

LABOR LAWS

Since 1953

FEDERAL

MICHIGAN

FED

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 1¹/₂ times the regular rate of pay for all hours worked over 40 in a workweek

CHILD LABOR

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work nours 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

PUMP AT WORK

DFPARTMENT

OF AMERICA

MI

UNITED STATES

GRETCHEN WHITMER

GOVERNOR

Effective Date

January 1, 2021

January 1, 2022

employees 16 years of age and older.

Employees must be paid at least:

OF LABOR

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

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

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 iminal 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.

free from intrusion from coworkers and the public, which may be used by the

ADDITIONAL INFORMATION

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

1-866-487-9243

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.

www.dol.gov/agencies/who

\$6.12

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

FED

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 (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 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.**



FED **YOUR EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT**

What is FMLA leave?

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

- 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
- 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

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.

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

FED

- 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 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 you

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

then an employer may not deny you

	initial employment;	•	promotion; or
•	reemployment;	•	any benefit of employment

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., preexisting condition exclusions) except for service-connected 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

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.

someone assisting or encouraging someone else to

exercise rights, regarding disability discrimination

(including accommodation) or pregnancy

What can You Do if You Believe Discrimination

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 or

Submit an inquiry through the EEOC's public portal:

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

1-800-669-4000 (toll free)

www.eeoc.gov/field-office)

1-800-669-6820 (TTY)

where you live/work). You can reach the EEOC in any of the

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

Who is Protected?

FED

REV. 02/2022

- Employees (current and former), including managers and temporary employees 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

- Race
- Color
- Reliaior
 - National origin Sex (including pregnancy, childbirth, and related
 - medical conditions, sexual orientation, or gender identity)
 - Age (40 and older)
 - Disability
- Additional information about the

info@eeoc.gov

accommodation

has Occurred?

following ways

Call

Visit

E-Mail

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.

disabilities at all levels of employment, including the

The Vietnam Era Veterans' Readjustment Assistance Act of

Retaliation

executive level.

Protected Veteran Status

U.S. Department of Labor 200 Constitution Avenue, N.W.

Washington, D.C. 20210

financial assistance.

PENALTIES:

information

fine of up to \$500.00.

Individuals with Disabilities

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

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 (OFCCP)

If you are deaf, hard of hearing, or have a speech

relay services. OFCCP may also be contacted by

disability, please dial 7–1–1 to access telecommunications

submitting a question online to OFCCP's Help Desk at

regional or district office, listed in most telephone

directories under U.S. Government. Department

https://www.dol.gov/agencies/ofccp/contact.

of Labor and on OFCCP's "Contact Us" webpage at

https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP

PROGRAMS OR ACTIVITIES RECEIVING

FEDERAL FINANCIAL ASSISTANCE

1964, as amended, prohibits discrimination on the basis

of race, color or national origin in programs or activities

discrimination is covered by Title VI if the primary objective

receiving Federal financial assistance. Employment

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

Section 504 of the Rehabilitation Act of 1973, as amended,

disability in any program or activity which receives Federal

prohibits employment discrimination on the basis of

financial assistance. Discrimination is prohibited in all

aspects of employment against persons with disabilities

who, with or without reasonable accommodation, can

If vou believe you have been discriminated against in a

assistance, you should immediately contact the Federal

program of any institution which receives Federal financial

Persons found in violation of this Act may be subject to a civil

If your employer has violated this Act the court can order your

reinstatement, the payment of back wages, full reinstatement

of fringe benefits and seniority rights, actual damages, or any

combination of these remedies. The court may also award all

attorney fees and witness fees to the complainant if the court

or a portion of the costs of litigation, including reasonable

This poster is provided as a courtesy of the Michigan

Occupational Safetyand Health Administration (MIOSHA).

MIOSHA does not enforce the Michigan Whistleblowers'

Visit our website at www.michigan.gov/miosha for additional

believes such an award is appropriate.

