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 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 uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of 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 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 http://www.dol.gov/vets**. An interactive online USERRA Advisor can be viewed at **http://www.dol.gov/elaws/userra.htm**.

- ☆ 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: http://www.dol.gov/vets/programs/userra/poster.htm. 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

1-800-336-4590

Publication Date—October 2008

"EEO is the Law" Poster Supplement

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations revisions

The Disability section is revised as follows:

DISABILITY
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

The following section is added:

GENETICS
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The EEOC contact information is revised as follows:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts section revisions

The Individuals with Disabilities section is revised as follows:

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

The Vietnam Era, Special Disabled Veterans section is revised as follows:

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

The following section is added:

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

The OFCCP contact information is revised as follows:

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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

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

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

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) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal 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 educational 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 any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

EMPLOYEE RIGHTS

FOR WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGES

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

This establishment has a certificate authorizing the payment of special minimum wages to workers who are disabled for the work they are performing. Authority to pay special minimum wages to workers with disabilities applies to work covered by the ***Fair Labor Standards Act (FLSA), McNamara-O'Hara Service Contract Act (SCA), and/or Walsh-Healey Public Contracts Act (PCA)****. Such special minimum wages are referred to as "****commensurate wage rates****" and are less than the basic hourly rates stated in an SCA wage determination and less than the FLSA minimum wage of* ***$7.25 per hour beginning July 24, 2009****. A "commensurate wage rate" is based on the worker's individual productivity, no matter how limited, in proportion to the wage and productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same type, quality, and quantity of work in the geographic area from which the labor force of the community is drawn.*

WORKERS WITH DISABILITIES

For purposes of payment of commensurate wage rates under a certificate, a worker with a disability is defined as:

- An individual whose earnings or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed.
- Disabilities which may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following do not ordinarily affect productive capacity for purposes of paying commensurate wage rates: educational disabilities; chronic unemployment; receipt of welfare benefits; nonattendance at school; juvenile delinquency; and correctional parole or probation.

KEY ELEMENTS OF COMMENSURATE WAGE RATES

- **Nondisabled worker standard**—The objective gauge (usually a time study of the production of workers who do not have disabilities that impair their productivity for the job) against which the productivity of a worker with a disability is measured.
- **Prevailing wage rate**—The wage paid to experienced workers who do not have disabilities that impair their productivity for the same or similar work and who are performing such work in the area. Most SCA contracts include a wage determination specifying the prevailing wage rates to be paid for SCA-covered work.
- **Evaluation of the productivity of the worker with a disability**—Documented measurement of the production of the worker with a disability (in terms of quantity and quality).

The wages of all workers paid commensurate wages must be reviewed, and adjusted if appropriate, at periodic intervals. At a minimum, the productivity of hourly-paid workers must be reevaluated at least every six months and a new prevailing wage survey must be conducted at least once every twelve months. In addition, prevailing wages must be reviewed, and adjusted as appropriate, whenever the applicable state or federal minimum wage is increased.

OVERTIME

Generally, if you are performing work subject to the FLSA, SCA, and/or PCA, you must be paid at least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR

Minors younger than **18 years of age** must be employed in accordance with the child labor provisions of FLSA. No persons under 16 may be employed in manufacturing or on a PCA contract.

FRINGE BENEFITS

Neither the FLSA nor the PCA have provisions requiring vacation, holiday, or sick pay nor other fringe benefits such as health insurance or pension plans. SCA wage determinations may require such fringe benefit payments (or a cash equivalent). **Workers paid under a certificate authorizing commensurate wage rates must receive the full fringe benefits listed on the wage determination.**

WORKER NOTIFICATION

Each worker with a disability and, where appropriate, the parent or guardian of such worker, shall be informed orally and in writing by the employer of the terms of the certificate under which such worker is employed.

PETITION PROCESS

Workers with disabilities paid at special minimum wages may petition the Administrator of the Wage and Hour Division of the Department of Labor for a review of their wage rates by an Administrative Law Judge. No particular form of petition is required, except that it must be signed by the worker with a disability or his or her parent or guardian and should contain the name and address of the employer. Petitions should be mailed to: Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Employers shall display this poster where employees and the parents and guardians of workers with disabilities can readily see it.

For additional information:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

WH 1284
Revised July 2009

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR
www.colorado.gov/cdle/labor

NOTICE OF PAYDAYS

In accordance with 8-4-107, C.R.S.:

> Every employer shall post and keep posted conspicuously at the place of work if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or nearest agency for payment kept by the employer a notice specifying the regular paydays and the time and place of payment, in accordance with the provisions of section 8-4-103, and also any changes concerning them that may occur from time to time.

Pay periods can be no greater duration than a calendar month or 30 days, whichever is longer. Paydays must occur no later than 10 days following the close of each pay period. 8-4-103, C.R.S.

EMPLOYEES ARE PAID ON REGULAR PAYDAYS AS FOLLOWS:

Time: _____

Place: _____

COLORADO WORKERS' COMPENSATION INFORMATION

Your employer has workers' compensation coverage for employees through:

Workers' compensation is a type of insurance coverage that employers must provide to their employees. The cost of workers' compensation insurance is paid entirely by the employer and may not be deducted from an employee's wages.

