Employee Rights Under the Fair Labor Standards Act

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

FED

The law requires employers to display this poster where employees

At least 1½ times the regular rate of pay for all hours worked over 40 in a

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

restrictions. Different rules apply in agricultural employment.

non-manufacturing, non-mining, non-hazardous jobs with certain work hours

Employers of "tipped employees" who meet certain conditions may claim a partial tinned 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

employee to express breast milk for her nursing child for one year after the child' birth each time 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

The Department has authority to recover back wages and an equal amount in

liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the 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.

LABOR

LAWS

Certain occupations and establishments are exempt from the minimum

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth

comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and

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.

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

1-866-487-9243

CO Department of Labor and Employment, Division of Labor Standards & Statistics **COLORADO OVERTIME & MINIMUM PAY STANDARDS** ORDER ("COMPS Order") #38, POSTER & NOTICE

Division of Labor Standards & Statistics Effective 1/1/22: must update annually new poster available each mid-Decembe

The minimum wage is adjusted each year for inflation, so the above amounts are for only 2022 All employees must be paid at least the minimum wage (unless exempt in Rule 2), whether paid hourly or another way (salary, commission, piecework, etc.), except Use the highest standard if other labor laws also apply, such as Denver's minimum wage (\$15.87 in 2022) Overtime: 1½ times regular pay rates for hours over 40 weekly, 12 daily, or 12 consecutive (Rule 4)

Overtime is required each week over 40 hours, or day over 12, even if 2 or more weeks or days average fewer hours. Employers cannot provide time off ("comp time") instead of time-and-a-half premium pay for overtime hours Key variances/exemptions (all are detailed in Rules 2.3-2.4): Modified overtime in a small number of health care jobs; exemption for certain heavy vehicle drivers

Colorado Minimum Wage: \$12.56/hour, or \$9.54 for Tipped Employees, in 2022 (Rule 3)

No 40-hour weekly overtime in downhill ski/snowboard jobs (but 56-hour overtime for many under federal law Agriculture, as of 11/1/22: overtime after 60 hours; half-hour paid break in days over 12 hours, extra pay if over 15

Can be unpaid, but only if employees are completely relieved of all duties, and allowed to pursue personal activities If work makes uninterrupted meal periods impractical, eating on-duty must be permitted, and the time must be paid To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts Rest Periods: 10 minutes, paid, every 4 hours (Rule 5.2)

| Up to 2 | >2, up to 6 | >6, up to 10 | >10, up to 14 | >14, up to 18 #Rest Periods: 0 Need not be off-site, but must not include work, and should be in the middle of the 4 hours to the extent practical Rest periods are time worked for minimum wage and overtime purposes, and if employers do not authorize and permit rest periods, they must pay extra for time that would have been rest periods, including for non-hourly-paid employees

In some circumstances, 10-minute rest periods can be divided into two of 5 minutes (Rule 5.2.1) Agriculture: certain work requires more breaks; other is exempt (Rule 2.3, & Agricultural Labor Conditions Rules)

Time Worked: Pay for time employers allow performing labor/service for their benefit (Rule 1.9) All time on-premises, on duty, or at workplaces (but not just letting off-duty employees be on-premises), including:

putting on/removing work clothes/gear (but not clothes worn outside work), cleanup/setup, or other off-clock duty, waiting for assignments at work, or receiving or sharing work-related information.

security/safety screening, or clocking/checking in or out, or waiting for any of the above tasks.

Travel for employer benefit is time worked; normal home/work travel is not (details in Rule 1.9.2) Sleep time, if sufficiently uninterrupted and lengthy, can be excluded in certain situations (details in Rule 1.9.3).