Protection Act (469 P.A.1980)

REV. 06/27/2023

perform the essential functions of the job.

agency providing such assistance

military servicemember **Minimum Hourly Wage Rate** care for the servicemember Tipped Employee 85%** Hourly Rate Reported Average Hourly Tips \$5.98 \$8.20

WH1088

SUSAN CORBIN

DIRECTOR

\$8.39

REV. 12/2021

SUSAN CORBIN

DIRECTOR

REV. 04/2023

\$10.10* \$3.84 \$8.59 \$6.26 1,2023

Minimum Hourly Rate

\$3.67

\$3.75

An increase in the minimum hourly wage rate as prescribed in subsection (1) does not take effect if the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is 8.5% or greater for the calendar year preceding the alendar year of the prescribed increase. An increase in the minimum hourly wage rate as prescribed in subsection (1) that does not take effect pursuant to this subsection takes effect in the first calendar year following a calendar year for which the unemployment rate for this state, as determined by the Bureau of Labor Statistics, United States Department of Labor, is less than 8.5%.

Michigan Department of Labor and Economic Opportunity

Wage and Hour Division

PO Box 30476

Lansing, MI 48909-7976

REQUIRED POSTER

GENERAL REQUIREMENTS - MINIMUM WAGE and OVERTIME

The Improved Workforce Opportunity Wage Act (IWOWA), Public Act 337 of 2018, as amended, covers employers who employ 2 or more

Coverage

** Minors 16-17 years of age may be paid 85% of the minimum hourly wage rate.

Minimum Hourly

Wage Rate

\$9.65

\$9.87*

Training Wage

A training wage of \$4.25 per hour may be paid to employees 16 to 19 years of age for the first 90 days of employment. Overtime

Employees covered by the IWOWA must be paid 1-1/2 times their regular rate of pay for hours worked over 40 in a workweek. The following are exempt from overtime requirements: employees exempt from the minimum wage provisions of the Fair Labor Standards Act of 1938, 29 USC 201 to 219 (except certain domestic service employees), professional, administrative, or executive employees; elected officials and political appointees; employees of amusement and recreational establishments operating less than 7 months of the year; agricultural employees, and any employee not subject to the minimum wage provisions of the act.

Compensatory Time

If an employer meets certain conditions, employees may agree to receive compensatory time of 1-1/2 hours for each hour of overtime worked. The agreement must be voluntary, in writing, and obtained before the compensatory time is earned. All compensatory time earned nust be paid to an employee. Accrued compensatory time may not exceed 240 hours. Employers must keep a record of compensatory time earned and paid. Contact the Wage and Hour Division for information on the conditions an employer must meet in order to offer compensatory time off in lieu of overtime compensation.

Equal Pay

An employer shall not discriminate on the basis of sex by paying employees a rate which is less than the rate paid to employees of the opposite sex for equal work on jobs requiring equal skill, effort, and responsibility performed under similar working conditions - except where payment is pursuant to a seniority system, merit system or system measuring earnings on the basis of quantity or quality of production or a differential other than sex.

Enforcement

An employee may either file civil action for recovery of unpaid minimum wages or overtime, or they may file a complaint with the Department of Labor and Economic Opportunity. The department may investigate a complaint and file civil action to collect unpaid wages or overtime due the employee and all employees of an establishment. Recovery under this act can include unpaid minimum wages or overtime, plus an equal additional amount as liquidated damages, costs, and reasonable attorney fees. A civil fine of \$1,000 can be assessed to an employer who does not pay minimum wage or overtime.

