

# LABOR

LAWS

Since 1953

# **FEDERAL**

# LOUISIANA

# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

from coworkers and the public, which may be used by the employee to express

\$7.25 PER HOUR **BEGINNING JULY 24, 2009** 

FEDERAL MINIMUM WAGE

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

## **OVERTIME PAY**

FED

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

## **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.

## PUMP AT WORK

DEPARTMENT OF LABOR

LA

UNITED STATES OF AMERICA

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

W

Title 23, Chapter 3 of Revised Statutes of 1950 as Amended

on file an employment certificate for such minor issued by the city or parish superint

mining, non-hazardous jobs under the following conditions, if no more than

8 hours on a non-school day or 40 hours in a non-school week.

3 hours on a school day or 18 hours in a school week;

of each work day, before the commencement of the next day of work

nated as such by the local school superinte

Day, when evening hours are extended to 9 p.m

### 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. Certain narrow 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 must comply with both. Some employers incorrectly classify workers as "independent contractors"

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

# **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

connection

LA

- HEALTH INSURANCE PROTECTION 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 employe
- 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** 

- are a past or present member are obligated to serve in the of 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 any benefit of employment 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

> 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

# or Employee?

## ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND SUBCONTRACTORS:

Your these	<ul> <li>law says that you are an employee unless:</li> <li>You are free from direction and control in performing your job, AND</li> <li>You perform work that is not part of the usual work done by the business that hired you OR is not performed on the business's premises, AND</li> <li>You are customarily engaged in an independently established trade, occupation, profession or business.</li> <li>remployer cannot consider you to be an independent contractor unless all three of e facts apply to your work.</li> <li>IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES</li> <li>S INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.</li> </ul>	Independent Contractors:         If you are an independent contractor, you must pay all taxes required by Louisiana and Federal Law.         Employer Consequences:         Pursuant to Louisiana Employment Security Law R.S. 23:1711 (G): Penalties for misclassifying a worker as an independent contractor include:         • Fines of up to \$2500 per misclassified worker per instance.         • Imprisonment for up to 90 days.         • Prohibited from contracting with any state agency or political subdivision of the state for three years.
	ployee Rights: u are an employee, you are entitled to: Unemployment benefits, if unemployed through no fault of your own, able to work, and meet other eligibility requirements.	This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 23:1711 LOUISIANA
	Workers' Compensation benefits for on-the-job injuries. a violation of this law for employers to retaliate against anyone who asserts their ts under the law. Retaliation subjects an employer to civil penalties, a lawsuit	WORKFORCE COMMISSION

or both. If you have guestions about whether you are an employee or independent

contractor, or you want to file a complaint, call the Louisiana Workforce Commission

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 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

www.laworks.net

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. REV. 05/2022

## How do I request FMLA leave? Generally, to request FMLA leave you must:

FED

Job applicants

FED

servicemember

What is FMLA leave?

(WHD) enforces the FMLA for most employees.

military servicemember.

Am I eligible to take FMLA leave?

You work for a covered employer,

current or previous calendar year,

You are an **eligible employee** if **all** of the following apply:

You have worked for your employer at least 12 months,

Airline flight crew employees have different "hours of service" requirements.

You work for an elementary or public or private secondary school, or

You work for a **covered employer** if **one** of the following applies:

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected

To care for your spouse, child or parent with a serious mental or physical health condition, and

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

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise

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.

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

You work for a private employer that had at least 50 employees during at least 20 workweeks in the

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.

Your employer has at least 50 employees within 75 miles of your work location.

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a

leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

Your serious mental or physical health condition that makes you unable to work

The birth, adoption or foster placement of a child with you,

- 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.

Union members and applicants for membership in a union

What Types of Employment Discrimination are Illegal?

regardless of your immigration status, on the bases of:

Under the EEOC's laws, an employer may not discriminate against you,



## 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 gualify 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.

DEPARTMENT OF LABOR

UNITED STATES OF AMERICA

WAGE AND HOUR DIVISION

UNITED STATES DEPARTMENT OF LABOR

Retaliation

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



REV. 04/2023



## 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. discrimination (including accommodation) or pregnancy

- Who is Protected? Employees (current and former), including managers and temporary employees
- accommodation What can You Do if You Believe

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

**Discrimination has Occurred?** Contact the EEOC promptly if you suspect discrimination. Do not delay,

### 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.

No minor 16 years of age who has not graduated from high school shall be

employed, or permitted, or suffered to work between the hours of 11:00 p.m. and

worked per day or per week, however, minors shall receive an eight hour rest break at the end

For purposes of the following items, a day during which school is in session will be that

when they are actually employees under the FLSA. It is important to know certificates issued by the Department of Labor. WAGE AND HOUR DIVISION 1-866-487-9243 UNITED STATES DEPARTMENT OF LABOR www.dol.gov/agencies/whd WH1088 REV. 04/2023

## Workforce Commission **Minor Labor Law Placard**

As a driver of any motor vehicle on a public road if they are 16 years of age or younger. Minors 17 years of age or older may be employed, permitted No minor under the age of 18 years shall be employed until the employer has procured and has or suffered to work as a driver of a motor vehicle only under certain restrictions. (For an explanation of these restrictions contact the No minor under the age of 14 years may be employed, permitted, or suffered to work except as Louisiana Workforce Commission at 337-475-8032.) In the operation of passenger or freight elevators or hoisting machines; Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-In spray painting or in occupations involving exposure to lead or its compounds, or o dangerous or poisonous dyes and chemicals; In any place or establishment in which the sale of alcoholic beverages, as defined in R.S. 26:241, constitutes its main business, unless the minor is a musician perform Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor in a band on the premises under written contract with the holder of the alcoholic beverage permit for a specified time period and is under direct supervision of his parent or legal guardian during such time. Any place or establishment holding a No minor under the age of 16 years may be employed, permitted, or suffered to work for any duly issued retail dealer's alcoholic beverage permit or license, for which the sale five hour period without one interval of at least thirty minutes within such period for meals. Such interval shall not be included as part of the working hours of the day. of alcoholic beverage does not constitute the main business of the establishment may employ anyone under the age of 18 provided the minor's employment doe There are no time standards for minors 16 and 17 years of age regarding the numbers of hour

not involve the sale, mixing, dispensing, or serving of alcoholic beverages for consumption on the premises. In any other place of employment or in any other occupation that the Director of Norkforce Development shall, after public hearing thereon determine hazardous o injurious to the life, health, safety or welfare of such minors.

endent for the school district in which **Specific Violations: Penalty** Any Person Who:

Independent Contractor
Workforce Commiss

