

NOTICE TO Job Applicants, Employees, Employers, Labor Unions, Employment Agencies, Landlords, Tenants, Proprietors, Public:

## **DISCRIMINATION IN**

 $\star$  EMPLOYMENT  $\star$ 

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR	1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd	WINKEZ REVO7/16	
EMERGENCY PHONE NUMBERS			

PHYSICIAN

HOSPITAL

**AMBULANCE** 

FIRE DEPARTMENT

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

## FEDERAL MINIMUM WAGE \$7.25 PER HOUR

**BEGINNING JULY 24, 200** 

#### The law requires employers to display this poster where employees can readily see it.

- **OVERTIME PAY** At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek. CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non
  - farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, 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 or **TIP CREDIT** tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference
- NURSING 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 MOTHERS milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express
- ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties

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

- ADDITIONAL Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay INFORMATION provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Marian
  - slands, 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 (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



# Minimum Wage in Nebraska

Effective January 1, 2016 **\$9.00 per Hour** 

### Notice to Employees

Except as provided below, every employer of four or more persons at any one time shall pay its employees a minimum wage of nine dollars per hour.

- If the employee is compensated by way of gratuities, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed nine per hour.
- Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners wages at a rate of at least seventy-five percent of the minimum wage rate.
- An employer may pay a new employee younger than 20 who is not a seasonal or migrant worker, a training wage of at least seventy-five percent of the federal minimum wage for ninety days from the date the new employee was hired, subject to the terms and conditions described in Neb. Rev. Stat. §48-1203.01

**48-1202.** For purposes of the Wage and Hour Act, unless the context otherwise requires:

## $\star$ HOUSING $\star$ PUBLIC ACCOMMODATIONS $\star$ **IS PROHIBITED BY STATE LAW**

#### **Unlawful Employment Practices** Public Accommodations and **Protection From Housing Discrimination** Retaliation It is illegal for an employer to discriminate against you because of your Race, Color, Sex, The Nebraska Fair Housing Act prohibits The Laws enforced by the Nebraska Equal Pregnancy, National Origin, Marital Status, unlawful housing practices which includes Opportunity Commission prohibit an employer, Disability, Religion, and/or Age (40-years-old discrimination because of Race, Color, landlord, or others subject to the laws from and over). Discrimination may occur in such Religion, National Origin, Sex, Disability and engaging in any form of retaliation because you areas as Hiring, Promotions, Transfers, Lay-Familial Status in Purchases, Sales, Rentals, have filed a charge of discrimination, opposed offs, Discipline and Termination, Compensation Loans, Publishing, Representation, Inquiry, a practice made illegal by these laws, or acted and Benefits, Training, Other Terms or Listings, Discharge, or Demotion of Agents or as a witness in any investigation or hearing Conditions of Employment, or Sexual Employees in obedience to the law, conducted by the Commission. In addition, the Harassment. The Nebraska Equal Opportunity blockbusting and other such actions. Fair Employment Practices Act makes it illegal Commission is authorized to investigate for an employer to engage in any retaliation allegations of discrimination under the Fair Authority: Sections 20-301 through 20-344, because a person has opposed any illegal Employment Practices Act and the Equal Pay R.R.S. Nebraska, 1943. practice or refused to carry out any action that Act of Nebraska, both of which covers is illegal under the laws of the State of employers with 15 or more employees; and the The Nebraska Civil Rights Act of 1969–Public Nebraska or the United States. Nebraska Age Discrimination in Employment Accommodation prohibits discrimination Act, which covers employers with 20 or more because of Race, Color, Religion, Sex, employees. Labor Organizations, Employment National Origin, or Ancestry in Services, Agencies, Apprenticeship and Training Privileges, Facilities, Advantages and Programs are all covered by the law. Accommodations by all Public Places and Businesses offering the same. Private Authority: Sections 48-1001 through 48-1009; establishments, etc. must meet the exceptions Sections 48-1101 through 48-1125; Sections as set out in the law. 48-1219 through 1227, R.R.S. Nebraska, 1943. Authority: Sections 20-132 through 20-143, R.R.S. Nebraska, 1943.

· COMPLAINTS: The Nebraska EOC will investigate every complaint in an impartial manner, without cost to you and without publicity. If there is reasonable cause to believe that the law was violated, the Nebraska EOC will hold a conciliation conference. In case of failure to settle or resolve a charge by conference, mediation, conciliation, arbitration or persuasion, a public hearing or litigation may occur.

• EMPLOYERS, EMPLOYMENT AGENCIES, UNIONS, LANDLORDS, LENDERS, REAL ESTATE OFFICES, PROPRIETORS, PUBLIC, ETC: You may call on the Nebraska EOC for information on procedures, advice on policy problems, literature, reading lists, films, speakers service, and aid in educational programming.

