UNDER THE FAIR LABOR STANDARDS ACT **ENFORCEMENT** FEDERAL MINIMUM WAGE The Department has authority to recover back wages and an equal

EMPLOYEE RIGHTS

\$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster

At least 11/2 times the regular rate of pay for all hours worked over

where employees can readily see it.

CHILD LABOR

FED

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, nonmining, 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 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.

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must 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.

OF LABOR UNITED STATES

WAGE AND HOUR DIVISION

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**

amount in liquidated damages in instances of minimum wage,

recommend criminal prosecution. Employers may be assessed

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

civil money penalties for each willful or repeated violation of

overtime, and other violations. The Department may litigate and/or

LABOR

LAWS

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work

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

www.dol.gov/agencies/whd

WH1088



REV. 04/2023

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.

REEMPLOYMENT RIGHTS

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 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

f 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.

disqualifying discharge or under other than honorable

RETALIATION

are a past or present are obligated to serve in the uniformed service: member of the uniformed service; have applied for

RIGHT TO BE FREE FROM DISCRIMINATION AND

membership in the uniformed service; o then an employer may not deny you

initial employment: promotion; or any benefit of reemployment: retention in employment:

because of this status. 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 connection.

HEALTH INSURANCE PROTECTION 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 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 (e.g., pre-existing condition exclusions) except for serviceconnected illnesses or injuries.

ENFORCEMENT The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and

resolve complaints of USERRA violations. 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 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.

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 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

REV. 05/2022

FED

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS

Employers are generally prohibited from requiring or requesting any employee 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.

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by

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 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 Federal Government to certain private individuals engaged in national security-related activities.

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.

EXAMINEE RIGHTS

Where polygraph tests are permitted, they are subject to numerous strict standards 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 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 bring their own court actions.

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

WAGE AND HOUR DIVISION

1-866-487-9243 UNITED STATES DEPARTMENT OF LABOR www.dol.gov/agencies/whd

REV. 02/2022

WH1462

MT

Montana Department of **LABOR & INDUSTRY**

MONTANA'S MINIMUM WAGE

\$10.55*

*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September

30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage **Exception:** A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. **However**, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the ederal minimum wage or Montana's minimum wage.

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS **ALLOWED IN THE STATE OF MONTANA**

OVERTIME PAY

Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1½ times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by calling our office at (406) 444-6543.

PAYMENT OF WAGES WHILE STILL EMPLOYED: An employee must be paid within 10 business days after the end of the pay period.

WHEN SEPARATED FROM EMPLOYMENT: When an employee quits, wages are due on the next scheduled pay day for the period in which the employee was separated, or 15 calendar days, whichever occurs first.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

(IN GOVERNMENTAL SERIVCES OR

GOVERNMENT EMPLOYMENT)

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

DEPARTMENT OF LABOR & INDUSTRY PO Box 201503 Helena MT 59620-1503 PHONE (406) 444-6543 **EMAIL: DLIERDWage@mt.gov** Please visit us on the web at: www.mtwagehourbopa.com

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 hat the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

MT Department of LABOR & INDUSTRY MONTANA LAW PHOHIBITS DISCRIMINATION & RETALIATION

ORIENTATION, & GENDER IDENTITY)

in employment, housing, education, public accommodations, credit, finance, insurance, & state / local government.

Discrimination is unlawful if based on one of these protected classes: **ANY AGE** PHYSICAL DISABILITY **MENTAL DISABILITY** RACE/COLOR **NATIONAL ORIGIN MARITAL STATUS FAMILIAL STATUS RELIGION/CREED VACCINATION STATUS SEX** (INCLUDING PREGNANCY, SEXUAL **POLITICAL BELIEFS**

> FOR MORE INFO CONTACT THE MONTANA HUMAN RIGHTS BUREAU P.O. BOX 1728, HELENA, MT 59624-1728 (406) 444-2884 OR 1 (800) 542-0807 (RELAY SERVICE 711) MONTANADISCRIMINATION.COM

