NORTH CAROLINA & FEDERAL LABOR LAW POSTER

NORTH CAROLINA MINIMUM WAGE & OCCUPATIONAL SAFETY AND HEALTH PROTECTION

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) 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.

For information, please contact

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688

FEDERAL MINIMUM WAGE

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. **OVERTIME PAY** At least 1 ½ times your 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.

TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are 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 breast milk.

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 INFORMATION**

Certain occupations and establishments are exempt from the

minimum wage, and/or overtime pay provisions. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.

 Some state laws provide greater employee protections; employers must comply with both.

• Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless 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.



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/whd

Certificate of Coverage and Notice to Workers as to Benefit Rights

Employers covered by the Employment Security Law of North Carolina (Chapter 96 of the North Carolina General Statutes) contribute to a special fund set aside for the payment of unemployment insurance benefits. No money is withheld from workers' checks for unemployment insurance purposes.

UNEMPLOYMENT INSURANCE

If your work hours are substantially reduced or your job is eliminated due to lack of work you may qualify for unemployment insurance benefits. If you work less than the equivalent of (3) customary scheduled full time days, during any payroll week because work was not available, you may be eligible for unemployment insurance benefits. An employer may file claims for employees through the use of automation in case of partial unemployment. An employer may file an attached claim for an employee only once during a benefit year, and the period of partial unemployment for which the claim is filed may not exceed six consecutive weeks. You must notify the employer of any wages earned from all sources during the payroll week. Unemployment insurance benefit payments are processed in Raleigh, North Carolina. Please be sure that your employer has your correct mailing address.

If you lose your job with this employer, you may contact the Department of Commerce, Division of Workforce Solutions (DWS) at www.nccommerce.com/workforce to assist you in securing suitable work. DWS provides a wide variety of services free of charge. If suitable work is not readily available you may file a claim for unemployment insurance benefits with the Division of Employment Security at des.nc.gov, or by phone at 877-841-9617.

By law, workers who become unemployed for other reasons or who refuse suitable work may be denied unemployment insurance

If you have any questions about unemployment insurance benefits or need more information, contact the Division of Employment Security at the address shown on the bottom of this poster. **During Labor Disputes** [Section 96-14.7(b)]

An individual is disqualified for benefits if the Division determines the individual's total or partial unemployment is caused by a labor

Telephone: (919) 707-1237

www.ncesc.com

dispute at your place of employment or any location owned by the employer within the state of North Carolina. Once the labor dispute has ended, such workers shall continue to be ineligible for unemployment insurance benefits for the period of time that is reasonably necessary to resume operations in the workers' place of employment

Instructions for Employers

- Post this notice on your premises in such a place that all employees may see it. Additional copies may be obtained on-line You must notify affected workers of a vacation period within a reasonable period of time before it begins.
- Benefit claims for attached workers may be filed on-line at des.nc.gov.

DES HIGHLY RECOMMENDS POSTING THIS INFORMATION. For More Information, Contact:

North Carolina Department of Commerce, Division of Employment Security P.O. Box 25903, Raleigh, N.C. 27611



USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

HEALTH INSURANCE PROTECTION

24 months while in the military.

complaints of USERRA violations.

ENFORCEMENT

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.

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you or making a statement in connection with a proceeding under leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or

verbal notice of your service; 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 some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If vou: are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or

 are obligated to serve in the uniformed service; then an employer may not deny you:

 initial employment; reemployment;

• promotion; or any benefit of employment

because of this status. In addition, an employer may not retaliate against anyone

retention in employment;

USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra

• 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 Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

assisting in the enforcement of USERRA rights, including testifying

• If you leave your job to perform military service, you have

the right to elect to continue your existing employer-based

health plan coverage for you and your dependents for up to

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

service, you have the right to be reinstated in your employer's

health plan when you are reemployed, generally without any

waiting periods or exclusions (e.g., pre-existing condition

exclusions) except for service-connected illnesses or injuries.

