspicuous places where

DLT is an equal opportunity employer/program, auxiliary aids and services are available on request to individuals with disabilities. TTY via RI

in an action brought under this act, shall order, as the court

considers appropriate, reinstatement of the employee, the

(d) [Deleted by P.L. 2012, ch. 306, § 5 and P.L. 2012, ch. 344, § 5.]

Because an employee is requested by a public body to

that the report is false, or

that public body, or a court action, or

federal, state or local law, rule or regulation, or

**REV. 01/2019** 

Visit www.networkri.org for a location near you. You can access

If you need help finding a job, DLT offers free employment and

deducted from your pay by more than one employer. Information

to you. For more information, visit <a href="https://www.dlt.ri.gov/tdi">www.dlt.ri.gov/tdi</a> or call

NOTE: You may be entitled to a refund of a portion of your

Capitol Hill, Suite 36, Providence, RI 02908-5829.

Job referral and placement services.

training related services including:

training resources

résumé and cover letter

Commission for Human Rights

Sexual Harassment is Against the Law

**CHAPTER 28-50** 

The Rhode Island Whistleblowers' Protection Act

Sexual harassment is a form of discrimination that occurs when an **Report incidents of harassment to:** 

many services online at www.employri.org.

individual can show a good medical reason for the delay in

information. DLT-L-58

## 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 minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of

# Department of Labor and Training (DLT) You Are Protected under Provisions of the RI EMPLOYMENT SECURITY ACT

## If you become totally/partially unemployed:

- are unemployed or working reduced hours File your claim online at www.dlt.ri.gov/ui or by telephone at (401) 243-9100. Visit www.dlt.ri.gov/ui for hours of
- call (401) 243-9100. to file your claim later in the week. You will need your
- a. Be unemployed through no fault of your own,
- c. Be physically able to work, available for work, and actively seeking work, and

# d. Register for work with DLT. TEMPORARY DISABILITY INSURANCE BENEFITS

- minimum of seven consecutive days or more, and
- You have a timely exam: an in-office physical exam the week within the calendar week in which the first day of unemployment due to sickness occurs or within the
- You earned enough qualifying wages during the base period to be monetarily eligible.
- Eligible for Temporary Caregiver Insurance Benefits If you are caring for a seriously ill: child, spouse, parent, parent in-law, grandparent, domestic partner or you are bonding with a newborn child, adopted child or foster child within the first 12

You are unemployed because you are caring for a seriously

individual makes unwelcome sexual advances, requests for sexual

favors and/or other verbal or physical conduct of a sexual nature

Sexual harassment occurs when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment,

unreasonably interferes with an individual's work performance or

creates an intimidating, hostile, or offensive work environment.

The prohibition against sexual harassment does not only apply

to employers. It also applies to labor organizations, employment

§ 28-50-1 Short title. - This chapter may be cited as the "Rhode

"Employee" means a person employed by any employer,

"Employer" means any person, partnership, association,

board, council, bureau, or authority or any subdivision

contract of hire, written or oral, express or implied.

"Person" means an individual, sole proprietorship,

"Public body" means all of the following:

of that body.

judiciary.

employee complains.

location, or privileges of employment:

(vii) Any federal agency.

sole proprietorship, corporation or other business entity.

including any department, agency, commission, committee,

thereof in state or municipal government. One shall employ

another if services are performed for wages or under any

partnership, corporation, association, or any other legal

A state officer, employee, agency, department,

division, bureau, board, commission, council,

authority, or other body in the executive branch of

An agency, board, commission, council, member,

a council, school district, or a board, department,

commission, agency, or any member or employee of

authority or which is primarily funded by or through

state or local authority, or any member or employee

or employee of the legislative branch of state

(iii) A county, city, town, or regional governing body,

(iv) Any other body which is created by state or local

A law enforcement agency or any member or

"Supervisor" means any individual to whom an employer

performance of the affected employee or any individual

the violation of a law, rule or regulation about which the

Because the employee, or a person acting on behalf of the

employee, reports or is about to report to a public body,

verbally or in writing, a violation which the employee knows

or reasonably believes has occurred or is about to occur, of

this state, a political subdivision of this state, or the United

a law or regulation or rule promulgated under the law of

workers are employed. Fines may be imposed for noncompliance.

§ 28-50-3 Protection. – An employer shall not discharge,

regarding the employee's compensation, terms, conditions,

threaten, or otherwise discriminate against an employee

who has the authority to take corrective action regarding

has given the authority to direct and control the work

The judiciary and any member or employee of the

employee of a law enforcement agency.

contract employees and independent contractors.

and shall include, but not be limited to, at-will employees,

Sexual harassment is a violation of state and federal laws.

agencies, and to individuals who aid and abet an unlawful

a co-worker

victim

a non-employee

the same sex as the

against his or her wishes.

a supervisor

employer

employment practice.

