

TEXAS

LABOR LAWS



Equal Employment Opportunity is THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Prohibit employers from discriminating against employees on the basis of race, sex, religion, national origin, age, disability, or genetic information.

AGE DISCRIMINATION: The Age Discrimination in Employment Act of 1967 (ADEA) prohibits employers from discriminating against employees on the basis of age. The ADEA applies to employers with 15 or more employees.

DISABILITY DISCRIMINATION: The Americans with Disabilities Act of 1993 (ADA) prohibits employers from discriminating against employees on the basis of disability. The ADA applies to employers with 15 or more employees.

RELIGIOUS DISCRIMINATION: The Religious Freedom Restoration Act of 1993 (RFRA) prohibits employers from discriminating against employees on the basis of religion. The RFRA applies to employers with 15 or more employees.

GENETIC INFORMATION DISCRIMINATION: The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from discriminating against employees on the basis of genetic information. The GINA applies to employers with 15 or more employees.

EMPLOYERS HAVING FEDERAL CONTRACTS OR SUBCONTRACTS: Federal contractors and subcontractors are prohibited from discriminating against employees on the basis of race, sex, religion, national origin, age, disability, or genetic information.

Job Safety and Health IT'S THE LAW!

All workers have the right to:

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

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violation.

On-Site Consultation services are available to small- and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-839-3657 • www.osha.gov

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STANDARDS

Right to take up to 12 weeks of unpaid leave for family and medical reasons.

LEAVE ENTITLEMENTS:

- 12 weeks of unpaid leave for family and medical reasons.
- Unpaid leave for family and medical reasons.
- Unpaid leave for family and medical reasons.

ELIGIBILITY REQUIREMENTS:

- Employer with 50 or more employees.
- Employee who has worked for the employer for at least one year.
- Employee who has worked at least 1,250 hours during the previous 12 months.

EMPLOYER RESPONSIBILITIES:

- Provide written notice of FMLA rights.
- Provide written notice of FMLA requirements.
- Provide written notice of FMLA consequences.

1-866-4-USWAGE
www.dol.gov/whd

YOUR RIGHTS UNDER USERRA AND REEMPLOYMENT RIGHTS ACT

THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR STANDARDS

Right to be reinstated to a job after military service.

USERRA: The Uniformed Services Uniformed and Reemployment Rights Act (USERRA) prohibits employers from discriminating against employees on the basis of military service.

REEMPLOYMENT RIGHTS ACT: The Reemployment Rights Act (RERA) prohibits employers from discriminating against employees on the basis of military service.

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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.

MINIMUM WAGE: The minimum wage is \$7.25 per hour.

CHILD LABOR: There are restrictions on the hours and types of work that children and teenagers can do.

EMPLOYMENT CONTRACTS: Employers cannot require employees to sign contracts that waive their rights under the FLSA.

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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 to take a lie detector test.

EXCEPTIONS: There are limited exceptions to the general prohibition.

ENFORCEMENT: Employees who believe they have been discriminated against can file a complaint with the EEOC.

1-866-4-USWAGE
www.dol.gov/whd

DIVISION OF WORKERS' COMPENSATION NOTICE REGARDING CERTAIN WORK-RELATED COMMUNICABLE DISEASES AND ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS

TO: LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, EMERGENCY MEDICAL SERVICE EMPLOYEES, PARA-MEDICAL AND CORRECTIONAL OFFICERS

In order to qualify for workers' compensation benefits, an employee who is injured or becomes ill with a communicable disease must be certified as being unable to work for at least 10 days after the onset of the disease.

1-800-321-OSHA (6742) • TTY 1-877-839-3657 • www.osha.gov

DIVISION DE COMPENSACION PARA TRABAJADORES ANISO SOBRE CERTAS ENFERMEDADES COMUNICABLES RELACIONADAS CON EL TRABAJO Y LA ELEGIBILIDAD PARA OBTENER BENEFICIOS DE COMPENSACION PARA TRABAJADORES

PARA: POLICIAS, BOMBEROS, EMPLEADOS DE SERVICIOS MEDICOS DE EMERGENCIA, PARAMEDICOS Y OFICIALES DEL DEPARTAMENTO DE CORRECCIONES

Para poder calificar para recibir beneficios de compensacion por lesiones, el empleado que sufre una enfermedad comunicable debe estar incapacitado para trabajar por un periodo de al menos diez dias despues de haber comenzado a sentir los sintomas de la enfermedad.

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NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC), OIEC is the state agency that helps injured and disabled employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-EZE-OIEC (1-866-363-6423). More information about OIEC and its Outboundsmen Program is available at the agency's website (www.oiec.texas.gov).

OUTBOUNDSMEN PROGRAM

WHAT IS AN OUTBOUNDSMAN? An Outboundsmen is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Outboundsmen's assistance is free of charge. Each Outboundsmen has a worker's compensation adjuster's license and has completed a comprehensive training program designed specifically to assist you with your dispute.

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www.dol.gov/whd

ATTENTION EMPLOYERS

The Texas Payroll Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least once per month and each pay period cannot be less than 14 days.

Scheduled paydays: (This must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY _____

SEMI-MONTHLY _____

WEEKLY _____

OTHER _____

For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWC office. TWC offices are located in major cities throughout the state.