> LEO is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities. www.michigan.gov/wagehour • Toll Free 1-855-4MI-WAGE (1-855-464-9243) WHD 9904

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 osting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that he employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

MI

Michigan Department of Labor and Economic Opportunity Wage and Hour Division PO Box 30476 Lansing, MI 48909-7976 **REQUIRED POSTER**

GRETCHEN WHITMER GOVERNOR

GENERAL REQUIREMENTS – PAID MEDICAL LEAVE ACT*

Coverage

The Paid Medical Leave Act, 2018 Public Act 338, as amended by 2018 Public Act 369, effective March 29, 2019, covers employers who employ 50 or more individuals. The act covers individuals engaged in service to an employer in the business of the employer and from whom an employer is required to withhold for federal income tax purposes. An eligible employee does not include executive, administrative, and professional overtime exempt employees, employees covered by a private collective bargaining agreement that is in effect, employees of the United States government, another state, or a political subdivision of another state, individuals whose primary work location is not in this state, individuals 16-19 years of age being paid the vouth training wage in accordance with the Improved Workforce Opportunity Wage Act, temporary employees as described in the Michigan Employment Security Act, variable hour employees as defined by 26 CFR 54.4980H-1, employees covered by the Railway Labor Act and Railroad Unemployment Insurance Act, individuals employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer, individuals who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year. (See section 2 of The Paid Medical Leave Act, 2018 Public Act 338.)

Paid Medical Leave Accrual

Paid medical leave accrual begins on March 29, 2019, or upon commencement of the employee's employment, whichever is later. Paid medical leave is accrued at a rate of 1 hour for every 35 actual hours worked; however, an employer is not required to allow accrual of over 1 hour in a calendar week or more than 40 hours in a benefit year. A benefit year is any consecutive 12-month period used by an employer to calculate an eligible employee's benefits. Employees can carry over up to 40 hours of unused accrued paid medical leave from one benefit year to the next; however, employers are not required to allow employees to use more than 40 hours in a single benefit year. An employer may provide the total amount of paid medical leave all at once by providing at least 40 hours at the beginning of the benefit year or on the date that the individual becomes eligible during the benefit year on a prorated basis. If an employer adopts this practice, it does not have to permit employees to carry over unused leave to the next benefit year. (See section 3 of the Paid Medical Leave Act, 2018 Public Act 338).

Paid Medical Leave Usage

An employee may use paid medical leave as it is accrued except an employer may require an employee to wait until the 90th calendar day after commencing employment before using accrued paid medical leave. Paid medical leave must be used in 1-hour increments unless the employer has a different increment policy set forth in writing in an employee handbook or other employee benefit document. Employees must follow the employer's usual and customary notice, procedural, and documentation requirements for requesting leave. The employee must be allowed at least 3 days to provide documentation. Employees may take paid medical leave for any of the following:

- Physical or mental illness, injury, or health condition of the employee or his or her family member
- Medical diagnosis, care, or treatment of the employee or employee's family member Preventative care of the employee or his or her family member Closure of the employee's primary workplace by order of a public official due to a public health emergency The care of his or her child whose school or place of care has been closed by order of a public official due to a public health emergency On Fridays and Saturdays. (a) The employee's or his or her family member's exposure to a communicable disease that would jeopardize the health of others as (b) During school vacation periods. determined by health authorities or a health care provider (c) For domestic violence and sexual assault situations, employees may use paid medical leave for any of the following: Medical care or psychological or other counseling Receiving services from a victim services organization subsections (1) and (2) if all of the following conditions are met: Relocation and obtaining legal services Participation in civil or criminal proceedings related to or resulting from the domestic violence or sexual assault occurs when school is not in session **Employee Rights** (a) An employee may file a complaint with the Department of Labor and Economic Opportunity (LEO) within 6 months of the alleged violation. LEO shall investigate a complaint and attempt mediation, where appropriate. the minor. Penaltie The minor is not employed between 2 a.m. and 5:30 a.m. If informal resolution is unsuccessful and a violation found, payment of paid medical leave improperly withheld will be requested and penalties may be imposed. An employer who fails to provide paid medical leave is subject to an administrative fine of not more than \$1,000.00. An employer who (d) willingly violates the posting requirement is subject to an administrative fine of not more than \$100.00 for each separate violation. subsection *For precise language of the statute, see Public Act 338 of 2018, as amended (4) As used in this section: LEO is an equal opportunity employer/program Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities. www.michigan.gov/wagehour • Toll Free 1-855-4MI-WAGE (1-855-464-9243) WHD 991 production REV. 08/2021 2011 MI MI MCL 409.112 Meal and rest period. **Notice To All Employees: MICHIGAN LAW** Information about Unemployment Benefits to interrupt a continuous period of work. **PROHIBITS DISCRIMINATION** This employer is covered by the sunset or 8 p.m. at fixed location. IN EMPLOYMENT, EDUCATION, HOUSING, MICHIGAN EMPLOYMENT SECURITY ACT PUBLIC ACCOMMODATION, LAW ENFORCEMENT Unemployment benefits are payable to qualified and eligible workers of this employer through Michigan's Unemployment Insurance Agency. **OR PUBLIC SERVICE** File an unemployment claim online **BASED ON** History: Add. 1980, Act 436, Eff. Mar. 31, 1981. If you become unemployed, you can file your new unemployment religion, race, color, national origin, sex, disability, claim or reopen an established claim online through the Michigan Web age¹, marital status¹, height², weight², arrest Account Manager (MiWAM) at **michigan.gov/uia**. Click on MiWAM for record², genetic information², and familial status³ Workers Persons with disabilities needing accommodations A claim for benefits begins the week it is filed. File your claim the first for employment must notify their employers in individuals with disabilities writing within 182 days. week you become unemployed. WAGE AND HOUR DIVISION Under the education article, age and marital status For complete information about your benefit rights and responsibilities, are prohibited considerations for admissions only review the Handbook for Unemployed Workers at michigan.gov/uia. ² in employment only STATE OF MICHIGAN ³ in housing only DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY UNEMPLOYMENT INSURANCE AGENCY If you think you have been WHD-9919 **MDCR** discriminated against, you may file a complaint with UIA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to the Michigan Department of Civil Rights. MICHIGAN individuals with disabilities. **DEPARTMENT OF** Michigan Department of Labor and Economic Opportunity **CIVIL RIGHTS** Call 1-800-482-3604 MI Unemployment Insurance Agency; Authority: Michigan Administrative Video Phone: 313-437-7035 Code, Section R 421.105; Paid for with federal funds. UIA 1710 www.michigan.gov/mdcr Post in a conspicuous place. REV. 12/2019 **REV 02/2017** Employers must make available for employees in a readily accessible manner, MI Safety Data Sheets (SDS) for those hazardous As Required by the Michigan Right To Know Law chemicals in their workplace. Employees cannot be discharged or TO BE POSTED THROUGHOUT THE WORKPLACE NEXT TO THE SAFETY DATA SHEETS (SDS) LOCATION POSTERS discriminated against for exercising their rights including the request for information New or Revised SDS on hazardous chemicals. New or Revised **Receipt Date** Posting Date Location of New or Revised SDS Employees must be notified and given direction (by employer posting) for locating Safety Data Sheets and the receipt of new or revised SDS(s). When the employer has not provided a SDS, employees may request assistance in obtaining SDS from the: MICHIGAN DEPARTMENT OF LABOR AND **ECONOMIC OPPORTUNITY (LEO)** MICHIGAN OCCUPATIONAL SAFETY AND Michigan Department of Labor and Economic Opportunity (LEO) HEALTH ADMINISTRATION

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

fou 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 calendar year
- 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 not 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 **must also** inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your **employer may 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. What does my employer need to do?

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.
- 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	
	WH1420

STATE OF MICHIGAN **GRETCHEN WHITMER** SUSAN CORBIN DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY GOVERNOR DIRECTOR

Informational Sheet: Youth Employment Standards Act 90 of 1978, as amended

POSTING REQUIREMENT

MCL 409.110 Minor under 16 years; days and hours of employment.