### For Information or Assistance, Please Write, Call, or Come to:

Main Office Equal Opportunity Commission 301 Centennial Mall South, 5th Floor P.O. Box 94934 Lincoln, Nebraska 68509-4934 Telephone (402) 471-2024 1-800-642-6112

Branch Office Panhandle Office Complex 4500 Avenue 'l' P.O. Box 1500 Scottsbluff, Nebraska 69363-1500 Telephone (308) 632-1340 1-800-830-8633

Branch Office 1313 Farnam on-the-Mall Omaha, Nebraska 68102-1836 Telephone (402) 595-2028 1-800-382-7820

www.neoc.ne.gov

POST 6/07

• THIS NOTICE MUST BE POSTED in conspicuous, well lighted places - e.g., hiring offices, employee bulletin boards, employment agency waiting rooms, union hall – which are frequented by employees, job seekers, or applicants for union membership. Firms and organizations that have more than one such office, plant or posting place, should request extra copies of this notice. For information on exceptions write to Nebraska EOC. This document satisfies the requirements for posting pursuant to the laws administered by the NEOC.

> This Commission Investigates Unlawful Discrimination Complaints Filed Anywhere In The State Of Nebraska: At No Cost To The Person Making The Complaint

Ref · Nebraska Statute, Sec. 20: Sec. 48: 48-1226

POLICE
POISON CONTROL
HAZARDOUS MATERIALS
Provided By:
NEBRASKA DEPARTMENT OF LABOR
dol.nebraska.gov
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Equal Employment Opportunity is **THE LAW** 

conter aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination

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,

bb training, classification, referral, and other aspects of employment, including the executive level.

employment.

Employers Holding Federal Contracts or Subcontracts

discrimination on the following bases:

Executive Order 11246, as amended, prohibits job discrimination of the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of

hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to

known physical or mental limitations of an otherwise qualified

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED

EEOC-P/E-1 (Revised 11/09)

Applicants to and employees of companies with a Federal governm contract or subcontract are protected under Federal law from

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Private Employers, State and Local Governments, Educational

Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and

labor organizations are protected under Federal law from

le VII of the Civil Rights Act of 1964, as amended, protects

licants and employees from discrimination in hiring, promotion

including pregnancy), or national origin. Religious discrimination ncludes failing to reasonably accommodate an employee's religious

Disability discrimination includes not making reasonable

employee, barring und

AGE The Age Discriminatio protects applicants and

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RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

al governments, educational institutions, employment agencies and

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scharge, pay, fringe benefits, job training, classification, referral, and INDIVIDUALS WITH DISABILITIES

#### Employ shall include to permit to work;

- 2. Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;
- 3. Employee shall include any individual employed by any employer but shall not include:
- **a.** Any individual employed in agriculture;
- **b.** Any individual employed as a baby-sitter in or about a private home;
- c. Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;
- **d.** Any individual employed by the United States or by the state or any political subdivision thereof;
- e. Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the emplover-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis:
- **f.** Apprentices and learners otherwise provided by law;
- g. Veterans in training under supervision of the United States Department of Veterans Affairs;
- **h.** A child in the employment of his or her parent or a parent in the employment of his or her child; or
- i. Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;
- 4. Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and
- 5. Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

## NEBRASKA

### For further information regarding the Nebraska Wage and Hour Act, contact the Nebraska Department of Labor

Good Life. Great Connections

DEPARTMENT OF LABOR

**PHONE** 402-471-2239 *Updated: 10/5/2016* 

Ref.: Nebraska Statutes, Sec. 48-1205.

## UNEMPLOYMENT INSURANCE: **ADVISEMENT OF BENEFIT RIGHTS** TITLE 219 - DEPARTMENT OF LABOR: CHAPTER 2 - CLAIMS FOR BENEFITS

### To file a claim for unemployment benefits, go to **dol.nebraska.gov**

001. This chapter is adopted pursuant to Neb. Rev. Stat. §§48-626, 48-627, 48-629, and 48-607.

**D.** An electronic media claim transaction shall be completed by the claimant and received by the Department by the Friday following the most recent week ending date. The failure of a claimant to timely complete an electronic media transaction shall be the basis for a denial of that week's benefits unless good cause for the late transaction can be shown. Any intervening weeks until the week in which the transaction was completed and received by the Department shall also be denied, regardless of cause.

**002. A.** For benefit years beginning prior to October 1, 2015, an



# Job Safety and Health IT'S THE LAW!

### All workers have the right to:

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

This poster is available free from OSHA.