1-800-321-OSHA (6742) • TTY 1-877-839-3657 • www.osha.gov

Texas Workforce Commission ATTENTION EMPLOYERS

Your employer reports your wages to the Texas Workforce Commission. If you become unemployed, you may be eligible for unemployment benefits payments. File online at www.texasworkforce.com or call 1-800-639-6831.

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Scheduled paydays: (This must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or at other times.)

MONTHLY _____

SEMI-MONTHLY _____

WEEKLY _____

OTHER _____

For more information write or contact the Texas Workforce Commission in Austin, Texas 78778, or contact your nearest Commission Office. Commission offices are located in major cities throughout the state.

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AVISO PARA LOS EMPLEADOS SOBRE LA ASISTENCIA DISPONIBLE EN EL SISTEMA DE COMPENSACION PARA TRABAJADORES POR PARTE DE LA OFICINA DE ASISTENCIA PUBLICA PARA EL EMPLEADO LESIONADO

¿Usted ha sido lesionado por el trabajo? Como empleado lesionado en Texas, usted tiene derecho a recibir asistencia gratuita por parte de la Oficina de Asistencia Pública para el Empleado Lesionado (OIEC) que es la agencia estatal que ayuda a los empleados que tienen un reclamo con respecto a su seguro de compensación por lesiones.

Usted puede comunicarse con OIEC llamando a un número de teléfono gratuito: 1-866-EZE-OIEC (1-866-363-6423). Más información sobre OIEC y su Programa de Asistencia a Empleados se encuentra disponible en el sitio Web de la agencia (www.oiec.texas.gov).

PROGRAMA DE OUTBOUNDSMAN

¿QUE ES UN OUTBOUNDSMAN? Un Outboundsmen es un empleado de OIEC que puede asistirle si usted tiene una disputa con el asegurador de su empleador. La asistencia de un Outboundsmen es gratuita. Cada Outboundsmen tiene un ajustador de compensación por lesiones y ha completado un extenso programa de capacitación. El cual lo ha preparado para ayudarle a resolver su disputa de manera efectiva.

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NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: Effective on (effective date of certificate) _____ (name of employer) _____ has been certified by the Texas Department of Insurance, Division of Workers' Compensation (Division) as a qualified employer providing workers' compensation insurance to the level of work-related injury or occupational disease. Claims for injury or occupational diseases which occur on or after that date will be handled by (name of third party administrator) _____ an employee or a person acting on the employer's behalf, must notify the employer of any injury or occupational disease no later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Division determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-363-6423).

SAFETY VIOLATIONS HOTLINE: The Division has a 24-hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employees are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-0055.

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AVISO A LOS EMPLEADOS SOBRE LA COMPENSACION PARA TRABAJADORES EN TEXAS

COBERTURA: A partir de (fecha de inicio de certificado) _____ (nombre de empleador) _____ ha sido certificado por el Departamento de Seguros de Texas, División de Compensación para Trabajadores (División) como empleador que proporciona seguro de compensación por lesiones y enfermedades ocupacionales a un nivel de lesiones relacionadas con el trabajo o enfermedades ocupacionales. Las reclamaciones por lesiones o enfermedades ocupacionales que ocurran a partir de esa fecha serán manejadas por (nombre de la compañía administradora) _____ un empleado o una persona que actúa en nombre del empleador, debe notificar al empleador cuando se sufre una lesión o una enfermedad ocupacional o no más tarde de treinta (30) días, a partir de la fecha en que usted se dio cuenta de la lesión o de la enfermedad o de la fecha en que usted debería haberse enterado de la enfermedad ocupacional, a menos que la División determine que existe una buena causa para que no se haya notificado al empleador dentro del tiempo establecido. Su empleador tiene la obligación de proporcionar información sobre cómo presentar una reclamación y de proporcionar información sobre los beneficios de compensación para trabajadores.

ASISTENCIA AL EMPLEADO: La División proporciona información gratuita sobre cómo presentar una reclamación por compensación para trabajadores. El personal de la División contesta cualquier pregunta que usted pueda tener sobre la compensación para trabajadores y proporciona información detallada de los servicios de la División de Compensación para Trabajadores. Usted puede obtener esta ayuda de asistencia con respecto a su reclamo de lesiones o enfermedades ocupacionales llamando al número 1-800-252-7031. La Oficina de Asistencia Pública para el Empleado Lesionado (OIEC) también proporciona asistencia gratuita a empleados lesionados y les explicará sus derechos y responsabilidades bajo la Ley de Compensación para Trabajadores. Usted puede obtener la asistencia de OIEC comunicándose con un representante de servicio al cliente de OIEC en su oficina local de la División o llamando al número 1-866-EZE-OIEC (1-866-363-6423).

LÍNEA DIRECTA PARA REPORTAR VIOLACIONES DE SEGURIDAD: La División cuenta con una línea telefónica gratuita que está disponible las 24 horas del día para reportar condiciones inseguras en el área de trabajo que pueden violar las leyes de compensación por lesiones y enfermedades ocupacionales. Los empleados están prohibidos por ley de suspender, terminar o discriminar a cualquier empleado porque él o ella en buena fe reporta una violación de seguridad o de condiciones de trabajo. Contactarse con la División al número 1-800-452-0055.

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