•The U.S. Department of Labor, Veterans Employment and

Training Service (VETS) is authorized to investigate and resolve

• 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

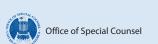
at https://www.dol.gov/agencies/vets/. An interactive online

USERRA, even if that person has no service connection.

Publication Date — May 2022

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: https://www.dol.gov/agencies/vets/programs/userra/poster. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Justice





FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION LEAVE ENTITLEMENTS Eligible employees who work for a *Special "hours of service" requirements apply to airline flight

covered employer can take up to 12 weeks of unpaid, jobprotected leave in a 12-month period for the following reasons: • 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;

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

An employee does not need to use leave in one block. When it is take leave intermittently or on a reduced schedule.

accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. **BENEFITS & PROTECTIONS** While employees are on FMLA leave,

employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay,

An employer may not interfere with an individual's FMLA rights Department of Labor, Wage and Hour Division, or may bring a or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. **ELIGIBILITY REQUIREMENTS** An employee who works for a bargaining agreement that provides greater family or medical

 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

within 75 miles of the employee's worksite.

REQUESTING LEAVE Generally, employees must give 30-days' • The birth of a child or placement of a child for adoption or advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family

> Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice

> **EMPLOYER RESPONSIBILITIES** 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 eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason

> Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as **ENFORCEMENT** Employees may file a complaint with the U.S.

> 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

WH1420a REV 04/16 For additional information or to file a complaint:



WORKERS' COMPENSATION

Revised 12/2020

N.C. WORKERS' COMPENSATION NOTICE TO INJURED WORKERS AND EMPLOYERS All employees of this business, except specifically excluded executive officers, suffering work-related injuries may be entitled to Workers' Compensation benefits from the employer or its insurance carrier.

IF YOU HAVE A WORK-RELATED INJURY OR AN OCCUPATIONAL DISEASE

The Employee Should:

Report the injury or occupational disease to the Employer immediately.

Give written notice to the Employer within 30 days.

File a claim with the Industrial Commission on a Form 18 immediately, but no later than 2 years from injury date or occupational disease. Give a copy to the Employer.

If medical treatment and wage loss compensation are not promptly provided, call the insurance carrier/ administrator or request a hearing before the Industrial Commission using a Form 33 Request for Hearing. Commission forms are available at website www.ic.nc.gov or by calling the Help Line.

Your employer's workers' compensation insurance carrier is

Provide all necessary medical services to the Employee.

The insurance policy number is

FORM 17

Your employer's workers' compensation insurance policy is valid from

For assistance: Call the Industrial Commission HELP LINE—(800) 688-8349.

The Employer Should:

Report the injury to the carrier/administrator and file a Form 19 Report of Injury within 5 days with the Industrial Commission, if the Employee misses more than 1 day from work or if cumulative medical costs

Give a copy of your completed Form 19 to the Employee along with a copy of a blank Form 18 Notice of Accident. Ensure that compensation is promptly paid as required under the Workers' Compensation Act.



NORTH CAROLINA INDUSTRIAL COMMISSION **1235 MAIL SERVICE CENTER** RALEIGH, NORTH CAROLINA 27699-1235

Website: <u>www.ic.nc.gov</u>

TO EMPLOYER: THIS FORM MUST BE PROMINENTLY POSTED IF YOU HAVE WORKERS' COMPENSATION INSURANCE OR QUALIFY AS SELF-INSURED. (N.C. Gen. Stat. §97-93).

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name) Shall be as follows: Weekly Bi-Weekly

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer See your employer for a copy of Form W-4 or call the IRS at Marry or divorce? Gain or lose a dependent?

ended a job)?

Your tax credits?

Your itemized deductions?

If you can answer "YES"...