Deductions, Credits, Charges, & Withheld Pay (Rule 6, and Article 4 of C.R.S. Title 8) Final pay: Owed promptly (if a termination by employer) or at next pay date (if employee resigned)

Vacation pay: Departing employees must be paid all accrued and unused vacation pay, including paid time off usable for vacation, without deducting or declaring forfeiture based on cause for termination, lack of resignation notice, etc. Deductions from pay: Allowed if listed below or in C.R.S. 8-4-105 (including deductions required by law, in a written agreement for the benefit of the employee, for theft

Tip credits: Employers can pay up to \$3.02 under minimum wage (\$9.54 in 2022, or \$12.85 in Denver), if: (a) tips (not mandatory service charges) raise pay to full minimum, & (b) tips aren't diverted to non-tipped staff/owners Meal credits/deductions: Allowed for the cost or value (without employer profit) of voluntarily accepted meals

Lodging credits/deductions: Allowed if housing is voluntarily accepted by the employee, primarily for the employee's (not the employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (based on housing type) Uniforms: Must be provided at no cost unless they are ordinary clothes without special material or design; employers must pay for any special cleaning required, and

cannot require deposits or deduct for ordinary wear and tear **Exemptions from COMPS** (Rule 2.2 lists all; key exemptions are below)

Executives/supervisors, administrators, and professionals paid at least a salary (not hourly wages) of \$45,000 in 2022 (\$50,000 in 2023, \$55,000 in 2024, then inflationadjusted), except \$28.92/hour for highly technical computer work Other highly compensated, non-manual-labor employees paid at least 2.25 the above salary (\$101,250 in 2022)

20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management Various (not all) types of salespersons, taxi drivers, camp/outdoor education field staff, or property managers

Employers must give all employees (and keep for three years) pay statements that include time worked, pay rate (including any tips and credits), and total pay This year's poster must be displayed where easily accessible, or if not practical (such as for remote workers), provided within one month of beginning work and when

Employers must include a copy of this poster, or a COMPS Order, in any employment handbook or manual Violation of notice of rights rules (posting or distribution), including by providing information undercutting this poster, may yield fines and/or ineligibility for employee-

specific credits, deductions, or exemptions in COMPS Complaint & Anti-Retaliation Rights (Rule 8)

Employees can send the Division (contact info below) complaints or tips about violations, or file lawsuits in court Employers cannot retaliate against, or interfere with, employees exercising their rights

Anonymous tips are accepted; anonymity or confidentiality are protected if requested (Wage Protection Rule 4.7) Owners and other individuals with control over work may be liable for certain violations — not just the business, even if the business is a corporation, partnership, or other entity separate from its owner(s) (Rule 1.6) Immigration status is irrelevant to these labor rights: the Division will not ask or report status in investigations or rulings, and it is illegal for anyone to use immigration

status to interfere with these rights (Wage Protection Rule 4.8) This Poster is a summary and cannot be relied on as complete labor law information . For all rules, fact sheets, translations, questions, or complaints, contact:

 $DIVISION\ OF\ LABOR\ STANDARDS\ \&\ STATISTICS, Colorado\ Labor\ Law.gov, cdle_labor_standards@state.co.us, 303-318-8441/888-390-7936$

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 Labor dictates that the employee is entitled to the

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

Department of Regulatory Agencies, Colorado Civil Rights Division **Colorado Law Prohibits Discrimination in: EMPLOYMENT**

C.R.S. § 24-34-401 et seq. IT SHALL BE A DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE: to REFUSE TO HIRE, to DISCHARGE, to PROMOTE or DEMOTE, to HARASS during the course of employment, or to discriminate IN MATTERS of COMPENSATION, TERMS, CONDITIONS, or PRIVILEGES of employment.

DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, RELIGION, AGE, NATIONAL ORIGIN or ANCESTRY, or, in certain circumstances,

REASONABLE ACCOMMODATIONS FOR DISABILITIES: An employee with a disability is entitled to a reasonable accommodation(s) which

is necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business. PREGNANT WORKERS FAIRNESS ACT — C.R.S. § 24-34-402.3

An employee with a health condition(s) related to pregnancy or physical recovery from childbirth is entitled to a reasonable accommodation(s) necessary to perform the essential functions of the job. An accommodation is not reasonable if its provision would result in an undue hardship on the employer's business

Division Director, Aubrey Elenis, Esq.

RETALIATION PROHIBITED — C.R.S. § 24-34-402(e) It is a discriminatory act to retaliate against a person who opposes a discriminatory

practice or who participates in a discrimination investigation, proceeding or hearing. SHARING WAGE INFORMATION PROTECTED — C.R.S. § 24-34-402(i) An employer shall not discharge, discipline, discriminate against, coerce, intimidate,

threaten, or interfere with an employee or person due to an inquiry, disclosure or discussion of wages. An employer shall not require an employee to waive the right to disclose wage information. CROWN Act of 2020

Discrimination on the basis of one's race includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps. eff. 9/13/20.

