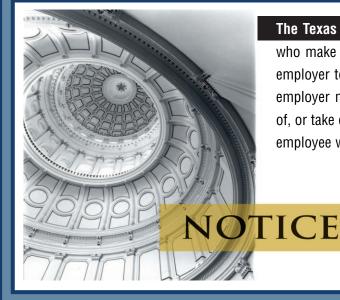
# 2023 **★** TEXAS & FEDERAL EMPLOYMENT REGULATIONS **★** 2023

## TX WHISTLEBLOWER ACT \*PUBLIC



who make good faith reports of violations of law by their employer to an appropriate law enforcement authority. An employer may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who makes a report under the Act.

The Texas Whistleblower Act protects public employees



## FEDERAL PREGNANT WORKERS FAIRNESS ACT (PWFA)

#### WHAT IS PWFA?

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide "reasonable accommodations" to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." An undue hardship is defined as causing significant difficulty or expense

'Reasonable accommodations" are changes to the work environment or the way things are usually done at work.

#### WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Being able to sit or drink water
- Receiving closer parking
- Having flexible hours
- Receiving appropriately sized uniforms and safety apparel
- Receiving additional break time to use the bathroom, eat, and rest
- Taking leave or time off to recover from childbirth
- Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS?
- Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include: Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC))



- The ADA which prohibits employment discrimination based on disability (enforced by the EEOC) The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S Department of
- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of Labor)
  - Learn more at www.EEOC.gov/Pregnancy-Discrimination

# **JOB SERVICE COMPLAINT SYSTEM (PUBLIC EMPLOYERS)**



# **ONE-STOP CAREER CENTER**

IF YOU HAVE A COMPLAINT ABOUT:

- One-Stop Career Center

- job you were referred to by a One-Stop Career Center





EQUAL EMPLOYMENT OPPORTUNITY is . . . The LAW in TEXAS

The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in

- hirina
- promotion
- discharge
- pay

Notice 6

- fringe benefits

- membership
- training
- other aspects of employment

because of race, color, national origin, religion, sex, age, or disability. The Sex Protected Class includes Sexual Harassment, Gender Stereotyping, Pregnancy Discrimination. Gender Identity. and Sexual Orientation.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division Website: www.twc.texas.gov/jobseekers/how-submit-employment-discrimination-

complaint Email: EEOintake@twc.texas.gov 101 E. 15th Street, RM. 154; Austin, TX 78778

(512) 463-2642 Toll Free (within Texas) 1-888-452-4778

TTY (512) 371-7473

Equal Opportunity Employer / Program

Your Employee Rights Under the **Family and Medical Leave Act** Give notice at least 30 days before your need for FMLA What is FMLA leave? . leave, or The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for If advance notice is not possible, give notice as soon as qualifying family and medical reasons. The U.S. Department of possible. Labor's Wage and Hour Division (WHD) enforces the FMLA for You do not have to share a medical diagnosis but must provide most employees. enough information to your employer so they can determine Eligible employees can take **up to 12 workweeks** of FMLA leave whether the leave qualifies for FMLA protection. You **must also** in a 12-month period for: inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. The birth, adoption or foster placement of a child with you, Your employer may request certification from a health care Your serious mental or physical health condition that provider to verify medical leave and may request certification of makes you unable to work, a qualifying exigency. To care for your spouse, child or parent with a serious The FMLA does not affect any federal or state law prohibiting mental or physical health condition, and discrimination or supersede any state or local law or collective Certain qualifying reasons related to the foreign deployment bargaining agreement that provides greater family or medical of your spouse, child or parent who is a military leave rights servicemembe State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness conditions. Most federal and certain congressional employees may take up to 26 workweeks of FMLA leave in a single 12are also covered by the law but are subject to the jurisdiction of month period to care for the servicemember the U.S. Office of Personnel Management or Congress. You have the right to use FMLA leave in **one block of time**. When What does my employer need to do? it is medically necessary or otherwise permitted, you may take If you are eligible for FMLA leave, your **employer must**: FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Allow you to take job-protected time off work for a Read Fact Sheet #28M(c) for more information. qualifying reason, Continue your group health plan coverage while you are on FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave on the same basis as if you had not taken leave, and