Change your name? Were there major changes to... Your nonwage income (interest, dividends, capital Your family wage income (you or your spouse started or

1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS web site. **Employer**: Please post or publish this Bulletin Board Poster

so that your employees will see it. Please indicate where they can get forms and information on this subject. Publication 213 (Rev. 8-2009)



EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits economic loss to the employer. The law does not preempt most private employers from using lie detector tests any provision of any State or local law or any collective either for pre-employment screening or during the bargaining agreement which is more restrictive with

course of employment. PROHIBITIONS Employers are generally prohibited from **EXAMINEE RIGHTS** Where polygraph tests are permitted, requiring or requesting any employee or job applicant to they are subject to numerous strict standards concerning take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective number of specific rights, including the right to a written 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 ndividuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests bring their own court actions. to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, 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

respect to lie detector tests.

the conduct and length of the test. Examinees have a

notice before testing, the right to refuse or discontinue a

test, and the right not to have test results disclosed to unauthorized persons. **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also

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



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discrimination, filing a charge,

What can You Do if You Believe

Discrimination has Occurred?

Contact the EEOC promptly if you

filing a charge of discrimination

you live/work). You can reach the

EEOC in any of the following ways:

public portal: https://publicportal.

eeoc.gov/Portal/Login.aspx

1-844-234-5122

(ASL video phone)

at www.eeoc.gov/field-office)

Call 1–800–669–4000 (toll free)

1-800-669-6820 (TTY)

Visit an EEOC field office (information

Submit an inquiry through the EEOC's

suspect discrimination. Do not delay,

because there are strict time limits for

(180 or 300 days, depending on where

or proceeding.

or participating in an investigation

Know Your Rights: Workplace Discrimination is Illegal

EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL



employer requests for, or purchase,

use, or disclosure of genetic tests,

reasonably opposing discrimination,

or participating in a discrimination

lawsuit, investigation, or proceeding

What Employment Practices can be

All aspects of employment, including:

Harassment (including unwelcome

Challenged as Discriminatory?

· Discharge, firing, or lay-off

verbal or physical conduct)

Failure to provide reasonable

a sincerely held religious belief,

Hiring or promotion

Pay (unequal wages or

Assignment

compensation)

genetic services, or family

Retaliation for filing a charge,

medical history)

Who is Protected? Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for

membership in a union What Organizations are Covered? Most private employers State and local governments (as employers) **Educational institutions** (as employers) Unions

Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

Color Religion National origin Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) Disability

Compliance Programs (OFCCP) enforces the

Genetic information (including

observance or practice Benefits Job training Classification Referral Obtaining or disclosing genetic information of employees • Requesting or disclosing medical information of employees Conduct that might reasonably

discourage someone from opposing

accommodation for a disability or

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

E-Mail info@eeoc.gov

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract

nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. f you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are orotected under Federal law from discrimination on the Race, Color, Religion, Sex, Sexual Orientation, Gender

orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their

amended, protects qualified individuals with disabilities fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. accommodation to the known physical or mental imitations of an otherwise qualified individual with a Federal contractors take affirmative action to employ and advance in employment qualified individuals with

disabilities at all levels of employment, including the executive level. **Protected Veteran Status** The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38

U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. **Retaliation** Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:

The Office of Federal Contract Compliance Programs U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210

If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact.

Race, Color, National Origin, Sex In addition to the financial assistance. **Individuals with Disabilities** Section 504 of the

1-800-397-6251 (toll-free)

protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal

Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial

N.C. Department of Labor Wage and Hour Notice to Employees

Wage and Hour Act Minimum Wage: \$7.25 per hour (effective 7/24/09).

Employers in North Carolina are required to pay the higher of the minimum wage rate established by state or federal laws. The federal minimum wage increased to \$7.25 per hour effective July 24, 2009; therefore, employers in North Carolina are required to pay their employees at least \$7.25 per hour.