NOTICE: This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. nployers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of nsurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation

IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT. NOTICE: Employers must contact their local unemployment office or the state agency responsible for unemployment compensation to receive

he official Unemployment Insurance posting. Employees should contact their local unemployment office for information on how to claim

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

employment benefits. THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S UNEMPLOYMENT INSURANCE POSTING REQUIREMENT. FED

U.S. Equal Employment Opportunity Commission **Know Your Rights: Workplace Discrimination is Illegal**

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected? Employees (current and former), including managers and

Religion

National origin

Job applicants Union members and applicants for membership in a union

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:

Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity Age (40 and older) Genetic information (including employer requests for, or purchase,

use, or disclosure of genetic tests, genetic services, or family Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding

Interference, coercion, or threats related to exercising rights

regarding disability discrimination or pregnancy accommodation

What Organizations are Covered? Most private employer State and local governments (as employers) Educational institutions (as employers)

Staffing agencies What Employment Practices can be Challenged as Discriminatory?

All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct)

Pay (unequal wages or compensation)

Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerelyheld religious belief, observance or practice

Benefits lob training

Classification Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an nvestigation or proceeding Conduct that coerces, intimidates, threatens, or interferes

with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy

What can You Do if You Believe **Discrimination has Occurred?**

https://publicportal.eeoc.gov/Portal/Login.aspx

Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways an inquiry through the EEOC's public portal:

1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone) an EEOC field office (information at www.eeoc.gov/field-office)

info@eeoc.gov

available at <u>www.eeoc.gov</u>

Additional information about the FFOC, including

information about filing a charge of discrimination, is

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action mitments of companies doing business with the Federal Government If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:

Race, Color, Religion, Sex, Sexual Orientation, Gender **Identity, National Origin** Executive Order 11246, as amended, prohibits employment discrimination

by Federal contractors based on race, color, religion, sex, sexual 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,

Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodatio to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance

disclosing, or discussing their compensation or the compensation of

other applicants or employees.

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.

in employment qualified individuals with disabilities at all levels of

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

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) If you are deaf, hard of hearing, or have a speech disability, please dial

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 PROGRAMS OR ACTIVITIES RECEIVING FEDERAL

7–1–1 to access telecommunications relay services. OFCCP may also

FINANCIAL ASSISTANCE 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 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 IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educationa programs or activities which receive Federal financial assistance.

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.

If you believe you have been discriminated against in a program of ny institution which receives Federal financial assistance, you should mediately contact the Federal agency providing such assistance.

FED

What is FMLA leave?

DEPARTMENT

UNITED STATES OF AMERICA

OF LABOR

YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for: The birth, adoption or foster placement of a child with you,

Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or physical health condition, and Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember. You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply: You work for a covered employer,

You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

Your employer has at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous

You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by

Title II of the FMLA, administered by the Office of Personnel Management. **How do I request FMLA leave?**

Generally, to request FMLA leave you must: Follow your employer's normal policies for requesting leave,

Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.

You **do <u>not</u> have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You <u>must</u> also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your **employer <u>may</u> request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency. 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. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress

If you are eligible for FMLA leave, your employer must: Allow you to take job-protected time off work for a qualifying reason, Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law.

For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:

About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected leave.

What does my employer need to do?

Where can I find more information? Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit

against your employer in court. Scan the QR code to learn about our WHD complaint process. DEPARTMENT OF LABOR UNITED STATES OF AMERICA **WAGE AND HOUR DIVISION**

UNITED STATES DEPARTMENT OF LABOR



MT

Discrimination in Employment is Prohibited if Based on Age (all ages) Religion, Creed

These Protected Classes Sex (includes maternity, pregnancy, and sexual harassment) **Physical or Mental Disability Political Belief** (state and local **Marital Status**

What Is Illegal Discrimination?

government employment or Race, Color, National Origin service)