**FAMILY MEDICAL LEAVE ACT** 

#### which you need FMLA leave. Am I eligible to take FMLA leave?

leave if your employer's paid leave policy covers the reason for

You are an **eligible employee** if **all** of the following apply: You work for a covered employer, You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements You work for a **covered employer** if **one** of the following applies: You work for a private employer that had at least 50

employees during at least 20 workweeks in the current or previous calendar year, You work for an elementary or public or private secondary

school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office

#### of Personnel Management. How do I request FMLA leave?

Generally, to request FMLA leave you must:



against your employer in court.

notify you in writing:

protected leave.

Where can I find more information?

•



WH1420 REV 04/23



UNITED STATES DEPARTMENT OF LABOR



# **FEDERAL OSHA ACT**



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

Your employer cannot interfere with your FMLA rights or

threaten or punish you for exercising your rights under the law.

For example, your employer cannot retaliate against you for

requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason

that may qualify under the FMLA, your **employer must confirm** 

whether you are eligible or not eligible for FMLA leave. If your

employer determines that you are eligible, your **employer must** 

How much of your requested leave, if any, will be FMLA-

About your FMLA rights and responsibilities, and

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated.

you may file a complaint with WHD or file a private lawsuit

Scan the QR code to learn about our WHD complaint process.

# **Job Safety and Health IT'S THE LAW!**

**COVERAGE:** [Name of employer]Arlington Independent School District has workers' compensation insurance coverage from [name of commercial insurance company] \_\_\_\_\_TASB Risk Management Fund \_\_\_\_. In the event of work-

**WORKERS' COMPENSATION** 

**NOTICE TO EMPLOYEES CONCERNING WORKERS'** 

**COMPENSATION IN TEXAS** 

FEDERAL MINIMUM WAGE

**OVERTIME** 

PAY

### STATE AND LOCAL GOVERNMENT EMPLOYEES

**BEGINNING JULY 24. 2009** 

\$7.25 PER HOUR

FEDERAL MINIMUM WAGE

**EMPLOYEE RIGHTS** 

UNDER THE FAIR LABOR STANDARDS ACT

- At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek. Law enforcement and fire protection personnel: You may be paid overtime on the basis of
- a "work period" of between 7 and 28 consecutive days in length, rather than on a 40-hour workweek basis. COMPENSATORY Employees may receive compensatory time off instead of cash overtime pay, at a rate of
- not less than 1½ hours for each overtime hour worked, where provided pursuant to an TIMF agreement or understanding that meets the requirements of the Act.
- The Act does not apply to persons who are not subject to the civil service laws of State or local governments and who are: elected public officials, certain immediate advisors to EXEMPTIONS such officials, certain individuals appointed or selected by such officials to serve in various capacities, or employees of legislative branches of State and local governments. Employees of legislative libraries do not come within this exclusion and are thus covered by the Act.
  - Certain types of workers are exempt from the minimum wage and overtime pay provisions, including bona fide executive, administrative, and professional employees who meet regulatory requirements.

Any law enforcement or fire protection employee who in any workweek is employed by a public agency employing less than 5 employees in law enforcement or fire protection activities is exempt from the overtime pay provisions.

- 16 years old is the minimum age for most occupations. An 18-year old minimum applies YOUTH to hazardous occupations. Minors 14 and 15 years old may work outside school hours EMPLOYMENT under certain conditions. For more information, visit the YouthRules! website at www.youthrules.gov
- 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 LSA'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.
- Some state laws provide greater employee protections; employers must comply with both. ADDITIONAL Employees under 20 years of age may be paid a youth minimum wage of not less than INFORMATION \$4.25 an hour during their first 90 consecutive calendar days after initial employment

by an employer Employers are required to display this poster where employees can readily see it

WAGE AND HOUR DIVISION

### Contact your local One-Stop Career Center manager or write to:



service and

comparable io

RETALIATION

★ promotion: or

If you:

Job Service Complaint System ~ 20 CFR Part §658 This space can be used to attach stickers with the following information: State Monitor Advocate Name of Complaint Specialist Name of the State Agency/Department • Office Telephone Number or Toll Free

If you have a complaint about other employment-related issues, your local One-Stop Career Center will provide you with information on agencies that may be able to assist you.