If you are injured or sustain an occupational disease while at work, you may be entitled to compensation benefits as provided by law. WRITTEN NOTICE MUST BE GIVEN TO YOUR EMPLOYER WITHIN 4 WORKING DAYS OF THE ACCIDENT. If you don't report your injury or occupational disease promptly your benefits may be reduced.

If you are unable to work as the result of a work-related injury or occupational disease, compensation (wage replacement) benefits will be based on 2/3 of your average weekly wage up to a maximum set by law. No compensation is payable for the first 3 days' disability unless the period of disability exceeds two weeks.

You are entitled to reasonable and necessary medical treatment of compensable injuries or occupational diseases. If you notify your employer of an injury or occupational disease and are not offered medical care, you may select the services of a licensed physician or chiropractor.

You may file a Worker's Claim for Compensation with the Division of Workers' Compensation. To obtain forms or information regarding the workers' compensation system, you may call Customer Service at 303.318.8700, or visit our website at: www.coworkforce.com/dwc/.

COLORADO DIVISION OF WORKERS' COMPENSATION
633 17TH Street, Suite 400, Denver, CO 80202-3626

Any information provided below comes from your employer and is specific to this place of employment:

THE EMPLOYER IS REQUIRED BY LAW TO POST THIS NOTICE

Colorado Employment Security Act (CESA), 8-74-101(2); Regulations Concerning Employment Security 7.3.1 through 7.3.5

NOTICE TO WORKERS

You have the right to be properly classified as an employee if you meet the criteria in Colorado Revised Statute 8-70-115. If you believe you have been improperly classified as an independent contractor, there is a complaint process available to you. On the first offense, an employer may be fined up to $5,000 per misclassified employee. To file a complaint, call the Unemployment Insurance Audit section at 303-318-9100 and select Option **3**, or visit www.colorado.gov/cdle/ui.

You, as an employee, are entitled to unemployment insurance benefits if you become unemployed through no fault of your own. Your employer contributes to unemployment insurance and cannot deduct this from your wages.

If you become unemployed and wish to file for unemployment insurance benefits, go to www.colorado.gov/cdle/ui and click on File for Unemployment. You may also call one of the following numbers instead:

303-318-9000
(Denver-metro area)

1-800-388-5515
(Outside Denver-metro area)

TDD 303-318-9016
(Hearing Impaired Denver-metro area)

TDD 1-800-894-7730
(Hearing Impaired Outside Denver-metro area)

If your hours of work and pay are reduced, you may be entitled to partial unemployment benefits.

IMPORTANT NOTICE: Be sure to have your social security number and the name and address of your last employer available when you call to file a claim for unemployment insurance benefits.

AVISO PARA EMPLEADOS

Usted tiene el derecho de ser propiamente clasificado como un empleado si se cumplen los criterios en Estatuto Revisado de Colorado 8-70-115. Si cree que ha sido impropiamente clasificado como un contratista independiente, hay un proceso de queja disponible. Por la primera ofensa, un empleador puede ser multado hasta $5,000 por cada empleado misclasificado. Para presentar una queja, llame a la sección de Auditoría de Seguro de Desempleo al 303-318-9100, y marque Opción **3** o visite www.colorado.gov/cdle/ui.

Usted, como empleado, tiene derecho a los beneficios de seguro de desempleo si se encuentra desempleado y no es responsable por la separación. La compañía contribuye al seguro de desempleo y no puede deducirlos de su sueldo.

Si se encuentra desempleado y desea reclamar los beneficios de seguro de desempleo, vaya al sitio www.colorado.gov/cdle/ui y haga click en en enlace File for Unemployment. Támbien puede llamar a los números siguentes.

303-318-9333
(Área metropolitana de Denver)

1-866-422-0402
(Fuera del área metropolitana de Denver)

TDD 303-318-9016
(Impedimento Auditivo Área de Denver)

TDD 1-800-894-7730
(Impedimento Auditivo Fuera del área metropolitana de Denver)

Si sus horas de trabajo y pago son reducidas, usted puede tener derecho a los beneficios parciales de seguro de desempleo.

AVISO IMPORTANTE: Asegúrese de tener su número de seguro social y el nombre y la dirección de su empleo mas reciente cuando llame para establecer su reclamo de seguro de desempleo.

Employers can download copies of this poster at www.colorado.gov/cdle/ui, click on **Forms & Publications**, and then click on **Employer Forms**.

Additional copies can be requested by contacting the Colorado Department of Labor and Employment, Unemployment Insurance Program, P.O. Box 8789, Denver, Colorado 80201-8789 or by calling 303-318-9100 or 1-800-480-8299

WARNING

IF YOU ARE INJURED ON THE JOB, WRITTEN NOTICE OF YOUR INJURY MUST BE GIVEN TO YOUR EMPLOYER WITHIN FOUR WORKING DAYS AFTER THE ACCIDENT, PURSUANT TO SECTION 8-43-102 (1.5), COLORADO REVISED STATUTES.

(tape page 2 here)

IF THE INJURY RESULTS FROM YOUR USE OF ALCOHOL OR CONTROLLED SUBSTANCES, YOUR WORKERS' COMPENSATION DISABILITY BENEFITS MAY BE REDUCED BY ONE-HALF IN ACCORDANCE WITH SECTION 8-42-112.5, COLORADO REVISED STATUTES

Important Message from the **IRS**

If you qualify, you could get money back from the IRS. You have to file a federal tax return to get EITC even if you owe no tax or are not required to file.

