

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act (EPPA) 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.

EXEMPTIONS 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 (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer. The law does not

NO SMOKING NOTICE

NO SMOKING NO FUMAR

There's a new Air about Pennsylvania
Smoke-Free is now the Law!

Hay un nuevo aire sobre Pennsylvania
Libre de humo es ahora la Ley!

PENNSYLVANIA MINIMUM WAGE

MINIMUM WAGE LAW SUMMARY

MUST BE POSTED IN A CONSPICUOUS PLACE IN EVERY PENNSYLVANIA BUSINESS GOVERNED BY THE MINIMUM WAGE ACT

The Pennsylvania Minimum Wage Act establishes a fixed Minimum Wage and Overtime Rate for employees. It also sets forth compliance-related duties for the Department of Labor & Industry and for employers. In addition, the Minimum Wage Act provides penalties for noncompliance. This summary is for general information only and is not an official position formally adopted by the Department of Labor & Industry.

MINIMUM WAGE RATE, 2009

\$7.25 per hour Effective July 24, 2009
(Except as Described)

Tipped Employees: An employer may pay a minimum of \$2.83 per hour to an employee who makes \$135.00 per month in tips. The employer must make up the difference if the tips and \$2.83 do not meet the regular Pennsylvania minimum wage.

EXEMPTIONS FROM OVERTIME RATES

- A seaman
- Any employee, part-man or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft, if employed by a non-manufacturing establishment primarily engaged in the selling of such vehicles to ultimate purchasers. (Example: 51% of business is selling as opposed to 49% in servicing such vehicles)
- Any employee of a motor carrier the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. Section 3102 (b)(1) and (2) relating to requirements for qualifications, hours of service, safety and equipment standards.
- Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup
- Employment by a motion picture theater
- Any person, chief engineer of a radio or television station, the major studio of which is located in:
 - City or town of 100,000 population or less, if it is not part of a standard metropolitan statistical area having a total population in excess of 100,000, or City or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in the area.
 - City or town of an employee of an air carrier subject to the provisions of Title II of the Railway Labor Act (Public Law 69-257, 44 Stat. 577, 45 U.S.C. § 181 et seq.)
 - hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity to reduce hours worked in any workweek by voluntarily offering a shift for trade or reassignment; or
 - the required hours of work, and overtime compensation have been agreed to either in a collective bargaining agreement between the employer and labor organization representing employees for purposes of collective bargaining or pursuant to a voluntary agreement or understanding arrived at between the employer and employee.

EXEMPTIONS FROM BOTH Minimum Wage and Overtime Rates

- Labor on a farm
- Domestic service in or about the private home of the employer
- Delivery of newspapers to the consumer
- Publication of weekly, semi-weekly or daily newspaper with a circulation of less than 4,000 when the major portion of circulation is in the county where published or a circulating county
- Board of directors, charitable, religious, or nonprofit organization where no employer-employee relationship exists and service is rendered gratuitously
- Golf caddy
- In seasonal employment, if the employee is under 18 years of age or if student under 24 years of age is employed by a nonprofit health or welfare agency engaged in activities dealing with children with disabilities or a year or (ii) resulting day or residential seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year
- In employment by a public amusement or recreational establishment, organized camp, or religious or nonprofit educational conference center, if (i) it does not operate more than seven months a year or (ii) during the preceding calendar year, the average receipts for any 6 months were not more than 33% of its average receipts for the other 6 months of such year
- Switchboard operator working by an independently-owned public telephone company which has no more than 750 stations

ALLOWANCES

Wages paid to any employee may include reasonable cost of board, lodging and other facilities. This may be considered as part of the minimum wage if the employee is notified of this condition and accepts it as a usual condition of employment at the time of hire or change of classification. The wages, including food credit plus tips, must equal the current minimum wage.

Reasonable Cost: Actual cost, exclusive of profit, to the employer or to anyone affiliated with the employer.