Island Whistleblowers' Protection Act".

§ 28-50-2 **Definitions.** – As used in this chapter:

an agent of the

a supervisor in another

ill family member or bonding with a child and

**Child Labor** - Employees must be at least 16 years old to work work, with a special permit issued by local school officials, in

various jobs outside school hours under certain conditions. Different rules apply to agriculture employment.

authorized representative in the performance of duties in the

# **REV. 01/2019**

REV. 07/2016

## Labor dictates that the employee is entitled to the higher minimum wage rate. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

# and the TEMPORARY DISABILITY INSURANCE ACT **UNEMPLOYMENT INSURANCE BENEFITS**

## File your claim for benefits with the DLT the same week you

- operation. For more information, visit www.dlt.ri.gov/ui or Monday is a high-volume telephone day; you may prefer
- Social Security number and name, address and telephone numbers of your employers for the last two years. If you are not a U.S. citizen, your alien registration number is required. To collect unemployment benefits, the law requires that
- b. Have earned minimum qualifying wages while you

#### **Eligible for TDI Benefits** - If you have become ill or injured and meet all of the requirements, you may be entitled to receive benefits:

- You are unemployed due to illness, surgery, or injury for a You are under the care of an approved Qualified Health Care
- calendar week prior or subsequent thereto.

months of parenting; you may be eligible to receive benefits if you meet the following requirements:

# employees must be provided with 4 hours work on Sundays and

in most nonfarm jobs and 18 to work in nonfarm jobs declared hazardous by the U.S. Secretary of Labor. Youths 14 and 15 may

## RHODE ISLAND PARENTAL AND FAMILY MEDICAL LEAVE ACT Employers with 50 or more employees must grant an unpaid

Department of Labor and Training (DLT)

U.S. Department of Labor • Wage and Hour Division • WH1420

leave of absence upon the request of an eligible employee, for 13 consecutive weeks in any two calendar years, under certain **Employees are Eligible** to apply for leave if they work full-Use of Sick Leave by Adoptive Parent - Any employer who allows sick time or sick leave of an employee to be used after time, an average of 30 hours or more per week and have been the birth of a child shall allow the same time to be used for the employed continuously for at least 12 months. Purpose of Leave - Under the Act, the leave must be for one or placement of a child 16 years of age or less with an employee in

Birth of a child of an employee Placement of a child 16 years of age or less with an employee in connection with the adoption of such child by the employee. "Serious illness" of the employee or the employee's parent, spouse, child, mother-in-law, or father-in-law. (Serious Illness is defined to mean a disabling physical or mental

illness, injury, impairment or condition that involves

in-patient care in a hospital, nursing home, hospice or out-

patient care requiring continuing treatment or supervision by a health care provider). Requests for Leave - To be entitled to the leave, the employee must give at least 30 days notice of the intended date upon which the requested leave is to begin and end, unless prevented by medical emergency from doing so. Employees may be requested to provide written certification from the physician of the person who is the reason for the leave request, which certification shall specify the probable duration of the requested leave. **School Involvement Leave** - An employee who has been employed for 12 consecutive months is entitled to 10 hours of leave during any 12-month period to attend school conferences or

to the leave must be given to the employer by the employee. The leave is not required to be paid; however, an employee may substitute any accrued paid vacation leave or other appropriate

connection with the adoption of the child by the employee. Continuation of Health Benefits - Prior to the commencement of leave, the employee must pay his employer a sum equal to the premium required to maintain the employee's health benefits in force during the period of leave, which sum is required to be returned to the employee within 10 days following return to work. **Return from Leave** - Employees who are granted leave under the Act are entitled to be restored to the position held when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay and other terms and conditions of employment, including all fringe benefits and service credits that the employee had been entitled to at the commencement of the

Prohibited Acts - It is unlawful for any employer to interface with, restrain or deny employees the rights provided under the Act. Any discrimination or disciplinary action taken against an employee for exercising these rights under the Act, or for opposing any practice made unlawful by the Act, is also prohibited. **Enforcement** - Alleged violations of the Act may be complained of (1) in a civil action brought by an employee, (2) by a complaint filed with the DLT Director. Civil penalties are provided for violations of the Act or any order issued by the Director of Labor

other school-related activities for a child of whom the employee is the parent, foster parent, or guardian. A notice of 24 hours prior

**HEALTHY AND SAFE FAMILIES and WORKPLACES ACT** Pursuant to RI General Law §28-57, you are entitled to sick and safe leave to address your own health and safety needs as well as those of your family. This leave may or may not be paid depending on the size of your employer and other factors as detailed in the law.