TO FILE A COMPLAINT OF DISCRIMINATION, OR FOR MORE INFORMATION CONTACT THE COLORADO CIVIL RIGHTS DIVISION: 1560 MAIN PHONE: 303-894-2997: HOTLINE ESPANOL: 720-432-4294: TOLL-FREE:

800-262-4845: V/TTD **RELAY:** 711; **FAX:** 303-894-7830; **EMAIL:** DORA_CCRD@STATE.CO.US

EMPLOYMENT DISCRIMINATION COMPLAINTS MUST BE FILED WITHIN SIX (6) MONTHS AFTER THE ALLEGED DISCRIMINATORY ACT OCCURRED.

CO Department of Labor and Employment, Division of Workers' Compensation **Colorado Workers' Compensation Information**

Workers' compensation is a type of insurance coverage that employers must provide to their employees. The cost of workers' compensation insurance is paid entirely by the employer and may not be deducted from an employee's wages. If you are injured or sustain an occupational disease while at work, you may be entitled to compensation benefits as provided by law. WRITTEN NOTICE MUST

Your employer has workers' compensation coverage for employees through:

BE GIVEN TO YOUR EMPLOYER WITHIN 4 WORKING DAYS OF THE ACCIDENT. If you don't report your injury or occupational disease promptly your benefits may be If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. No compensation is payable for the first 3 days' disability unless the period of disability exceeds two weeks.

You are entitled to reasonable and necessary medical treatment of compensable injuries or occupational diseases. If you notify your employer of an injury or occupational disease and are not offered medical care, you may select the services of a licensed physician or chiropractor. You may file a Worker's Claim for Compensation with the Division of Workers' Compensation. To obtain forms or information regarding the workers' compensation system, you may call Customer Service at 303-318-8700 or toll-free at 1-888-390-7936 or visit our website at www.colorado.gov/cdle/dwc.

COLORADO DIVISION OF WORKERS' COMPENSATION

633 17TH STREET, SUITE 400, DENVER, CO 80202-3626

Any information provided below comes from your employer and is specific to this place of employment:

CO

NOTICE TO WORKERS

YOU HAVE THE RIGHT TO BE:

Properly classified as an employee or an independent contractor

Paid accurately and timely for the services you perform

There are resources available to you if you believe you are being subject to improper classification or inaccurate payment practices by your employer. For more information, go to WorkRight.cdle.co. Employers are required to follow the law when paying hourly wages, overtime, and properly covering you for unemployment insurance and workers'

compensation purposes. As a worker, you have certain rights as an employee vs. independent contractor. Improper classification (often called misclassification) of employees as independent contractors and other labor law violations create many problems, both for

law-abiding businesses and for workers in Colorado

If you believe you have been improperly classified as an independent contractor and are really performing duties that fit the criteria of an employee, visit colorado.gov/cdle/TipForm, or call us at 303-318-9100 and select Option 4. To be classified as an employee, you must meet the criteria in Colorado Revised Statute 8-70-115. You can read the law online and find out more at coloradoui.gov/ProperClassification

As an employee, you are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to coloradoui.gov and click on File a Claim. If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits. If you cannot access a computer, call one of the following numbers: 303-318-9000 (Denver-metro area) or 1-800-388-5515 (outside Denver-metro area); hearing impaired 303-318-9016 (TDD Denver-metro area) or 1-800-894-7730 (TDD outside Denver-metro area).

EMPLOYERS ARE REQUIRED BY LAW TO POST THIS NOTICE

CO/CDLE

COLORADO **Labor and Employment**

Employers can download copies of this poster at coloradoui.gov/employer then click on Forms / Publications.

oyment Security Act, 8-/4-101(2); kegulations Concerning Employment Security /.3.1 through /.3.5

IT STARTS WITH YOU Building a better Colorado

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

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):

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

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single

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

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 must:

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

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 employees

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 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 p<mark>erfor</mark>m his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is

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 eliqible for FMLA leave and, if eliqible, must also provide a notice of rights and responsibilities under the FMLA. If the