- The following practices (if based on one or more of the above classes) are illegal: To discharge, to refuse to hire, or to discriminate against a person with respect to compensation or privileges of
- To deny a reasonable maternity leave or refuse to reinstate an employee following leave For labor unions to deny membership or otherwise discriminate
- For employment agencies to fail or refuse to refer for employment To retaliate against a person who filed a complaint, participated

against a person or member

conduct of a sexual nature when:

offensive work environment

Constant leering or staring

in the investigation or opposed discriminatory practices **Employer Alert!**

Questions on applications should be related to skills,

experience, and education important to performing the job

Anyone who hires one or more persons is subject to the Montana Human Rights Act Avoid questions about an applicant's race, age, religion, medical

condition, marital status, or family responsibilities Sexual Harassment & Unlawful Harassment Sexual harassment includes unwelcome verbal or physical

Submission to the conduct is explicitly or implicitly made a term or condition of employment Submission to, or rejection of, the conduct is used as the basis for an employment decision

The conduct has the effect of unreasonably interfering with

work performance, or creates an intimidating, hostile or

- Harassment directed toward a person because of gender A pattern of favoritism toward sexual partners
- **Examples of Sexual Harassment** Propositions or pressure to engage in sexual activity Repeated body contact

Repeated sexual jokes, innuendoes or comments

Inappropriate comments concerning appearance

- Harassment based upon gender in nontraditional employment What You Should Do If you are offended by sexual jokes, comments, or other sexual or
- Report the sexual harassment to another supervisor or your

harassment and the names of witnesses

Keep written records of the dates and facts of all sexual

- **Employer Alert!** Employers may be liable for monetary compensation and other forms
- of relief to employees who are victims of sexual harassment by: The owner or manager
- Supervisors, whether or not the employer knew of the sexual
- If your complaints are not resolved, or your supervisor is the alleged harasser, you should take the following steps:

gender-based conduct in your workplace, immediately inform your

Hiring or promoting a sex partner over more qualified persons

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Co-workers and non-employees in the workplace, when the employer knew, or should have known of the sexual harassment and failed to take immediate corrective action

Department of Labor & Industry, Employment Relations Division **Employment Discrimination is Against the Law**

Montana Human Rights Bureau

Pregnancy & Breastfeeding

Harassment based on any protected class is unlawful discrimination!

- **Pregnant Employees Have These Rights**
- Nondiscrimination in hiring
- Continued employment during pregnancy Reasonable maternity leave No mandatory unreasonable leave

Use of accrued benefits and leave time

medical provider.

Reinstatement after maternity leave Employer must provide reasonable accommodations as they would for any other employee with medical limitations

Equal treatment in employee benefits and plans

- What is Reasonable Maternity Leave?
- It is determined on a case-by-case basis. In the case of normal pregnancy and delivery, medical providers typically consider a reasonable leave to be 6-8 weeks after delivery. Rely on the judgment of the employee's physician or other
- An employer is required to provide medically necessary maternity leave for the period of the employee's actual

An employer may require the employee to provide medical **Employer Alert!**

Know your company's disability benefit policies and policies regarding sick, vacation and annual leave. Communicate with your pregnant employee about the anticipated need for maternity leave and put it in writing. Be sure the employee understands her obligations to return to work on a specified date and provide medical verification of

required. Make sure the employee knows how to request an

Replacement employees should understand that his or her

employment is temporary, unless the pregnant employee resigns or you make other arrangements for reinstatement to her same or equivalent job after the maternity leave. If an employee plans to voluntarily resign because of her pregnancy, obtain the resignation in writing after making sure

she is aware that you are prepared to grant a reasonable leave

extension of her leave should complications arise.

of absence as required by law.

disability

In 2007, the Montana Legislature passed legislation requiring public employers ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their child. Rights of Persons with Disabilities in Employment The Montana Human Rights Act and Americans with Disabilities Act

prohibit discrimination in employment to an applicant or employee

because of a physical or mental disability. An employer may have

additional obligations under the federal Family Medical Leave Act.