If you earn less than $51,567 and you have a:

- Son, daughter, stepchild, foster child, brother, sister, half brother, half sister, grandchild, niece, nephew, or adopted child living with you

– OR –

If you earn less than $19,680 and you:

- Have no children living with you or have no child living with you who meets EITC rules,
- Are at least age 25 and under 65

You may be eligible for the EITC, Earned Income Tax Credit.

EITC provides a boost to help pay your bills, fix up your place, or save for a rainy day.

Just imagine what you could do with EITC.

See if you qualify.
www.irs.gov/eitc

Life's a little easier with eitc
earned income tax credit

Publication 4718 (10-2013) Catalog Number 52126H Department of the Treasury **Internal Revenue Service** www.irs.gov

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 1½ 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 hours restrictions. Different rules apply in agricultural employment.

TIP CREDIT

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

NURSING MOTHERS

The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

WH1088 REV 07/16

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.

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.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

WH1462 REV 07/16

U.S. Department of Labor

OSHA®
Occupational Safety and Health Administration

Job Safety and Health
IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

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 reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.
- 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.

FREE ASSISTANCE to identify and correct hazards is available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

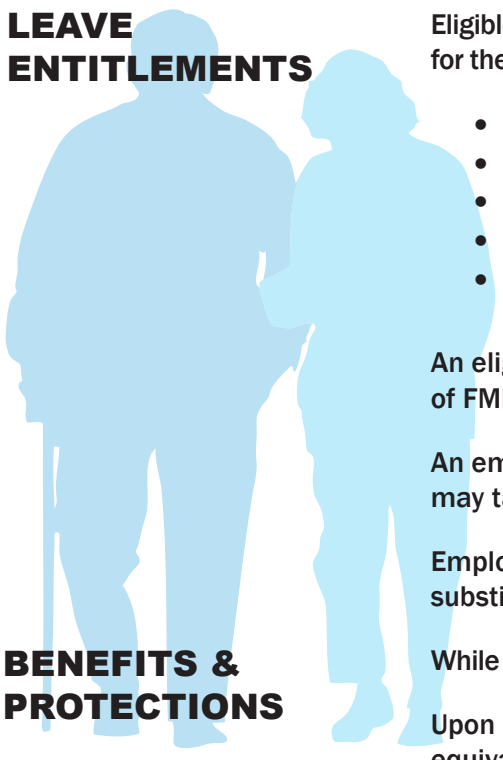
Contact OSHA. We can help.

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

OSHA 3165-04R 2015

EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION



LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

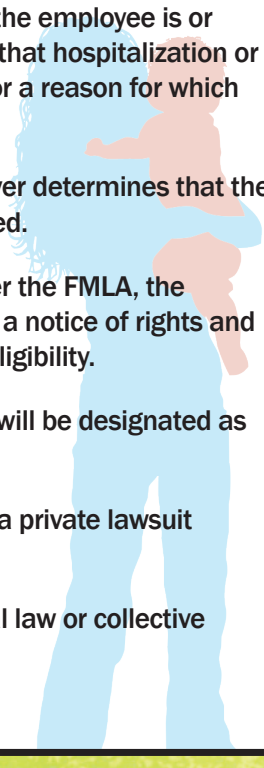
*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

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



EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

WH1420 REV 04/16

COLORADO
Department of Regulatory Agencies
Colorado Civil Rights Division

Aubrey Elenis, Colorado Civil Rights Division, Division Director

Joe Neguse, Department of Regulatory Agencies, Executive Director

John Hickenlooper, Governor

This **E**stablishment **C**omplies with the **C**olorado **A**nti-**D**iscrimination **L**aws

Discrimination based on the following factors is illegal in the areas of:

- **E**mployment
  Race, color, religion, creed, national origin, ancestry, sex, pregnancy, age, sexual orientation (incl. transgender status), physical or mental disability, marriage to a co-worker and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in an employment discrimination proceeding)
- **H**ousing
  Race, color, religion, creed, national origin, ancestry, sex, sexual orientation (incl. transgender status), physical or mental disability, marital status, families with children under the age of 18, and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in a housing discrimination proceeding)
- **P**ublic **A**ccommodation
  Race, color, religion, creed, national origin, ancestry, sex, physical or mental disability, sexual orientation (incl. transgender status), marital status, and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in a public accommodations discrimination proceeding)

REGULATIONS PROMULGATED BY THE COLORADO CIVIL RIGHTS COMMISSION

Rule 20.1 – Anti-Discrimination Notices in Employment and Places of Public Accommodation. Every employer, employment agency, labor organization, and place of public accommodation shall post and maintain at its establishment a notice that summarizes the discriminatory or unfair practices prohibited by the Law in employment and places of public accommodation. The Division shall make a notice available for printing on its website or provide a copy upon request.

(A) With respect to employers and employment agencies, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by employees and applicants for employment, and at or near each location where services of employees are performed.

(B) With respect to labor organizations, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by members and applicants for membership.

(C) With respect to places of public accommodation, such notices must be posted conspicuously in easily accessible and well-lit places customarily frequented by people seeking services, purchases, facilities, privileges, advantages or accommodations offered to the general public.