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

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information or to file a complaint: DEPARTMENT OF LABOR UNITED STATES OF AMERICA WHD 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

RETALIATION

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

REV. 04/2016

FED **Equal Employment Opportunity is THE LAW**

> 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 ORIGIN Title VII of the Civil Rights Act of 1964, as amended, protects applicants Title II of the Genetic Information Nondiscrimination Act of 2008 and employees from discrimination in hiring, promotion, discharge, protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe

pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex benefits, job training, classification, referral, and other aspects of (including pregnancy), or national origin. Religious discrimination employment. GINA also restricts employers' acquisition of genetic includes failing to reasonably accommodate an employee's religious information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of practices where the accommodation does not impose undue hardship. applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and Title I and Title V of the Americans with Disabilities Act of 1990, requests for or receipt of genetic services by applicants, employees, or

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 in a discrimination proceeding, or otherwise opposes an unlawful employee, barring undue hardship.

fringe benefits, job training, classification, referral, and other aspects 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, men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the

discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on

affirmative action to ensure equality of opportunity in all aspects of

the basis of race, color, religion, sex or national origin, and requires

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

take affirmative action to employ and advance in employment

RACE, COLOR, NATIONAL ORIGIN, SEX

qualified individuals with disabilities at all levels of employment,

In addition to the protections of Title VII of the Civil Rights Act of

in programs 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

in providing services under such programs. Title IX of the Education

where employment discrimination causes or may cause discrimination

prohibits discrimination on the basis of race, color or national origin

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,

charge filing, is available at www.eeoc.gov. **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 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

All of these Federal laws prohibit covered entities from retaliating

against a person who files a charge of discrimination, participates

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS

There are strict time limits for filing charges of employment

The U.S. Equal Employment Opportunity Commission (EEOC),

1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY

discrimination. To preserve the ability of EEOC to act on your behalf

need to, you should contact EEOC promptly when discrimination is

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

and to protect your right to file a private lawsuit, should you ultimately

medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was Section 503 of the Rehabilitation Act of 1973, as amended, protects Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring Any person who believes a contractor has violated its undue hardship. Section 503 also requires that Federal contractors nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or ARMED FORCES SERVICE MEDAL VETERANS by calling an OFCCP regional or district office, listed in most telephone The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as directories under U.S. Government, Department of Labor. amended, 38 U.S.C. 4212, prohibits job discrimination and requires

Programs or Activities Receiving Federal Financial Assistance Section 504 of the Rehabilitation Act of 1973, as amended, prohibits 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, 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

Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal

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

REV. 11/2009

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

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

you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service,

you have the right to be reinstated in your employer's health plan when

you are reemployed, generally without any waiting periods or exclusions

The U.S. Department of Labor, Veterans Employment and Training Service

(VETS) is authorized to investigate and resolve complaints of USERRA

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

USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at

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

employer for violations of USERRA

Office of Special Counsel, as applicable, for representation.

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. An interactive online USERRA Advisor can be

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

You may also bypass the VETS process and bring a civil action against an

(e.g., pre-existing condition exclusions) except for service-connected

elect to continue your existing employer-based health plan coverage for

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

FED YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against

past and present members of the uniformed services, and applicants to the uniformed services. You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

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

with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge

or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

are obligated to serve in the are a past or present member of the uniformed service uniformed service; have applied for membership in the uniformed service; or then an employer may not deny you:

FED

during the course of employment.

test or for exercising other rights under the Act.

engaged in national security-related activities.

manufacturers, distributors and dispensers.

DEPARTMENT OF LABOR

initial employment any benefit of employment retention in employment: because of this status.