### Contact OSHA. We can help.

### **Employers must:**

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

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

programs in every state.
FIGHT AND

ie hardship.	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
n in Employment Act of 1967, as amended, employees 40 years of age or older from n age in hiring, promotion, discharge, pay, ning, classification, referral, and other aspects	ammative action to employ and advance in employment of usabled 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).
imination prohibited by Title VII of the Civil I, the Equal Pay Act of 1963, as amended, ation in the payment of wages to women and ntially equal work, in jobs that require equal sibility, under similar working conditions, in	<b>RETALIATION</b> Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.
	Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:
Information Nondiscrimination Act of 2008 employees from discrimination based on hiring, promotion, discharge, pay, fringe lassification, referral, and other aspects of so restricts employers' acquisition of genetic y limits disclosure of genetic information. cludes information about genetic tests of	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 or district office, listed in most telephone directories under U.S. Government, Department of Labor.
or their family members; the manifestation of family members (family medical history); and	Programs or Activities Receiving Federal Financial Assistance
f genetic services by applicants, employees, or	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
s prohibit covered entities from retaliating les a charge of discrimination, participates in a ing, or otherwise opposes an unlawful	national origin 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 where employment discrimination causes or may cause discrimination in providing services under such programs. Title
ELEVE DISCRIMINATION HAS OCCURRED nits for filing charges of employment erve the ability of EEOC to act on your behalf	Ka of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.
ht to file a private lawsuit, should you should contact EEOC promptly when cted: yment Opportunity Commission (EEOC), ree) or 1-800-669-6820 (toll-free TTY number aring impairments). EEOC field office at www.eeoc.gov or in most telephone	INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.
Government or Federal Government section. a about EEOC, including information about le at www.eeoc.gov.	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.

# PAY DAY NOTICE

### PAY DAY IS ON:

FEOC 9/02 and OECCP 8/08 Versions Useable With 11/09 Supplement

MONDAY	
TUESDAY	SATURDAY
WEDNESDAY	SUNDAY
THURSDAY	

### **PAY SCHEDULE IS:**

AT:

SEMI MONTHLY

### **PAYCHECKS ARE ISSUED ON THE:**

AND OF THE MONTH individual who wants to make a claim for unemployment benefits shall file his or her application for benefits through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

For benefit years beginning on or after October 1, 2015, all claims for unemployment benefits, except claims involving either wages paid by the military or federal government or combined with wages from state(s) other than Nebraska, shall be filed online through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov unless a special accommodation is required or no reasonable access to an office maintained by the Department of Labor is available. Conditions requiring a special accommodation shall include, but not be limited to, language barriers and physical and mental handicaps. If a special accommodation is required, claimants may file an application for benefits through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed or attested to. An application may be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

**B.** When filing a new initial claim, re-opening an existing claim, or filing a subsequent claim for unemployment benefits a claimant shall be required to register for work and create an active, online and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in accordance with 219 NAC 4.

**C.** The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.

**D.** A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.

003. A. A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.

B. An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4.

C. If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such applicant shall also be ineligible for benefits for

E. A claim for benefits shall be filed for waiting week credit even though benefits are not payable for that week.

F. A claim for benefits shall be filed for each week of eligibility during the time an applicant is awaiting the results of an appeal hearing if the applicant intends to claim benefits during that time period.

**004.** The Department may direct a claimant to contact one of its offices to meet eligibility or other reporting requirements, or to provide other information as needed in the administration of Nebraska Employment Security Law. Unless good cause is shown, failure to contact the office as directed may result in the denial of benefits beginning with the week the claimant was scheduled to report and ending the Saturday prior to the week in which he/she reports to the Department.

**005.** In the event that wage information cannot be obtained from an employer, the Department may request that such information be provided by the claimant. The claimant may be required to provide payroll check stubs, W-2s, or other reliable information corroborating the amount of wages stated by the claimant. A failure by the claimant to comply with such a request by the due date on the form shall cause the claim to be processed without the requested wages and may result in a denial of benefits until the week in which the information regarding requested wages is received by the Department.

006. In the event of a major disaster declared by both the Governor of the State of Nebraska and the President, the Commissioner may permit backdating of the effective date of unemployment insurance claims to agree with the effective date of the federal disaster period.

007. Each worker engaged in employment covered by the Nebraska Employment Security Law, including service covered by election of an employer, shall procure a federal social security account number and furnish that number to every employer for whom that worker performs covered employment.

008. Weeks of disgualification assessed pursuant to Neb. Rev. Stat. §48-628 and reductions in benefits determined pursuant to Neb. Rev. Stat. §48-626 shall be determined in accordance with the number of weeks of disqualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.

> NEBRASKA Good Life. Great Connections



#### 12/2016-03/06/17