Rule 20.2 – Anti-Discrimination Notices in Housing.
Every real estate broker or agent, home builder, home mortgage lender, and all other persons who transfer, rent, or finance real estate, shall post and maintain in all places where real estate transfers, rentals and loans are executed, a notice that summarizes the discriminatory or unfair practices prohibited by the Law in housing. The Division shall make a notice available for printing on its website or provide a copy upon request. The notices shall be posted and maintained in conspicuous, well-lit, and easily accessible places ordinarily frequented by prospective buyers, renters, borrowers, and the general public.

Rule 20.3 – Photographs of Applicants for Employment. No employer, employment agency, or labor organization shall suggest or require that applicants submit their photographs prior to their employment or placement, unless the requirement is based upon a Bona Fide Occupational Qualification (BFOQ).

Rule 20.4 – Discriminatory Signage in Places of Public Accommodation. No person shall post or permit to be posted in any place of public accommodation any sign which states or implies the following:

WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE

Rule 20.5 - Preservation of Records (A) **Retention of Records During Processing of Charge**. Whenever a charge of discrimination is filed with the Division, all parties shall maintain all relevant records, in their custody, control, or possession until final disposition. Relevant records include, but are not limited to, the following: personnel or employment records of a Charging Party and of all employees holding similar positions; applications or test papers and assessments of all candidates for the positions sought by the Charging Party; payroll records; handbooks; registration records; offers; leases; contracts; tenant files; rental applications; loan and purchase files; advertisements; data regarding protected classes; disability-related and medical records; policies and procedures; notices; phone records; bank and accounting records; photographs; videos; correspondence; emails; electronic records; and other business or institutional records relevant to the allegations of the charge. Final disposition of the charge or complaint occurs when the statutory time periods for all appeals have expired.
(B) **Rebuttable Presumption**. The failure to comply with this regulation shall create a rebuttable presumption that the records contained information adverse to the interests of the non-compliant party.

COLORADO
Department of Regulatory Agencies
Colorado Civil Rights Division

Aubrey Elenis, división de derechos civiles, director

Joe Neguse, departmento de las agencias reguladoras, director ejecutivo

John Hickenlooper, gobernador

Este **E**stablecimiento **C**umple con las **L**eyes que **P**rohíben **D**iscriminación en el **E**stado de **C**olorado

Discriminación basada en las siguientes categorías es ilegal en las áreas de:

- **E**mpleo
  Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, embarazo, edad, orientación sexual (incluyiendo los quien se clasifican como transgenero), discapacidad física o mental, matrimonio con un compañero de trabajo, y represalias por participar en una actividad protegida (oposición a practicas discriminatorias o participación en procedimientos de discriminación en el empleo)
- **V**ivienda
  Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, orientación sexual (incluyiendo los quien se clasifican como transgenero), discapacidad física o mental, estado civil, familias con menores de 18 años, y represalias por participar en una actividad protegida (oposición a practicas discriminatorias o participación en procedimientos de discriminación en la vivienda)
- **S**ervicios al **P**úblico
  Raza, color, religión, credo o creencia, nacionalidad, ascendientes (antepasados), sexo, discapacidad física o mental, orientación sexual (incluyiendo los quien se clasifican como transgenero), estado civil, y represalias por participar en una actividad protegida (oposición a prácticas discriminatorias o participación en procedimientos de discriminación en lugares donde se proveen bienes, productos o servicios al público).

REGULACIONES PUBLICADAS POR LA COMISIÓN DE DERECHOS CIVILES DE COLORADO

Regla 20.1 -

Todo patrón, agencia de empleo, organización laboral (sindicato), lugar donde se proveen bienes, productos o servicios al público, debe colocar ymantener en su establecimiento un aviso que resume las prácticas discriminatorias o injustas prohibidas por la Ley en empleo y sitios abiertos al público. La División pondrá un aviso para imprimir a disposición en su sitio Web o proveerá una copia si así lo solicitan.

(A) Con respecto a patrones y agencias de empleo, tales avisos deben colocarse en lugares visibles, bien iluminados y de fácil acceso, frecuentadoshabitualmente por los empleados y solicitantes de un trabajo y en o cerca del lugar donde los empleados prestan sus s ervicios.

(B) Con respecto a organizaciones laborales, tales avisos deben colocarse en lugares visibles, bien iluminados y de fácil acceso, frecue ntados habitualmentepor sus miembros y solicitantes de membresía a la organización.

(C) Con respecto a los lugares abiertos al público, tales avisos deben de ser colocados en lugares visibles, bien iluminados y de fácil acceso frecuentadoshabitualmente por perso nas que buscan un servicio, bien o producto, entretenimiento, recreación u otro servicio ofrecido al público en general.

Regla 20.2 -

Cada agente de bienes raíces, constructores, agentes de préstamos hipotecarios y toda persona que transfiera, rente, o financie bienes raíces d eberáobtener uno o más de los avisos que resume las prácticas discriminatorias o injustas prohibidas por la Ley en lugares de vivienda y los colocara en todos loslugares donde se realizan transferencias de bienes raíces, préstamos, y rentas. . La División pondrá un aviso para imprimir a disposición en su sitio Web o proveerá una copia si así lo solicitan.