The Employee Polygraph Protection Act prohibits most private employers

from using lie detector tests either for pre-employment screening or

Employers are generally prohibited from requiring or requesting any employee

or job applicant to take a lie detector test, and from discharging, disciplining, or

not apply to tests given by the Federal Government to certain private individuals

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

discriminating against an employee or prospective employee for refusing to take a

http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may neet this requirement by displaying the text of this notice where they customarily 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

incident (theft, embezzlement, etc.) that resulted in economic loss to the employer 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 Act also permits polygraph testing, subject to restrictions, of certain employees

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

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 Federal, State and local governments are not affected by the law. Also, the law does

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

REV. 07/2016

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-487-9243

TTY: 1-877-889-5627 UNITED STATES OF AMERICA www.dol.gov/whd

CO COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT DIVISION OF LABOR STANDARDS AND STATISTICS www.colorado.gov/cdle/labor

Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go

they contain the elements and information required by 8-4-107, C.R.S.

to their places of work, or at the office or nearest agency for payment kept by the employer a notice specifying the regular paydays and the time and place of payment, in accordance with the provisions of section 8-4-103, and also any changes concerning them that may occur from time to time Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Paydays must occur no later than 10 days following the close of each pay period. 8-4-103, C.R.S.

NOTICE OF PAYDAYS

EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:

This form is provided as a courtesy by the Colorado Division of Labor Standards and Statistics. Other Notice of Paydays Posters may be acceptable provided that

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102(1) AND (1.5), **COLORADO REVISED STATUTES.**

WARNING

IF THE INJURY RESULTS FROM YOUR **USE OF ALCOHOL OR CONTROLLED** SUBSTANCES, YOUR WORKERS' **COMPENSATION DISABILITY** BENEFITS MAY BE REDUCED BY **ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES.**

CO Department of Labor and Employment COLORADO **Colorado Workplace Public Health Rights Poster:** Department of PAID LEAVE, WHISTLEBLOWING, & PROTECTIVE EQUIPMENT Labor and Employmen THE HEALTHY FAMILIES & WORKPLACES ACT ("HFWA"): Paid

being unable to work due to a health condition that may Coverage: All Colorado employers, of any size, must increase susceptibility to or risk of such an illness; or provide paid leave caring for a child or other family in category (1)-(3), or All employees earn 1 hour of paid leave per 30 hours whose school or child care is unavailable due to the PHE. worked ("accrued leave"), up to 48 hours a year. Up to 80 hours of supplemental leave applies in a public During a PHE, employees still earn up to 48 hours of accrued leave health emergency (PHE), until 4 weeks after the PHE ends.* and may use supplemental leave before accrued leave Employees are required to be paid their regular pay rate **Employer Policies (Notice; Documentation; Incremental** during leave, and the employer must continue their Use; Privacy; and Paid Leave Records)

For details on specific situations (irregular hours, nonhourly pay, etc.), see Wage Protection Rule 3.5, 7 CCR Employees can use accrued leave for the following safety or health needs: a mental or physical illness, injury, or health condition that prevents work, including diagnosis or preventive

Up to 48 hours of unused accrued leave carries over for use

domestic abuse, sexual assault, or criminal harassment

during the next year.

leading to health, relocation, legal, or other services caring for a family member experiencing a condition described in category (1) or (2); or in a PHE, a public official closed the workplace, or the school or place of care of the employee's child In a public health emergency (PHE), employees can use self-isolating or work exclusion due to exposure. symptoms, or diagnosis of the communicable illness in

seeking a diagnosis, treatment, or care (including shelter services) or (2) above, or a legal document (e.g., a restraining order or police report If an employer reasonably deems an employee's documentation deficient, the employer must: (A) notify the employee within seven days of either receiving the documentation or the employee's return to work or separation (whichever is sooner), and (B) give the employee at least seven days to cure the deficiency Incremental Use. Depending on employer policy, employees can use leave in either hourly or six-minute

documents/policies; and (2) display updated posters, and family's) HFWA-related health or safety information; such provide updated notices to current employees, by end of information must be treated as a confidential medical Notice for "foreseeable" leave. Employers may adopt Records must be retained and provided upon "reasonable procedures" in writing as to how employees request. Employers must provide documentation of the should provide notice if they require "foreseeable" leave. current amount of paid leave employees have (1) available but cannot deny paid leave for noncompliance with for use, and (2) already used during the current benefit year, including any supplemental PHE leave. Information

eave was for four or more consecutive work days (i.e. days when an employee would have worked, not calendar Documentation is not required to take accrued leave. but can be required as soon as an employee returns to work or seperates from work (whichever is sooner). No documentation can be required for PHE leave. To document leave for an employee's (or an retaliate against, or interfere with use of leave by, employee's family member's) health-related need, an employee who: (1) requests or takes HFWA leave; (2) an employee may provide: (1) a document from a health informs or assists another person in exercising HFWA rights or social services provider if services were received and a document can be obtained in reasonable time and without