Department of Labor and Training (DLT)

Resource rooms with a wide range of employment and Visit www.dlt.ri.gov/wrs or call (401) 462-WAGE (9243) for more information. Career counseling and testing to help assess aptitudes and

**REV. 01/2018** 

Department of Labor and Training (DLT) Workers' Compensation Insurance Company:

ADJUSTING COMPANYS POLICY EFFECTIVE DATE: \_\_ In accordance with RI General Law §28-32-1, employers must report to the DLT Director every personal injury sustained by an employee if the injury incapacitates the employee from earning full wages for at least 3 days or requires medical

treatment, regardless of the period of incapacity. If the injury

WORKERS' COMPENSATION ACT of the State of Rhode Island proves fatal, the report must be filed within 48 hours. If not fatal, the report shall be made within 10 days of the injury. An injured employee shall have freedom to choose medical treatment initially. The employee's first visit to any facility under contract or agreement with the employer or insurer to provide priority care shall not be considered the employee's initial choice. For more information, call the Education Unit

at (401) 462-8100, press #1. If you suspect fraud, contact the

Fraud Prevention Unit at (401) 462-8100, press #7.

REV. 01/2018

**REV. 01/2018** 

# Department of Labor and Training (DLT)

## Pursuant to RI General Law §28-6.14-1, it is unlawful for an employer to include on a job application any questions regarding whether an applicant has ever been arrested, charged with or convicted of any crime. Limited exceptions exist for law enforcement agencies and related positions. Employers

**BAN-THE-BOX** 

in violation of this law may be fined between \$100-\$500 per offense. Visit www.dlt.ri.gov/ls or call (401) 462-WAGE (9243) for more information.

RI

## Department of Labor and Training (DLT) RHODE ISLAND RIGHT-TO-KNOW

### Ignoring This Poster Can Be Hazardous To Your Health Under the RI Right-To-Know Law, your employer must • proper protective equipment for safe use; and

**tell you about the dangers of any hazardous substances** • procedures for clean-up of leaks and spills.

in your workplace. You have a right to know: the common name or trade names of the substance, including the chemical name;

- the level at which exposure to the substance is hazardous,
- the effects and symptoms of exposure at hazardous levels; the potential for flammability, explosion, and reactivity of
- appropriate emergency treatment;
- proper procedures for the safe use of and exposure to the
- with is the greatest hazard of all."

REV. 01/2018

Your employer must provide you with the above information. If he or she has not, make sure you ask about it. Your company

The Right-To-Know Law was created to protect you. Visit

http://www.dlt.ri.gov/occusafe or call (401)462-8570, option #4 for

"Because not knowing about the hazardous substances you work

DLT-L-47 The RI Right-To-Know Law

REV. 07/2015

# NOTICE OF RIGHT TO BE FREE FROM DISCRIMINATION BECAUSE OF PREGNANCY, CHILDBIRTH AND RELATED CONDITIONS

law provides similar protections Employees and applicants have the right under state law to request a reasonable accommodation for conditions related to pregnancy, childbirth and related conditions such as the need to express breast milk for a nursing child. This workplace may not: refuse to grant you the reasonable accommodation unless it would create an undue hardship on this

employer's enterprise, business or program;

State law protects employees and applicants from discrimination

based on pregnancy, childbirth and related conditions. Federal

require you to take a leave if another reasonable accommodation can be granted; or deny you employment opportunities based on a refusal to provide a reasonable accommodation If you want to request a reasonable accommodation, or if you have been discriminated against based on pregnancy, childbirth

or related condition, please contact one of the following staff

PHONE NUMBER PHONE NUMBER EMAIL ADDRESS EMAIL ADDRESS

If you have been the victim of discrimination based on pregnancy,

childbirth or related conditions and/or denial of a reasonable

Providence, RI 02903 401-222-2661 TDD: 401-222-2664

www.richr.ri.gov

accommodation, contact: RHODE ISLAND COMMISSION FOR HUMAN RIGHTS 180 WESTMINSTER STREET, 3<sup>RD</sup> FLOOR Providence, RI 02903 (401) 222-2661

www.richr.ri.gov

### Commission for Human Rights Discrimination is Illegal

State and Federal laws prohibit harassment and discrimination in hiring, terms and conditions, promotion, discharge, salary, benefits, and other aspects of employment based on race, color, religion, ancestral origin, sex, sexual orientation\*, gender identity or expression\* physical or mental disability or age (over 40). State law also prohibits employers from asking applicants about arrest records, and makes it unlawful to ask about convictions until at or after a first interview (with certain exceptions).