EXCEPTIONS FROM MINIMUM WAGE RATES

- Learnars and students (bona fide high school or college), after obtaining a Special Certificate from the Bureau of Labor Law Compliance, (651 Boas Street, Room 1301, Harrisburg, PA 17121-0750) may be paid 85% of the minimum wage as follows:
 - Learnars: 40 hours a week. Maximum eight weeks
 - Students: 20 to 20 hours a week. Up to 40 hours a week during school vacation periods.

MORE INFORMATION IS AVAILABLE ONLINE

Additional information about the Minimum Wage Act is available online at www.dli.pa.gov. From the Web site you can submit a complaint form, find answers to frequently asked questions and read more about the Minimum Wage Act.

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which documents they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

CHILD LABOR LAWS

ABSTRACT OF THE CHILD LABOR ACT HOURS PROVISIONS

MUST BE POSTED IN A CONSPICUOUS PLACE WHERE ANY PERSON UNDER AGE 18 IS EMPLOYED

This summary is for general information, and is not to be considered in the same light as official statements contained in the Act or its regulations. Minors under 16 must have a written statement by the minor's parent or guardian acknowledging the duties and hours of employment and granting permission to work.

WORKING HOURS

During School Term: Maximum three hours on school days, eight hours on any other day, and 18 hours per week (Monday-Friday), and only at a time that does not interfere with school attendance. Plus eight additional hours on Saturdays and Sundays.

During School Vacations: Maximum eight hours/day, 40 hours/week.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action requirements of federal contracts with the Federal Government. If you are applying for a job with, or are an employee of, a company with a federal contract, you are protected under federal laws that prohibit discrimination on the following basis:

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25
EFFECTIVE BEGINNING JULY 24, 2009

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

DISCRIMINATION

WORKERS' COMPENSATION

REMEMBER: IT IS IMPORTANT TO TELL YOUR EMPLOYER ABOUT YOUR INJURY

The name, address and telephone number of your employer's workers' compensation insurance company, third-party administrator (TPA), or person handling the workers' compensation claims for your company, as shown below.

PAYDAY NOTICE

Regular Paydays for Employees of

Since you last filed Form W-4 with your employer or did not...
If you are an employer...
If you are an employee...

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed Form W-4 with your employer or did not...
If you are an employer...
If you are an employee...

EQUAL PAY LAW

ABSTRACT OF THE EQUAL PAY LAW

Discrimination on Basis of Sex Prohibited Prohibits discrimination by any employer in any place of employment between employees on the basis of sex by paying wages to any employee at a rate less than the rate paid to employees of the opposite sex for work under equal conditions on jobs which require equal skills. Provides that variation in payment of wages is not prohibited when based on a seniority, training or merit increase system that does not discriminate on the basis of sex.

PUBLIC ACCOMMODATION

ABSTRACT OF THE PUBLIC ACCOMMODATION PROVISIONS

Under this Act, a public accommodation is any accommodation which is open to the public or solicits the patronage of the general public, including government services. It is unlawful for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any public accommodation to discriminate against any individual on the basis of race, color, religion, sex, disability, national origin, ancestry, or marital status in the full and enjoyment of such public accommodation, on the basis of race, color, religion, sex, disability, national origin, ancestry, or marital status, in the full and enjoyment of such public accommodation.

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EMPLOYMENT PROVISIONS OF THE PENNSYLVANIA HUMAN RELATIONS ACT

PURPOSE OF PROVISIONS The purpose of the employment provisions of the Pennsylvania Human Relations Act is to prevent and eliminate unlawful discriminatory practices in employment because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related disability, known association with a disabled individual, possession of a diploma based on passing a general education development test, or willfulness or refusal to participate in a bona fide affirmative action program.

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The name, address and telephone number of your employer's workers' compensation insurance company, third-party administrator (TPA), or person handling the workers' compensation claims for your company, as shown below.

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FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

LEAVE ENTITLEMENTS 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 following reasons:

- 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.

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