Sec. 10. A minor under 16 years shall not be employed in an occupation subject to this act for more than 6 days in 1 week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A minor who is a student in school shall not be employed more than a combined school and work week of 48 hours during the period when school is in session.

MCL 409.111 Minor 16 years and over; days and hours of employment; employment in agricultural processing

Sec. 11. (1). Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

Six days in 1 week.

MI

- An average of 8 hours per day in 1 week.
- Ten hours in 1 day
- Subject to subdivision (e), 48 hours in 1 week.
- If the minor is a student in school and school is in session, 24 hours in 1 week.
- (2) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or olde between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days: During periods when the minor is not regularly enrolled in school. (3) A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in If a minor is a student in school, the period greater than the periods described in subsections (1) and (2) The minor is employed for not more than 11 hours in 1 day The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this "Agricultural processing" means the cleaning, sorting or packaging of fruits or vegetables. "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed History: Am. 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1995, Act 251, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 197, Imd. Eff. Oct. 18, Sec. 12. A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes shall not be considered MCL 409.112a Prohibition of minors working alone in occupation involving a cash transaction after Sec. 12a. A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not be employed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours. IMPORTANT: Administrative Rule, R408.6207 REQUIRES A MINOR SUBJECT TO ACT 90 BE SUPERVISED BY THE EMPLOYER OR ANOTHER EMPLOYEE 18 YEARS OF AGE OR OLDER LEO is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available, upon request, to P.O. Box 30476 • Lansing, Michigan 48909-7976 **OVERNIGHT MAIL ADDRESS: 2407 N. GRAND RIVER • LANSING MICHIGAN 48906** Toll Free: 1-855-4MI-WAGE (1-855-464-9243) • (517) 284-7800 • FAX (517) 763-0110 www.michigan.gov/wagehour REV.08/2021 This Workplace Covered by the Michigan Right To Know Law MIOSHA Michigan Occupational Safety and Health Administration SDS(s) For This Workplace Are Located At Location(s) Location(s) Person(s) responsible for SDS(s)

- for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) 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 employers 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)
- Hiring or promotion Assignment
- Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief,
- observance or practice Benefits
- Job training

MI

REV. 04/2023

PROTECTIONS:

- Classification Referral
- Obtaining or disclosing genetic information of employees
- Requesting or disclosing medical information of
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding Conduct that coerces, intimidates, threatens, or
- nterferes with someone exercising their rights, or

It is illegal for employers in Michigan to discharge, threaten

compensation, terms, conditions, location or privileges of

employment because you or a person acting on your behalf

of federal, state or local laws, rules or regulations to a public

It is illegal for employers in Michigan to discharge, threaten

compensation, terms, conditions, location or privileges of

or otherwise discriminate against you regarding your

employment because you take part in a public hearing,

nvestigation, inquiry or court action.

reports or is about to report a violation or a suspected violation

or otherwise discriminate against you regarding your

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

EMPLOYERS HOLDING FEDERAL CONTRACTS **OR SUBCONTRACTS**

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments 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

ollowing bases: **Race, Color, National Origin, Sex** Race, Color, Religion, Sex, Sexual Orientation, In addition to the protections of Title VII of the Civil Rights **Gender Identity, National Origin** Act of 1964, as amended, Title VI of the Civil Rights Act of

Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or nationa 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 compensation or the compensation of other applicants or employees. Disability

protects qualified individuals with disabilities from

discrimination in hiring, promotion, discharge, pay,

fringe benefits, job training, classification, referral, and

Disability discrimination includes not making reasonable

disability who is an applicant or employee, barring undue

hardship to the employer. Section 503 also requires that

Attention Employees

The Michigan Whistleblowers' Protection Act (469 P.A. 1980) creates certain

protections and obligations for employees and employers under Michigan law.