You have the right to a workplace free of harassment and discrimination. Report incidents of harassment and discrimination to the Commission for Human Rights and the company representative named below: RHODE ISLAND Commission for Human Right **180 Westminster Street** THIRD FLOOR

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

This poster is in compliance with federal and state posting requirements.

## **Private Employers, State and Local** Governments, Educational Institutions,

**Employment Agencies and Labor Organizations** Applicants to and employees of most private employers, state and local governments, educational institutions,

employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

# RACE, COLOR, RELIGION, SEX, NATIONAL

FED

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably

accommodate an employee's religious practices where the accommodation does not impose undue hardship.

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 accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

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, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)** In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

Title II of the Genetic Information Nondiscrimination

Act of 2008 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 also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history);

# **Equal Employment Opportunity is THE LAW**

and requests for or receipt of genetic services by applicants, employees, or their family members.

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.

## WHAT TO DO IF YOU BELIEVE DISCRIMINATION **HAS OCCURRED**

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is

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:

RACE, COLOR, RELIGION, SEX, NATIONAL

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 employment.

#### **INDIVIDUALS WITH DISABILITIES** Section 503 of the Rehabilitation Act of 1973, as amended, protects 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 the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the

#### **DISABLED, RECENTLY SEPARATED, OTHER** PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ

and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans

(veterans who, while on active duty, participated in

a U.S. military operation for which an Armed Forces

# service medal was awarded).

RETALIATION Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under

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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional

# **Financial Assistance**

or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the discrimination on the basis of sex in educational programs or activities which receive Federal financial

**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 with disabilities who, with or without reasonable

a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance. EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09

# FED

REV. 04/2016

#### YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **REEMPLOYMENT RIGHTS** 

#### You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

with that particular employer;

you ensure that your employer receives advance written or verbal notice of your you have five years or less of cumulative service in the uniformed services while

or certain types of service in the National Disaster Medical System.

conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you

#### would have attained if you had not been absent due to military service or, in some cases, a comparable job.

are a past or present member of the • are obligated to serve in the uniformed service; uniformed service;

then an employer may not deny you: initial employment;

because of this status.

FED

reemployment; any benefit of employment retention in employment;

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** • If you leave your job to perform military service, you have the right to elect to

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., preexisting condition exclusions) except for service-connected illnesses or injuries. **ENFORCEMENT** 

USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm. If you file a complaint with VETS and VETS is unable to resolve it, you may

For assistance in filing a complaint, or for any other information on

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

requirement by displaying the text of this notice where they customarily place notices U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice

Office of Special Counsel

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

# **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. **PROHIBITIONS** 

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,

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

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

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

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. **WAGE AND HOUR DIVISION** 

UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243

TTY: 1-877-889-5627

www.dol.gov/whd

REV. 07/2016



# **Job Safety and Health**

# All workers have the right to:

distributors and dispensers.

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

 A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a work-

related 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) 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

Participate (or have your representative

See any OSHA citations issued to your employer. Request copies of your medical records, tests

the workplace injury and illness log.

Contact OSHA. We can help.

that measure hazards in the workplace, and

retaliated against for using your rights.

This poster is available free from OSHA.

**TWO** ways to

verify poster

compliance!

# **Employers must:**

- and safety concern with you or with OSHA, or reporting a work-related injury or illness. Comply with all applicable OSHA standards.
- Provide required training to all workers in a language and vocabulary they can understand.

Prominently display this poster in the workplace.

 Post OSHA citations at or near the place of the alleged violations.



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

To update your employment law posters contact

these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact

#### or district office, listed in most telephone directories under U.S. Government, Department of Labor. **Programs or Activities Receiving Federal**

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Title VII of the Civil Rights Act of 1964, as 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 Education Amendments of 1972 prohibits employment

prohibited in all aspects of employment against persons accommodation, can perform the essential functions of If you believe you have been discriminated against in

EEOC-P/E-1 REV. 11/2009

### USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service

executive level.

continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

you return to work or apply for reemployment in a timely manner after

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

have applied for membership in the uniformed service; or

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

to notify employees of their rights under USERRA, and employers may meet this

REV. 04/2017

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

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

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.

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

IT'S THE LAW!

## recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health

Provide employees a workplace free from

 Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss

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

consultation programs in every state.



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