An employer may pay as little as \$2.13 per hour to tipped employees so long as each employee receives enough in tips to make up the difference between the wages paid and the minimum wage. Employees must be allowed to keep all tips, except that pooling is permitted if no employee's tips are reduced more than 15%. The employer must keep an accurate and complete record of tips as certified by each employee monthly or for each pay period. Without these records, the employer may not be allowed the tip credit. Certain full-time students may be paid 90% of the minimum

wage, rounded to the lowest nickel.

Overtime Time and one-half must be paid to all employees after 40 hours of work in any one workweek with some exceptions. The state

overtime provisions specifically do not apply to certain types of employees and do not apply to employees classified as exempt under the FLSA. Exemptions may be found in NCGS § 95-25.14.

Rules for all youths under 18 years old are: Youth employment certificates are required. To obtain a YEC, please visit our website at www.labor.nc.gov.

Hazardous or Detrimental Occupations: State and federal labor laws protect youth workers by making it illegal for employers to hire them in dangerous jobs. For example, non-agricultural workers under 18 years of age may not operate a forklift; operate many types of power equipment such as meat slicers, circular saws, band saws, bakery machinery or woodworking machines; work as an electrician or electrician's helper; or work from any height above 10 feet, including the use of ladders and scaffolds. Certain exemptions apply for Supervised Practice Youth Internships. For a complete list of prohibited jobs, please visit our website at www.labor.nc.gov. Additional rules for 16- and 17-vear-olds are: No work between 11 p.m. and 5 a.m. when there is school the next day. Exception: When the employer gets written permission from the

Additional rules for 14- and 15-year-olds are: Where work can be performed: Retail businesses, food service

youth's parents and principal.

establishments, service stations and offices of other businesses. Work is not permitted in manufacturing, mining or construction, or with power-driven machinery. Youths 14 years of age cannot work on the premises of a business holding an ABC permit for the on-premises sale or consumption of alcoholic beverages, except that youths 14 years of age can work on the outside grounds of the premises with written consent from a parent or guardian if the youth is not involved with the preparation, pay any dues or other fees of any kind to a labor union. Also, an serving, dispensing or sale of alcoholic beverages. (NOTE: Unless action is taken by the N.C. General Assembly, this rule will apply to youths under 16 years of age effective Jan. 1, 2024.). Maximum hours per day: Three on school days; eight if a non-

Maximum hours per week: 18 when school is in session; 40 when school is not in session.

from June 1 through Labor Day when school is not in session). Breaks: 30-minute breaks are required after any period of five consecutive hours of work. Additional rules for youths under 14 years old are: Work is generally not permitted except when working for the youth's

parents; in newspaper distribution to consumers; modeling; or

These state youth employment provisions do not apply to farm,

acting in movie, television, radio or theater production.

Hours of the day: May work only between 7 a.m. and 7 p.m. (9 p.m.

domestic or government work. **Wage Payment**

Wages are due on the regular payday. If requested in writing, final paychecks must be sent by trackable mail. When the amount of wages is in dispute, the employer's payment of the undisputed portion cannot restrict the right of the employee to continue a claim for the rest of the wages.

policies on vacation and sick leave, and of commission, bonus and

other pay matters. Employers must notify employees in writing of

any reduction in the rate of promised wages at least one pay period prior to such change. Deductions from paychecks are limited to those required by law and those agreed to in writing on or before payday. If the written authorization that the employee signs does not specify a dollar amount, the employee must receive prior to payday (1) written notice of the actual amount to be deducted, (2) written notice of their right to withdraw the authorization, and (3) be given a reasonable opportunity to withdraw the authorization. The

General Statutes) are met. The withholding or diversion of wages owed for the employer's benefit may not be taken if they reduce wages below the minimum wage. No reductions may be made to overtime wages owed. Deductions for cash or inventory shortages or for loss or damage to an employer's property may not be taken unless the employee receives seven days' advance notice. This seven-day rule does not apply to these deductions made at termination. An employer

electronic format, provided the requirements of the Uniform

may not use fraud or duress to require employees to pay back protected amounts. If the employer provides vacation pay plans to employees, the employer shall give vacation time off or payment in lieu of time off, as required by company policy or practice. Employees must be notified in writing of any company policy or practice that results in the loss or forfeiture of vacation time or pay. Employees not so notified are not subject to such loss or forfeiture.