The Act does not diminish or impair either your rights or

the rights of your employer under any collective bargaining

The Act does not require your employer to compensate you for

your participation in a public hearing, investigation, inquiry, or

If you believe that your employer has violated this Act you may

MICHIGAN SAFETY AND HEALTH

PROTECTION ON THE JOB

THE MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, 1974 P.A. 154, AS AMENDED,

REQUIRES POSTING OF THIS DOCUMENT IN A CENTRAL AND CONSPICUOUS LOCATION.

FAILURE TO DO SO MAY RESULT IN A PENALTY.

bring civil action in circuit court within 90 days of the alleged

The Act does not protect you from disciplinary action if you

make a report to a public body that you know is false.

OBLIGATIONS:

court action

ENFORCEMENT

violation of the Act

Federal contractors take affirmative action to employ

and advance in employment qualified individuals with

other aspects of employment by Federal contractors.

limitations of an otherwise gualified individual with a

accommodation to the known physical or mental

Section 503 of the Rehabilitation Act of 1973, as amended,

for administering the Act. Department representatives conduct job site inspections and investigations to ensure compliance with the Act and with safety and health standards.

The Michigan Occupational Safety and Health Act (MIOSH Act), Act No.

health protection for Michigan employees through the maintenance of

safe and healthful working conditions. Under the MIOSH Act and a state

plan approved in September 1973 by the U.S. Department of Labor, the

Michigan Department of Labor and Economic Opportunity is responsible

154 of the Public Acts of 1974, as amended, provides job safety and

The contents of this poster describe many important provisions of the Act. These provisions apply equally to employers and employees in either private industry or the public sector.

EMPLOYER REQUIREMENTS: MIOSHA requires that each employer:

- Furnish to each employee employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee.
- Comply with promulgated rules and standards and with orders issued pursuant to the Act.
- Post this and other notices and use other appropriate measures to keep his or her employees informed of their protection and obligations under the Act, including the provisions of applicable rules and standards.
- Notify the Michigan Department of Labor and Economic Opportunity within 8 hours of any work-related fatality. Notification may be accomplished by calling 1-800-858-0397.
- Notify the Michigan Department of Labor and Economic Opportunity within 24 hours of all work-related inpatient hospitalizations, amputations and losses of an eye. Notification may be accomplished by calling 844-464-6742 (4MIOSHA).
- Make available to employees, for inspection and copying, all medical 6. records and health data in the employer's possession pertaining to that employee.
- Afford an employee an opportunity with or without compensation to attend all meetings between the Michigan Department of Labor and Economic Opportunity and the employer relative to any appeal of a citation by the employer.
- Give the representative of employees the opportunity to accompany the department during the inspection or investigation of a place of employment and to prohibit the suffering of any loss of wages or fringe benefits or discriminate against the representative of employees for time spent participating in the inspection, investigation, or opening and closing conferences.
- Provide personal protective equipment, at the employer's expense, 9. when it is specifically required by a MIOSHA standard.
- 10. Not permit an employee, other than an employee whose presence is necessary to avoid, correct or remove an imminent danger, to operate equipment or engage in a process which has been tagged by the Department and which is the subject of an order issued by the Department identifying that an imminent danger exists.
- To promptly notify an employee who was or is being exposed to toxic 11. materials or harmful physical agents in concentrations or at levels which exceed those prescribed by a MIOSHA standard.

EMPLOYEE REQUIREMENTS: MIOSHA requires that each employee:

- Comply with promulgated rules and standards and with orders issued pursuant to the Act.
- Not remove, displace, destroy, or carry off a safeguard furnished or provided for use in a place of employment, or interfere in any way with the use thereof by any other person.

INSPECTIONS/INVESTIGATIONS: Inspections and investigations are conducted by trained personnel. The Act requires that an employer representative and a representative of employees be given an opportunity to accompany the department representative for the purpose of aiding in the inspection or investigation.