Los avisos deberán colocarse en lugares visibles, bien iluminados y de fácil acceso, frecuentados habitualmente por probables compradores, rentistas, solicitantes de préstamos y al público en general.

Regla 20.3 –

Ningún patrón, agencia de empleo, u organización laboral deberá sugerir o pedir a los solicitantes que entreguen fotografías antes de obtener el empleo,a menos que este requisito sea basado en una cualificación ocupacional de buena fe *(bona fide occupational qualification)*

Regla 20.4 -

Ninguna persona deberá colocar o permitir que se coloque en ningún lugar donde se proveen bienes, productos o servicios al público una nota oaviso que declare o implique lo siguiente:

NOS RESERVAMOS EL DERECHO DE RECHAZAR SERVICIO A CUALQUIERA*WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE*

Tal aviso implica que los patrones podrán basarse en una serie de factores discriminatorios ilegales.

Regla 20.5 - Conservación de Documentos

(A) **Retención de documentos** durante la investigación de una queja de discriminación.

En situaciones donde una queja de discriminación es presentada con la División, todos los partidos mantendrán todos los archivos relevantes en su custodia, o posesión hasta la disposición final. Documentos relevantes incluyen, pero no están limitados a, lo siguiente: el expediente personal de la parte acusadora y de todoempleado que mantenga una situación similar a la de la parte acusadora, así como solicitudes, exámenes escritos de los candidatos a un puesto, registros de inscripción, ofertas, arrendamientos, contratos, correspondencia, archivos del negocio, etc. La decisión final de la queja ocurre cuando el tiem po establecido por la leypara todas las apelaciones ha expirado.

(B) **Presunción Rebatible**

La falta de cumplimiento con estas regulaciones creará una presunción rebatible de que los documentos o archivos contienen información contraria a los intereses dela parte incumplidora.

www.dora.colorado.gov/crd
1560 Broadway, Suite 1050, Denver, CO 80202, Phone: 303.894.2997, Fax: 303.894.7830, Toll Free: 800.262.4845, V/TDD 711

COLORADO
Department of Regulatory Agencies
Colorado Civil Rights Division

NOTICE FOR EMPLOYERS TO USE IN ORDER TO BE IN COMPLIANCE WITH HB 16-1438 (PREGNANCY ACCOMMODATIONS):

PREGNANT WORKERS FAIRNESS ACT

C.R.S. § 24-34-402.3

The Pregnant Workers Fairness Act makes it a discriminatory or unfair employment practice if an employer fails to provide reasonable accommodations to an applicant or employee who is pregnant, physically recovering from childbirth, or a related condition.

Requirements:

Under the Act, if an applicant or employee who is pregnant or has a condition related to pregnancy or childbirth requests an accommodation, an employer must engage in the interactive process with the applicant or employee and provide a reasonable accommodation to perform the essential functions of the applicant or employee's job unless the accommodation would impose an undue hardship on the employer's business.

The Act identifies reasonable accommodations as including, but not limited to:

- provision of more frequent or longer break periods;
- more frequent restroom, food, and water breaks;
- acquisition or modification of equipment or seating;
- limitations on lifting;
- temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy;
- job restructuring;
- light duty, if available;
- assistance with manual labor; or modified work schedule.

The Act prohibits requiring an applicant or employee to accept an accommodation that the applicant or employee has not requested or an accommodation that is unnecessary for the applicant or the employee to perform the essential functions of the job.

Scope of accommodations required:

An accommodation may not be deemed reasonable if the employer has to hire new employees that the employer would not have otherwise hired, discharge an employee, transfer another employee with more seniority, promote another employee who is not qualified to perform the new job, create a new position for the employee, or provide the employee paid leave beyond what is provided to similarly situated employees.

Under the Act, a reasonable accommodation must not pose an "undue hardship" on the employer. Undue hardship refers to an action requiring significant difficulty or expense to the employer. The following factors are considered in determining whether there is undue hardship to the employer:

- the nature and cost of accommodation;
- the overall financial resources of the employer;
- the overall size of the employer's business;
- the accommodation's effect on expenses and resources or its effect upon the operations of the employer;

If the employer has provided a similar accommodation to other classes of employees, the Act provides that there is a rebuttable presumption that the accommodation does not impose an undue hardship.

Adverse action prohibited:

The Act prohibits an employer from taking adverse action against an employee who requests or uses a reasonable accommodation and from denying employment opportunities to an applicant or employee based on the need to make a reasonable accommodation.

Notice:

This written notice must be posted in a conspicuous area of the workplace. Employers must also provide written notice to new employees at the start of employment and to current employees within 120 days of the Act's August 10, 2016 effective date.

COLORADO
Department of
Regulatory Agencies
Colorado Civil Rights Division
1560 Broadway Street, Suite 1050
Denver, CO 80202

AVISO PARA QUE LO UTILIZEN LOS PATRONES PARA ESTAR EN CONFORMIDAD CON HB-1438
(ACOMODACIÓN de EMBARAZO)

Ley de Equidad para Trabajadoras Embarazadas
C.R.S. § 24-34-402.3

La Ley de Equidad para Trabajadoras Embarazadas lo hace una práctica de empleo discriminatoria o injusta si un patrón no ofrece una acomodación razonable a candidatas de empleo o empleadas embarazadas, madres recuperándose del parto, o una condición relacionada.