# IFORMED 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** testifying or making a statement in connection with a You have the right to be reemployed in your civilian job if proceeding under USERRA, even if that person has no you leave that job to perform service in the uniformed service connection HEALTH INSURANCE PROTECTION ★ you ensure that your employer receives advance written ★ If you leave your job to perform military service, you have the right to elect to continue your existing or verbal notice of your service: employer-based health plan coverage for you and your ★ vou have five vears or less of cumulative service in the uniformed services while with that particular employer; dependents for up to 24 months while in the military. ★ Even if you don't elect to continue coverage during you return to work or apply for reemployment in a your military service, you have the right to be timely manner after conclusion of service: and  $\star$  you have not been separated from service with a reinstated in your employer's health plan when you are disqualifying discharge or under other than honorable reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) If you are eligible to be reemployed, you must be restored to except for service-connected illnesses or injuries. the job and benefits you would have attained if you had not ENFORCEMENT been absent due to military service or, in some cases, a ★ The U.S. Department of Labor. Veterans Employment and Training Service (VETS) is authorized to investigate **RIGHT TO BE FREE FROM DISCRIMINATION AND** 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- $\star$  are a past or present member of the uniformed service; USA-DOL or visit its website at  $\star$  have applied for membership in the uniformed service; https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at  $\star$  are obligated to serve in the uniformed service; https://webapps.dol.gov/elaws/vets/userra. ★ If you file a complaint with VETS and VETS is unable to then an employer may not deny you: resolve it, you may request that your case be referred ★ initial employment; to the Department of Justice or the Office of Special ★ retention in employmen Counsel, as applicable, for representation ★ You may also bypass the VETS process and bring a  $\star$  any benefit of employment because of this status. civil action against an employer for violations of In addition, an employer may not retaliate against anyone USFRRA assisting in the enforcement of USERRA rights, including

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and

related injury or occupational disease. This coverage is effective from [effective date of workers' compensation insurance policy] July 1st . Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] TASB Risk Management Fund . An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division) determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

Notice 6 (01/13) TEXAS DEPARTMENT OF INSURANCE. DIVISION OF WORKERS' COMPENSATION Rule 110.101(e)(1) **EMPLOYEE ASSISTANCE:** The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432).

**SAFETY VIOLATIONS HOTLINE:** The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the Division at 1-800-452-9595.



# HARASSMENT WILL NOT BE TOLERATED

**Prohibited harassment** of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

✓ Has the purpose or effect of unreasonably interfering with the employee's work

# 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 a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. 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.

Contact OSHA. We can help.

**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.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

1-800-321-0SHA (6742) • TTY 1-877-889-5627 • www.osha.gov

FEDERAL KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL





### **OMBUDSMAN PROGRAM**

Publication Date — May 2022

# NOTICE TO EMPLOYEES CONCERNING ASSISTANCE **AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM** FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

### **OMBUDSMAN PROGRAM**

What Is An Ombudsman? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has completed a comprehensive training program designed specifically to assist vou with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them.

If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing):
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.

Figure 28 TAC §276.5(c) – September 2022



#### performance;

✓ Creates an intimidating, threatening, hostile, or offensive work environment; or

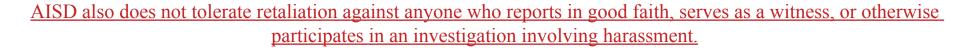
✓ Otherwise adversely affects the employee's performance, environment, or employment opportunities.