Advised Accommodation for Breastfeeding Mothers

Employment Rights Qualified persons with physical and mental disabilities: May not be refused an application, interview or

employment because of their disability

Have the right to a reasonable accommodation, which would allow them to perform the essential functions of their position

Who is Covered?

To be protected under the Montana Human Rights Act and the

May not be terminated or discharged because of their

ADA, an applicant or employee with a disability must: Have a physical or mental impairment the substantially limits one or more major life activities; or Have a record of such an impairment; or

- Be regarded or perceived as having such an impairment;

Be able to perform the essential functions of the position

with or without a reasonable accommodation. **Requests For Reasonable Accommodation Employers**

If an employee should request a reasonable accommodation

to perform the essential functions of their job, engage in a

dialogue with the employee to determine the most appropriate

accommodation Make a reasonable accommodation, required by a person with a disability, to perform the essential job functions

Employees should notify the employer if they need an

- accommodation and tell the employer what modifications are needed to perform the job.
- will depend on factors such as cost, availability, necessity, and whether a less expensive or more convenient accommodation is The employer is not required to provide the accommodation suggested by the employee, if there is an effective alternative

Reasonable Accommodation

Whether or not a suggested accommodation is "reasonable"

employee's health or safety, or it creates an undue hardship on

Examples of Reasonable Accommodation

An accommodation is not reasonable if it endangers any

accommodation

policies as appropriate

workers and customers.

Making all application processes accessible to persons with Making existing facilities used by employees readily accessible

Restructuring the job; offering part-time or modified work

Perceived Disability

Acquiring or modifying equipment or devices Adjusting or modifying examinations or training materials or

to and usable by employees with disabilities

Providing qualified readers or interpreters

decisions based on unsubstantiated concerns about productivity, safety, insurance, liability, attendance, the costs of accommodation, accessibility, worker's compensation costs or acceptance by co-

For more information on discrimination in the workplace,

visit our website:

www.montanadiscrimination.com

Those who are "perceived" as having disabilities are protected

from employment discrimination based on stereotypes, fears,

or misconceptions about disability. This protection applies to

Montana Department of Labor & Industry Employment Relations Division For information on the Human Rights Bureau process, discrimination issues and filing a discrimination complaint, please contact the

Montana Human Rights Bureau

P.O. Box 1728

HELENA, MT 59624-1728

PHONE (406) 444-2884 OR 1-800-542-0807

Relay Service 711

www.montanadiscrimination.com

The Human Rights Bureau is committed to making its services

available to persons with disabilities in compliance with Title

II of the Americans with Disabilities Act and relevant state law. The Bureau will not exclude persons with disabilities from participating at its meetings or otherwise deny them services, programs or activities. The Bureau will also provide and accept information in alternative formats to accommodate disabilities. Persons with disabilities requiring accommodation in order to take advantage of the Bureau's services should contact the Bureau's staff at 1-800-542-0807.

- REV. 06/27/2023
- 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

All workers have the right to:

A safe workplace.

hazards, including all hazardous substances in your workplace. Reguest a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have

OSHA on your behalf.

participate) in an OSHA inspection and speak in private to the inspector. • File a complaint with OSHA within 30 days

retaliated against for using your rights.

See any OSHA citations issued to your

(by phone, online or by mail) if you have been

employer. Request copies of your medical records, tests

Contact OSHA. We can help.

This poster is available free from OSHA.

Job Safety and Health IT'S THE LAW!

of an eye.

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

reporting a work-related injury or illness.

Comply with all applicable OSHA standards.

Notify OSHA within 8 hours of a workplace

- 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.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868 JAN2025 65806F

QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify ONLINE Enter this code: 69414-012025

the right to have a representative contact Participate (or have your representative)

that measure hazards in the workplace, and the workplace injury and illness log.

To update your labor law posters contact **TWO** ways to verify poster compliance!

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This poster is in compliance with federal and state posting requirements.