Requisitos:

De acuerdo con la Ley, si una candidata de empleo o empleada embarazada, o con una condición relacionada de embarazo o de parto pide una acomodación razonable, un patrón debe participar en un proceso interactivo con la candidata de empleo o empleada embarazada y proveerles una acomodación razonable para que puedan realizar las funciones esenciales del trabajo a menos de que una acomodación le impondría dificultades indebidas al negocio.

La Ley identifica acomodaciones razonables, incluyendo, pero no limitándose a:

- Descansos más frecuentes o más prolongados
- Descansos más frecuentes para ir al baño, tomar agua, o para el alimento.
- adquisición o modificación de equipo o de asientos
- Restricciones para levantar cosas pesadas
- Deberes más livianos o traslado temporal a un puesto menos arduo o peligroso que esté disponible
- Reestructuración de trabajo
- Asignar tareas livianas si están disponibles
- Ayuda con labores manuales y modificación de horarios de trabajo

La Ley prohíbe que un patrón requiera que una candidata de empleo o empleada acepte una acomodación que la candidata o empleada no solicito o una acomodación que sea innecesaria para que la candidata o empleada pueda realizar las funciones esenciales del trabajo.

El perímetro de las acomodaciones requeridas:

Un acomodamiento pueda no considerarse razonable si su patrón tiene que ocupar a nuevos empleados que no habría tenido que ocupar, si tiene que despedir a empleados,

transferir a empleados con más precedencia, promover a empleados sin estar cualificados para el trabajo, crear una nueva posición para el empleado, o proveerle a su empleado pago de ausencia laboral más allá de lo que se les permite a empleados similarmente situados.

De acuerdo con la Ley, una acomodación razonable no puede causar "dificultades indebidas" al patrón. Una dificultad indebida se refiere a una acción que le requiera una dificultad o gasto significativo al patrón. Los factores siguientes se consideran para determinar si es que existen dificultades indebidas al patrón:

- La razón y el costo de la acomodación
- La situación en general de los recursos financieros del empleador
- El tamaño en general de la empresa del empleador
- El efecto que tendrá la acomodación en gastos y recursos o el efecto que tendrá hacia las operaciones de la empresa del empleador.

Si su empleador le ha proveído una acomodación similar a empleados de otras clases, la Ley provee que existe una presunción refutable que la acomodación no impone una dificultad indebida.

Acción adversa prohibida:

La Ley prohíbe que un patrón tome una acción adversa en contra de una empleada que solicita una acomodación razonable y que le niegue oportunidades de empleo a una candidata de empleo o empleada por el hecho de pedir una acomodación razonable.

Aviso:

Este aviso escrito debe ser colocado en un área visible de la empresa. Los patrones también tienen el deber de proveerles este aviso escrito a sus nuevos empleados al inicio de empleo y a empleados actuales dentro de 120 días a partir del 10 de Agosto, 2016, la fecha efectiva de la Ley.

COLORADO MINIMUM WAGE ORDER 34 POSTER

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR STANDARDS AND STATISTICS

$10.20

per hour effective January 1, 2018

$9.30 per hour effective January 1, 2017 **$8.31** per hour effective January 1, 2016

In addition to state minimum wage requirements, there are also federal minimum wage requirements. If an employee is covered by both state and federal minimum wage laws, the law which provides a higher minimum wage or sets a higher standard shall apply.

Colorado Minimum Wage Order Number 34 regulates wages, hours, overtime, and working conditions for covered employees in the following industries: Retail and Service, Commercial Support Service, Food and Beverage, and Health and Medical.

MINIMUM WAGE

Minimum wage shall be paid to all adult employees and emancipated minors whether employed on an hourly, piecework, commission, time, task, or other basis. This minimum wage shall be paid to employees who receive the state or federal minimum wage.

WORKDAY

Any consecutive twenty-four (24) hour period starting with the same hour each day and the same hour as the beginning of the workweek. The workday is set by the employer and may accommodate flexible work shift scheduling.

WORKWEEK

Any consecutive seven (7) day period starting with the same calendar day and hour each week. A workweek is a fixed and recurring period of 168 hours, seven (7) consecutive twenty-four (24) hour periods.

OVERTIME

Employees shall be paid time and one-half of the regular rate of pay for any work in excess of: (1) forty (40) hours per workweek; (2) twelve (12) hours per workday; or (3) twelve (12) consecutive hours without regard to the starting and ending time of the workday (excluding duty free meal periods), whichever calculation results in the greater payment of wages. Hours worked in two or more workweeks shall not be averaged for computation of overtime. Performance of work in two or more positions at different pay rates for the same employer shall be computed at the overtime rate based on the regular rate of pay for the position in which the overtime occurs, or at a weighted average of the rates for each position, as provided in the Fair Labor Standards Act.

TIPPED EMPLOYEE MINIMUM WAGE

$7.18 per hour effective January 1, 2018
$6.28 per hour effective January 1, 2017
$5.29 per hour effective January 1, 2016

A tipped employee is defined as any employee engaged in an occupation in which he or she customarily and regularly receives more than $30.00 a month in tips. Tips include amounts designated as a "tip" by credit card customers on their charge slips. Nothing herein contained shall prevent an employer covered hereby from requiring employees to share or allocate such tips or gratuities on a pre-established basis among other employees of said business who customarily and regularly receive tips. Employer-required sharing of tips with employees who do not customarily and regularly receive tips, such as management or food preparers, or deduction of credit card processing fees from tipped employees, shall nullify allowable tip credits towards the minimum wage authorized in section 3(c). No more than $3.02 per hour in tip income may be used to offset the minimum wage of tipped employees.