### Employees shall not engage in prohibited harassment, including sexual harassment, of:

- Other employees, unpaid interns, student teachers, or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons, including board members, vendors, contractors, volunteers, or parents.
- Employees shall not form romantic or engage in inappropriate social relationships with students, regardless of whether it is consensual or not.
- An employee, who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

Actions that assist in maintaining accountability and are not considered harassment include, but are not limited to, the following:

- ✓ Appropriate enforcement of policies and rules
- ✓ Job related performance discussions
- ✓ Setting appropriate job related performance standards





Reports of discrimination including any form of harassment, may be directed to the designated Title IX coordinator:

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, campus principal, or Human Resources.

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair AISD's ability to investigate and address prohibited conduct.

Dr. Michael Hill Assistant Superintendent of Administration 690 E. Lamar Blvd. Arlington, TX 76011 682-867-7340 OR Human Resources **Employee Relations and Development** 690 E. Lamar Blvd. Arlington, TX 76011 682-867-4638

	PAY DAY NOTICE	EMERGENCY PHONE NUMBERS
	Texas Workforce Commission - ATTENTION EMPLOYEES	
	Your employer reports your wages to the Texas Workforce Commission. If you become unemployed or your work hours are reduced, you may be eligible for unemployment benefit payments. File online at www.twc.texas.gov or call 1-800-939-6631. Additional assistance	ees paid monthly or semi- (Please Give Exact address of This Worksite Location)
ALL Ň ONF	may be available at your local Workforce Solutions Office; please visit the directory at: www.twc.texas.gov/directory-workforce-solutions-offices-services. MONTHLYSEMI-MONTHLYWEEKLY	Hospitals:

<b>S</b>		
<ul> <li>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.</li> <li>Employees (current and former), including managers and temporary employees • Job applicants • Union members and applicants for membership in a union</li> <li>What Organizations are Covered?</li> <li>Most private employers • State and local governments (as employers) • Educational institutions (as employers) • Unions • Staffing agencies</li> <li>What Types of Employment Discrimination are Illegal?</li> <li>Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:</li> <li>Race • Color • Religion • National origin • Sex (including pregnancy and related conditions, sexual orientation, or gender identity) • Age (40 and older) • Disability • Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history) • Retaliation for filing a charge, reasonably opposing discrimination, or proceeding.</li> <li>What Employment Practices can be Challenged as Discriminatory?</li> <li>All aspects of employment, including:</li> <li>Discharge, firing, or lay-off + Harassment (including unwelcome verbal or physical conduct) + Hiring or promotion • Assignment • Pay (unequal wages or compensation) • Failure to provide reasonable accommodation for a disability or a sincerely-held religious belief, observance or practice • Benefits • Job training • Classification • Referral • Obtaining or disclosing genetic information of employees • Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.</li> <li>What Employment including:</li> <li>Discharge, firing, or lay-off • Harassment (including unwelcome v</li></ul>	<ul> <li>Call 1–800–669–4000 (toll free) • 1–800–669–6820 (TTY) • 1–844–234–5122 (ASL video phone)</li> <li>Visit an EEOC field office (information at www.eeoc.gov/field-office)</li> <li>E-Mail info@eeoc.gov</li> <li>Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.</li> <li>EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS</li> <li>The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:</li> <li>Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin</li> <li>Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.</li> <li>Asking About, Disclosing, or Discussing Pay</li> <li>Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.</li> <li>Disability</li> <li>Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or metal limitations of an otherwise qualified individuals with disabilitive action to employ and advan</li></ul>	Retaliation         Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:         The Office of Federal Contract Compliance Programs (OFCCP)         U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington D.C. 20210 • 1–800–397–6251 (toll-free)         If you are deaf, hard of hearing, or have a speech disability, please dia 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional o district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "contact Us' webgage at https://www.dol.gov/agencies/ofccp/contact.         PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAI 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 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 is providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination is providing services under such programs. Title IX of the Education is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essen
https://publicportal.eeoc.gov/Portal/Login.aspx	three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.	

## **HAZARD COMMUNICATION (PUBLIC EMPLOYERS)**

# **NOTICE TO EMPLOYEES**

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

### HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

### WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

### **EMPLOYEE EDUCATION PROGRAM**

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available vet, which detail physical and health hazards and other pertinent information on those chemicals.

SAFETY DATA SHEETS

### LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

### EMPLOYEE RIGHTS

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