Written notice and posters. Employers must (1) provide

notice to new employees no later than other onboarding

An employer can require documentation to show

To document that an employee (or an employee's

harassment, an employee may provide: a document or

writing under (1) above (e.g. from a provider of legal or

to domestic abuse, sexual assault, or criminal

that accrued leave was for a qualifying reason only if

may be requested once per month or when the need for HFWA leave arises. Retaliation or Interference with HFWA Rights Paid leave cannot be counted as an "absence" that may result in firing or another kind of adverse action. An employee can't be required to find a An employer cannot fire, threaten, or otherwise

Employee Privacy. Employers cannot require employees

to disclose "details" about an employee's (or their

(3) files a HFWA complaint; or (4) cooperates/assists in workplace, (2) is **recommended** by a government health investigation of a HFWA violation. agency (federal, state, or local), and (3) does not make the added expense; otherwise (2) the employee's own writing If an employee's reasonable, good-faith HFWA worker unable to do the iob. complaint, request, or other activity is incorrect, an **COMPLAINT RIGHTS (under both HFWA & PHEW)** employer need not agree or grant it, but cannot act against Report violations to the Division as complaints or the employee for it. Employees can face consequences for anonymous tips, or file in court after exhausting pre-This Poster summarizes three Colorado workplace public health laws: SB 20-205 (paid leave), HB 20-1415 & SB 22-097 (healthy and safety whistleblowing). It does not cover other health or safety laws, rules, and orders, including under the federal Occupational Safety and Health

REV. 05/1999

Updated June 1, 2022: may be updated annually;

Worker Rights to Express Workplace Health/Safety Concerns &

Use Protective Equipment

Coverage: All Employers and Employees, Plus Certain

Independent Contractors

independent contractors working for a "principal").

Worker Rights to Oppose Workplace Health/Safety

ollowing acts:

PHEW covers not just "employers" and "employees," but all

"**principals**" (an employer **or** a business with at least 5

ndependent contractors) and "workers" (employees or

It is unlawful to retaliate against, or interfere with, the

raising reasonable concerns, including

informally, to the principal, other workers, the

violations of government health or safety rules, or

government, or the public, about workplace

a significant workplace health or safety threat:

participating in an investigation or proceeding

about retaliation for, or interference with, the

opposing or testifying, assisting, or

A principal need not address a worker's PHEW-related

Workers' Rights to Use Their Own Personal Protective

more protection than equipment provided at the

Equipment ("PPE"):

was reasonable and in good-faith.

concern, but it still cannot fire or take other action agains

the worker for raising such a concern, as long as the concern

A worker must be allowed to voluntarily wear their own

PPE (mask, faceguard, gloves, etc.) if the PPE (1) provides

up-to-date poster available each mid-December

Act (OSHA), from the Colorado Department of Public Health and Environment (CDPHE), or from local public health agencies. Contact those agencies for such health and safety information This poster must be displayed where easily accessible to workers, shared with remote workers, provided in other languages as needed, and replaced with any annually updated versions This Poster is a summary and cannot be relied on as complete labor law information. For all rules, fact sheets, translations, questions, or complaints, or for the status of the public health emergency (*a qualifying emergency remains in effect as of June 2022), contact: DIVISION OF LABOR STANDARDS & STATISTICS, ColoradoLaborLaw.gov, cdle_labor_standards@state.co.us, 303-318-8441 / 888-390-7936.



All workers have the right to:

- A safe workplace. Raise a safety or health concern with related injury or illness, without being
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- 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
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Job Safety and Health

Employers must:

of an eye.

the alleged violations.

- vour employer or OSHA, or report a workretaliated against.
- Request a confidential OSHA inspection of your workplace if you believe there are
- Participate (or have your representative) participate) in an OSHA inspection and

Contact OSHA. We can help.

 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.

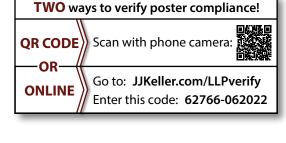
Notify OSHA within 8 hours of a workplace

- fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss
- 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

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



J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868 65724F

To update your labor law posters contact

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