REST PERIODS

Every employer shall authorize and permit rest periods, which insofar as practicable, shall be in the middle of each four (4) hour work period. A compensated ten (10) minute rest period for each four (4) hours or major fractions thereof shall be permitted for all employees. Such rest periods shall not be deducted from the employee's wages. It is not necessary that the employee leave the premises for said rest period.

MEAL PERIODS

Employees shall be entitled to an uninterrupted and "duty free" meal period of at least a thirty minute duration when the scheduled work shift exceeds five consecutive hours of work. The employees must be completely relieved of all duties and permitted to pursue personal activities to qualify as a non-work, uncompensated period of time. When the nature of the business activity or other circumstances exist that makes an uninterrupted meal period impractical, the employee shall be permitted to consume an "on-duty" meal while performing duties. Employees shall be permitted to fully consume a meal of choice "on the job" and be fully compensated for the "on-duty" meal period without any loss of time or compensation.

UNIFORMS

Where the wearing of a particular uniform or special apparel is a condition of employment, the employer shall pay the cost of purchases, maintenance, and cleaning of the uniforms or special apparel. If the uniform furnished by the employer is plain and washable and does not need or require special care such as ironing, dry cleaning, pressing, etc., the employer need not maintain or pay for cleaning. An employer may require a reasonable deposit (up to one-half of actual cost) as security for the return of each uniform furnished to employees upon issuance of a receipt to the employee for such deposit. The entire deposit shall be returned to the employee when the uniform is returned. The cost of ordinary wear and tear of a uniform or special apparel shall not be deducted from the employee's wages or deposit.

RECOVERY OF WAGES

An employee receiving less than the legal minimum wage applicable to such employee is entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with reasonable attorney fees and court costs, notwithstanding any agreement to work for a lesser wage, pursuant to § 8-6-118 C.R.S. (2016). Alternatively, an employee may elect to pursue a minimum wage complaint through the division's administrative procedure as described in the Colorado Wage Act, § 8-4-101, et seq., C.R.S. (2016).

DUAL JURISDICTION

Whenever employers are subject to both federal and Colorado law, the law providing greater protection or setting the higher standard shall apply. For information on federal law contact the nearest office of the U. S. Department of Labor, Wage and Hour Division, 1999 Broadway, Suite 710, Denver, CO 80201-6550. Telephone (720) 264-3250.

MUST BE POSTED IN AN AREA FREQUENTED BY EMPLOYEES WHERE IT MAY BE EASILY READ

www.colorado.gov/cdle/labor | 303-318-8441 | 1-888-390-7936

AFICHE DEL DECRETO DE SUELDOS MÍNIMOS DE COLORADO NÚMERO 34

COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR STANDARDS AND STATISTICS

$10.20

por hora efectivo a partir del 1 de enero de 2018

$9.30 por hora efectivo a partir del 1 de enero de 2017

$8.31 por hora efectivo a partir del 1 de enero de 2016

Además de los requisitos de sueldo mínimo del Estado de Colorado, también hay requisitos federales con respecto a sueldo mínimo. Si un trabajador está cubierto por leyes estatales y federales, la ley que proporciona el sueldo mínimo más alto se aplicará.

Regula sueldos, horas y condiciones de trabajo para empleados de las siguientes industrias: Venta al por Menor y Servicios, Servicios de Soporte Comercial, Alimentos y Bebidas, y Servicios de Salud y Medicina.

SUELDO MÍNIMOS

Sueldo mínimos deberá ser pagado a todos los empleados adultos y a los menores emancipados bien sea que trabajen por hora, a destajo, a comisión, basándose en tiempo, en tarea, o de otra manera.

DÍA LABORAL

Cualquier período de veinticuatro (24) horas consecutivas comenzando a la misma hora cada día y a la misma hora como el comienzo de la semana de trabajo. El día laboral es fijado por el empleador y puede acomodar horarios flexibles de trabajo.

SEMANA LABORAL

Cualquier período de siete (7) días consecutivos comenzando con el mismo día de calendario y a la misma hora cada semana. Una semana laboral es período fijo y recurrente de 168 horas, siete (7) períodos consecutivos de veinticuatro (24) horas.

HORAS EXTRAS

Los empleados deben ser pagos tiempo y medio del pago ordinario por cualquier trabajo en exceso de: (1) cuarenta (40) horas semanales; (2) doce (12) horas por día laboral, o (3) doce (12) horas consecutivas sin tener en cuenta el tiempo de entrada y salida del día laboral (excluyendo horas de comidas sin pago), seleccionando el cálculo que resulte en la mayor cantidad de pago. Las horas trabajadas en dos o más semanas laborales no serán promediadas para el cálculo de horas extras. Trabajo ejecutado en dos posiciones diferentes, con pago diferente, para el mismo empleador debe ser computado a la taza de horas extras basado en la taza regular de pago para la posición en el que ocurren las horas extras, o el promedio ponderado de horas trabajadas y monto por hora trabajada en cada posición, como previsto por la Ley de Normas Razonables de Trabajo.