If a representative of employees does not participate, the department representative will consult with a number of employees concerning matters of safety or health in the place of employment.

complainants will be kept confidential and not revealed upon the request of the employee. Employees also have the right to bring unsafe or unhealthful conditions to the attention of the department representative during the conduct of an inspection or investigation.

COMPLAINTS: Employees and employee representatives who believe

right to request an inspection by giving written notice to the Michigan

that an unsafe or unhealthful condition exists in their workplace have the

may present an immediate danger, the Department should be notified in

Department of Labor and Economic Opportunity. If a condition exists which

the most expedient manner without regard to a written notice. The names of

The Act provides that employees may not be discharged or in any manner discriminated against for filing a complaint or exercising any of their rights under the Act. An employee who believes he or she has been discriminated against may file a complaint with the Michigan Department of Labor and Economic Opportunity within 30 days of the alleged discrimination. The U.S. Department of Labor is monitoring the operation of the Michigan Occupational Safety and Health Administration (MIOSHA) to assure the effective administration of the state act. Any person may make a written complaint regarding the state administration of the state act directly to the Regional Office of OSHA, 230 South Dearborn, Chicago, Illinois 60604. **CITATIONS:** If upon inspection or investigation the Michigan Department of Labor and Economic Opportunity believes that a requirement of the Act has been violated, a citation alleging such violation and setting a time period for correction will be issued to the employer. The citation must be prominently posted at or near the place of the alleged violation for three days or until the violation is corrected, whichever is later.

The Act provides for first instance penalties of up to \$7,000 for a violation. Penalties of up to \$7,000 per day may be assessed for failure to correct a violation within a proposed abatement period. Any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$70,000 for each such violation. Employers may appeal the alleged citation, the proposed penalties or the abatement periods to the Department and to the Board of Health and Safety Compliance and Appeals. Employees may appeal the abatement period in a similar manner. Employees also may appeal to the Board of Health and Safety Compliance and Appeals any decision issued by the Department in response to an employer appeal.

Criminal penalties also are provided for in the Act. A person who knowingly makes a false statement or report pursuant to the Act upon conviction is punishable by a fine of up to \$10,000 or may be imprisoned for not more than 6 months or both. Any willful violation resulting in death of an employee, upon conviction, is punishable by a fine of up to \$10,000 or by imprisonment for not more than one year or both. A second conviction doubles the maximum monetary penalty and is punishable by imprisonment for up to three years.

VOLUNTARY ACTIVITY & COMPLIANCE ASSISTANCE: The act encourages employers and employees to reduce workplace hazards voluntarily. The Michigan Department of Labor and Economic Opportunity offers limited on-site consultation assistance to employers to assist them in achieving compliance with occupational safety and health standards. Training specialists are available and can give advice on the correction of hazardous conditions and on the development of safety and health systems. Department staff are available to conduct seminars and training relative to occupational safety and health for both employer and employee groups. Requests for service should be addressed to the department at the address shown below.

The U.S. Department of Labor will continue to enforce federal standards governing maritime operations of long shoring, shipbuilding, ship breaking and ship repairing. These issues are not covered by the Michigan Plan for Occupational Safety and Health.

MORE INFORMATION:

Michigan Department of Labor and Economic Opportunity **Michigan Occupational Safety and Health Administration** 530 W. Allegan Street, P.O. Box 30643 Lansing, Michigan 48909-8143 www.michigan.gov/miosha

THIS IS AN IMPORTANT DOCUMENT - DO NOT COVER!

MIOSHA Complaint Hotline	1-800-866-4674
Fatality Hotline	
MIOSHA Injuries/Illnesses Reporting	1-844-464-6742
Consultation and Training Assistance	1-517-284-7720

Michigan Occupational Safety and Health Administration

MIOSHA

The Michigan Department of Labor and Economic Opportunity (LEO) is a equal opportunity employers/program.