Wage and Hour Notice to Employees and OSH Notice to Employees must be posted together.

Safety and Health

N.C. Department of Labor Responsibilities The state of North Carolina has a federally approved program to administer the Occupational Safety and Health Act in North

The OSH Division has the following responsibilities and powers: • Inspections—The OSH Division conducts workplace inspections that can be triggered by complaints, accidents or because the workplace has been randomly selected for an inspection.

• Citations—Following an inspection, the employer may be cited for one or more violations of the OSHA standards. The employer will be given a timetable to correct the violation to avoid further action. Penalties—The Commissioner shall have the authority to

assess penalties against any employer who violates the requirements of the OSH Act. The Commissioner shall adjust minimum and maximum civil penalties in accordance with the requirements set forth in the U.S. Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor as necessary to comply with federal law. The Commissioner shall have a period of 60 calendar days from the date a final rule is published in the Federal Register to publish the civil penalties in the North Carolina Register under 13 NCAC 07A .0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations, and on its website.

 OSHA Standards—The division adopts all federally mandated OSHA standards verbatim or can rewrite them to meet state conditions, as long as the new version is at least as strict as the federal standard.

A copy of any specific standard adopted by the OSH Division is available free of charge. The entire "General Industry" or "Construction Industry" standards are available for a nominal cost by calling **1-800-625-2267** or **919-707-7876**.

Employer Rights and Responsibilities

provide their employees with workplaces that are free of recognized hazards likely to cause serious injury or death. Employers must comply with the OSHA safety and health standards adopted by the Labor Department. • Inspections—An employer has the legal right to refuse to allow an inspector to enter the workplace without an administrative

inspection warrant. If this occurs, the inspector will obtain a

warrant to conduct the inspection. The employer has the right to

Public and private sector employers have a "general duty" to

accompany the inspector during the physical inspection. • **Discrimination**—It is illegal to retaliate in any way against an employee for raising a health or safety concern, filing a complaint, reporting a work-related injury or illness, or assisting an inspector. The department will investigate and may prosecute employers who take such action.

Citations—If an OSH inspection results in one or more citations,

the employer is required to promptly and prominently display

the citation(s) at or near the place where the violation allegedly occurred. It must remain posted for three working days or until the violation has been corrected or abated, whichever is longer. • Contesting Penalties—Once an employer has been cited, he or she may request an "informal conference" with OSH officials to discuss the penalty, abatement or other issues related to the citation. This request must be made within 15 working days after the citation is received. The employer may formally contest (by filing a "Notice of

Contest") the citation(s) or proposed penalty to the N.C. Occupational Safety and Health Review Commission. The Review Commission is an independent body that hears and $decides \, contestments \, by \, employers \, and \, employees \, concerning$ citations, abatement periods and penalties. Employers wishing to know more about the procedures for filing a "Notice of Contest" should contact the Review Commission.

Telephone: 919-733-3589. Website: www.oshrb.state.nc.us. Injury and Illness Records—Employers with 11 or more employees, unless specifically exempted, are required to maintain updated occupational injury and illness records of must be prominently posted and must be printed in the same colors and format concerning these requirements may be obtained from the | current version of Form 17, visit www.ic.nc.gov.

Raleigh, NC 27611-5903, 1-888-737-0259; www.ncesc.com.

of government.