SUELDO MÍNIMO PARA EMPLEADOS QUE RECIBEN PROPINA

$7.18 por hora efectivo a partir del 1 de enero de 2018
$6.28 por hora efectivo a partir del 1 de enero de 2017
$5.29 por hora efectivo a partir del 1 de enero de 2016

Cualquier empleado contratado en una ocupación en la cual él o ella habitual y regularmente reciben más de $30 dólares por mes en propina. Propinas incluyen montos designados como "propina" en los recibos de los clientes que pagan con tarjetas de crédito. Nada contenido de aquí en más podrá impedir a un empleador cubierto por la presente, de exigir a sus empleados a compartir o repartir propinas de una manera preestablecida con otros empleados de ese negocio quienes habitual y regularmente reciben propinas. El requisito de compartir propinas por parte del empleador con empleados que habitual y regularmente no reciben propinas, como supervisores o cocineros, o deducciones por el costo de proceso de tarjetas de crédito de los empleados que reciben propinas, nulificará el crédito permitido en contra del sueldo mínimo autorizado por el Decreto de Sueldos en sección 3(c). No más que $3.02 por hora puede ser utilizado para compensar el sueldo mínimo de empleados que reciben propinas.

PERÍODOS DE DESCANSO

Todos los empleadores deben autorizar y permitir períodos de descanso que, en la medida en que sean prácticos, deben introducirse en la mitad de cada cuatro (4) horas de trabajo o fracción mayor de cuatro horas. Todos los empleados deben tener permiso para tomar diez minutos de descanso pago por cada cuatro horas. Esos períodos no pueden ser deducidos del saldo del empleado. No es necesario que el empleado salga del lugar de empleo para el descanso.

PERÍODOS DE COMIDA

Los empleados tienen el derecho a un período de comidas sin interrupciones y sin pago de treinta minutos cuando el tiempo de trabajo excede cinco horas consecutivas. El empleado debe estar libre de todas obligaciones y le deben permitir hacer actividades personales para que ese tiempo se clasifique como tiempo libre, sin pago. Cuando el tipo de trabajo y otras circunstancias no permiten que el tiempo sin interrupción sea posible o es impráctico, el empleado debe poder consumir una comida mientras trabaja y debe ser compensado por ese período de comida sin pérdida de tiempo ni compensación.

UNIFORMES

Si es necesario que el empleado use un uniforme en particular o ropa especial como condición de empleo, el empleador debe hacerse cargo del costo de la compra, mantenimiento, y limpieza de uniformes o ropa especial. Si el uniforme que el empleador provee es un uniforme que es simple y lavable y no necesita ningún cuidado especial como planchado, tintorería, etc., el empleador no necesita hacerse cargo del mismo o pagar por la limpieza. El empleador puede requerir un depósito pequeño (hasta la mitad del costo actual del uniforme) como garantía de retorno por cada uniforme que los empleados reciben una vez que el empleador provee un recibo al empleado por ese depósito. El depósito completo debe ser retornado al empleado cuando el uniforme es devuelto. El costo por uso y deterioro del uniforme o ropa especial no puede deducirse del sueldo del empleado o del depósito.

RECUPERACIÓN DE SUELDOS

Un empleado que recibe menos del salario mínimo legal aplicable a dicho empleado tiene derecho a recuperar en una acción civil el balance pendiente de pago de la cantidad total de dicho sueldo mínimo, junto con los gastos razonables de abogados y judiciales, aunque exista un acuerdo para trabajar por un sueldo menor, acordadamente con C.R.S. § 8-6-118 (2017) Por otra parte, un empleado podrá elegir seguir una queja de sueldo mínimo a través del procedimiento administrativo de la división como se describe en la Ley de Sueldos de Colorado, C.R.S. § 8-4-101,et seq. (2017).

DOBLE JURISDICCIÓN

Cuando los empleadores están sujetos a la ley federal y de Colorado, la ley que provea la mayor protección o que imponga el estándar más alto debe ser aplicada. Para información acerca de la ley federal contacte a la oficina más cercana de la sección de Horas y Sueldos del Departamento de Trabajo de los Estados Unidos, 1999 Broadway, Suite 710, Denver, CO, 80201. Teléfono (720) 264-3250.

DEBE COLOCARSE EN UN ÁREA FRECUENTADA POR EMPLEADOS DONDE PUEDAN LEERLO FACILMENTE

New Health Insurance Marketplace Coverage Options and Your Health Coverage

Form Approved
OMB No. 1210-0149
(expires 5-31-2020)

PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn't meet certain standards. The savings on your premium that you're eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.[1]

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution -as well as your employee contribution to employer-offered coverage- is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit HealthCare.gov for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

[1] An employer-sponsored health plan meets the "minimum value standard" if the plan's share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.

PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

3. Employer name		4. Employer Identification Number (EIN)
5. Employer address		6. Employer phone number
7. City	8. State	9. ZIP code
10. Who can we contact at this job?		
11. Phone number (if different from above)	12. Email address	

You are not eligible for health insurance coverage through this employer. You and your family may be able to obtain health coverage through the Marketplace, with a new kind of tax credit that lowers your monthly premiums and with assistance for out-of-pocket costs.