The department's Wage and Hour Bureau investigates complaints and may collect back wages plus interest if they are due to the employee. The state of North Carolina may bring civil or criminal actions against the employer for violations of the law. The employee may also sue the employer for back wages. The court

The wage payment provisions apply to all private-sector employers

doing business in North Carolina. The wage payment provisions

do not apply to any federal, state or local agency or instrumentality

may award attorney's fees, costs, liquidated damages and interest. Anyone having a question about the Wage and Hour Act may call: **1-800-NC-LABOR** (1-800-625-2267)

Employee Classification

Any employee who believes that he or she has been misclassified as an independent contractor by his or her employer may report the suspected misclassification to the N.C. Industrial Commission's Employee Classification Section by phone, email or fax. When filing a complaint, please provide the physical location, mailing address, and if available, the telephone number and email

> N.C. Industrial Commission 1233 Mail Service Center Raleigh, NC 27699-4333 Email: emp.classification@ic.nc.gov Phone: 919-807-2582

Fax: 919-715-0282

North Carolina is an employment-at-will state. The term "employment-atwill" simply means that unless there is a specific law to protect employees or an employment contract providing otherwise, then an employer can treat its employees as it sees fit and the employer can discharge an employee at the will of the

Right-to-Work Laws

North Carolina is a "right-to-work" state. Right-to-work applies to collective bargaining or labor unions. The right of persons to work cannot be denied or reduced in any way because they are either members of a labor union (including labor organization or labor association) or chose not to be a member of any such

employer cannot enter into an agreement with a labor union whereby (1) non-union members are denied the right to work for the employer, (2) membership is made a condition of employment or continuation of employment, or (3) the labor union acquires an employment monopoly in any enterprise.

union, to improve their wages and working conditions. Regional office contact: NLRB—Region 11 Office Republic Square

Retaliatory Employment Discrimination

retaliate against an employee for engaging in REDAprotected activities, such as filing a claim or initiating an inquiry, related to certain rights under the following: Workers' Compensation Claims

 Genetic Testing Discrimination • Sickle Cell or Hemoglobin C Carriers Discrimination • N.C. National Guard Service Discrimination

 Pesticide Regulation Complaints • Drug Paraphernalia Complaints written authorization or written notice may be given in an Employees who believe they have been retaliated against in their employment because of activities under the above statutes,

> **1-800-NC-LABOR** (1-800-625-2267) A REDA complaint must be filed with the bureau within 180 days of the date of retaliation.

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• Accident and Fatality Reporting—An employer must report

Employee Rights and Responsibilities

Public and private sector employees must comply with occupational safety and health standards, rules, regulations, and those orders issued under OSHA that relate to their own actions and conduct. • **Complaints**—An employee has a right to make a complaint regarding workplace conditions he or she believes are unsafe, unhealthy or in violation of OSHA standards. When an OSH inspector is in an employee's workplace, that employee has a

answer any questions asked by the inspector. When making a complaint, the employee may request that his or her name be To make a complaint, call 1-800-625-2267 or 919-779-8560.

period set as a result of an OSH inspection at their workplace. An employee has the right to appear before the Review Commission to contest the abatement period and seek judicial review. **Federal Monitoring**—The OSH Division is monitored by the U.S. Department of Labor. Federal authorities ensure that continued

Regional Office of the U.S. Department of Labor, 61 Forsyth St. S.W., Suite 6T50, Atlanta, GA 30303. Additional Information or Questions—Anyone having a

> Phone: 1-800-625-2267 Fax: 919-707-7964 E-mail: ask.osh@labor.nc.gov www.labor.nc.gov



This poster is available free of charge to all North Carolina workplaces. Call 1-800-625-2267 or 919-707-7876 or order online. 1-800-NC-LABOR

Printed 9/22



NCDOL does not handle matters relating to workers' compensation. If you would like information about workers' compensation policies or procedures, please

Any worker who is defined as an employee by the N.C. Wage and Hour Act (N.C. Gen Stat. 95-25.2(4)), the N.C. Employee Fair Classification Act, the Internal Revenue Code as adopted under N.C. Employment Security laws (N.C. Gen. Stat. 96-1(b)(10)), the N.C. Workers' Compensation Act (N.C. Gen. Stat. 97-2(2)), or the N.C. Revenue Act (N.C. Gen. Stat. 105-163.1(4)) shall be treated

address for the employer suspected of employee misclassification:

Employee Classification Section

Employment at Will

employer for any reason or no reason at all.

labor union. An employer cannot require any person, as a condition of employment or continuation of employment, to

NCDOL has no enforcement authority regarding labor union laws. For employee concerns regarding labor unions, contact the Regional Office of the National Labor Relations Board. The NLRB is an independent federal agency that protects the rights of private sector employees to join together, with or without a

4035 University Parkway, Suite 200 Winston-Salem, NC 27106-3325 336-631-5201

Discrimination Act (REDA). Under REDA, an employer may not Employees must be notified in writing of paydays, pay rates,

Wage and Hour Complaints

 Participation in the Juvenile Justice System • Exercising Rights Under Domestic Violence Laws

Electronic Transactions Act (Chapter 66, Article 40 of the N.C. or employers who have questions about the application of REDA, may call:

www.labor.nc.gov

Education, Training and Technical Assistance Bureau, N.C. Department of Labor. Call 1-800-625-2267 or 919-707-7876.

the following:

 Any work-related loss of an eye. To report an accident, call the OSH Division at 1-800-625-2267 or **919-779-8560**.

• **Contesting Abatement**—Employees may contest any abatement



(1-800-625-2267) www.labor.nc.gov

NC-1222-F03

unemployment insurance policies or procedures, please contact the Department of Commerce, Division of Employment Security, P.O. Box 25903,

The department's Retaliatory Employment Discrimination Bureau investigates complaints filed by employees against their employers for alleged violations of the N.C. Retaliatory Employment

• Occupational Safety and Health Complaints • Mine Safety and Health Complaints

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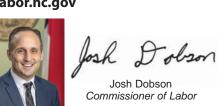
www.labor.nc.gov/labor-law-posters

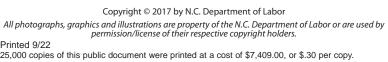
OSH NOTICE TO EMPLOYEES

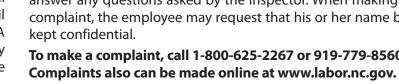
Within eight hours: Any work-related fatality. Within 24 hours: Any work-related in-patient hospitalization of one or more

right to point out unsafe or unhealthy conditions and to freely

state administration is merited. Any person who has a complaint about the state's administration of OSHA may contact the







question about any of the above information may write or call:

Occupational Safety and Health Division

N.C. Department of Labor

1101 Mail Service Center

Raleigh, NC 27699-1101





25,000 copies of this public document were printed at a cost of \$7,409.00, or \$.30 per copy. N.C. Workers' Compensation Notice to Injured Workers and Employers (Form 17)

contact the N.C. Industrial Commission at N.C. Industrial Commission, 4340 Mail Service Center, Raleigh, NC 27699-4340; 919-807-2500; www.ic.nc.gov. Form 17 their employees. Recordkeeping forms and information | that appear on the Industrial Commission website. To download and print the

For the employee's own qualifying serious health condition that

medically necessary or otherwise permitted, employees may Employees may choose, or an employer may require, use of

benefits, and other employment terms and conditions.

covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: • Work at a location where the employer has at least 50 employees

crew employees.

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. indicating what additional information is required.

1-866-4-USWAGE (1-866-487-9243)

following bases: **Identity, National Origin** Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual

> compensation or the compensation of other applicants or **Disability** Section 503 of the Rehabilitation Act of 1973, as from discrimination in hiring, promotion, discharge, pay, Disability discrimination includes not making reasonable disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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. 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. (Revised 10/20/2022)

Carolina. This program is administered by the N.C. Department of Labor, Occupational Safety and Health (OSH) Division. Any work-related amputation.





Unemployment Insurance NCDOL does not handle matters relating to unemployment insurance. If you would like information about