## FEDERAL WAGE AND LABOR LAW INSTITUTE



# STATE OF MAINE





## **WORKERS' COMPENSATION**

times d'un accident du travail, le

veuillez contacter l'un des bureaux

Aviso a los

**Trabajadores:** 

que su empresario proporcione el

bajador a todos los trabajadores. El

seguro de compensaciones para el trabajador proporciona beneficios a los

trabajadores accidentados en el trabajo

laboral, NOTIFÍQUELO INMEDI-

ATAMENTE A SU EMPRESARIO. Podría perder el derecho a recibir com

pensación a menos que su empresario

en el plazo de 90 días. Así mismo esta reclamación debe hacer referencia a un

accidente o daño que no haya ocurrido

hace más de dos años. Los defensores

del trabajador están disponibles para

proporcionar ayuda a los trabajadores

Administración de Compensaciones

sobre sus derechos, favor de dirigirse

a una de las oficinas regionales de

compensaciones para el trabajador.

En caso de tener cualquier pregunta

"Khi gọi điện thoại để được giúp đỡ, xin quý vị hã

accidentados en el Consejo de

para el Trabajador (Workers'

Compensation Board).

La ley del estado de Maine requie

Workers' Compensation Board met des conseillers juridiques à leur disposition.

Si vous n'êtes pas sûr de vos droits,

#### **WORKERS**' **COMPENSATION BOARD REGIONAL OFFICES**

AUGUSTA 24 Stone Street Augusta, ME 04330 207-287-2308 1-800-400-6854

**LEWISTON** 36 Mollison Way Lewiston, ME 04240-5811 1-800-400-6857

BANGOR 106 Hogan Road Bangor, ME 04401 207-941-4550 1-800-400-6856

PORTLAND 62 Elm Street Portland, ME 04101 207-822-0840

**CARIBOU** 43 Hatch Drive, Suite 110 Caribou, ME 04736-2347 207-498-6428 1-800-400-6855

Visit our website at: www.maine.gov/wcb Statewide TTY: 1-877-832-5525

When calling for assistance, please say the nar of your language in English and an interpreter be called for you. Please stay on the line.

Se precisar de atendimento em Português, por favor diga "Portuguese" e um intérprete será prontamente chamado. Por favor, aguarde na linha. Se avete bisogno di assistenza in Italiano, Vi preghiam

di dire "Italian" e un intèrprete sará messo a Vostra disposizione. Vi preghiamo di rimanere in linea.

Lorsque vous appelez pour demander de l'aide, prononcez le mot "French" et nous mettrons un interprète à votre disposition. Prière de rester en ligne

Aby uzyskać pomoc tłumacze, prosz angielsku "Polish" i czekać na linii.

**Notice to** 

**Employees:** 

State law requires your employer to

ance for its employees. Workers' com-

pensation insurance provides benefits to

employees who are injured at work.

If you are injured at work, NOTIFY

YOUR EMPLOYER AT ONCE. You

may lose your right to receive benefits unless your employer is notified within

90 days of your injury. Your claim is

help injured workers.

also subject to a two year statute of lim-

itations. Worker advocates are available

at the Workers' Compensation Board to

If you have any questions about your rights, please contact one of the regional

**A** l'intention

une assurance indemnisant ses

desEmployes:

D'après les lois de l'Etat du Maine,

votre employeur est tenu de souscrire à

employés victimes d'un accident du

Si vous êtes victime d'un accident du travail, PREVENEZ VOTRE

EMPLOYEUR IMMEDIATEMENT.

Passé un délai de 90 jours, vous risquez de perdre vos droits à l'indemnisation.

"Когда Вы обращаетесь за помощью по телефону, пожалуйста скажите, что Вы говорите по-русски (произнесите "РАШН"), и мы обеспечим Вас переводчиком. После этого, пожалуйста, оставай-

打電話請求幫助時,請用英語說"扶音呢斯" (CHINESE)— 我們將爲您提供口譯人員。請不 要挂斷電話。 通訳サービスをご利用いただけます 通訳を必要とされる場合は「ジャパニーズ」と おっしゃり、通訳がでるまでそのままでお待ちく

도움이 필요하여 전화를 거실 때 영어로 코라언 (KCREAN)이라고 말씀하시면 통 역자를 연결해 드립 것입니다. 전화를 끊지 마시고 기다리십시오.

Au-delà de deux ans, votre déclaration n'est plus recevable. Pour aider les vic-

nói "VIETNAMESE" để chúng tôi cho thông dị viên giúp quý vị. Xin quý vị chở trên đường dây متريمون صهورة متسارون عند إنّسالكم للمساعدة أو لطلب خدمة معيّنة نرجو منكم أن تتذكروا (أ-ز-بٍ-ك-)ونحن سنقدُم لكم مترجما شفهيا ، ابقوا على الخط من

> افراد مترجم در دسترس مي باشند. را که بدان صحبت می کنید به انگلیسی ذکر کنید تا راجع به امري به ما تلفن مي كنيد، لطفأ نام زباني قطع نكنيد. هنگاميكه براي درخواست كمك يا شما تماس گرفته شود. لطفا روي خط منتظر بمانيد.

با یک مترجم براي Marka aad caawinaad inoogu soo yeeraneysid, fadhlan luqaddaada af Ingiriisi inoogu sheeg turjubaan ayaa lguugu yeeri doonaaye. Taleefoonkana ha dhigin.

#### THE MAINE HUMAN RIGHTS ACT GUARANTEES... **Equal Employment Rights**

#### EOUAL EMPLOYMENT RIGHTS

The RIGHT to freedom from discrimination in employmen . The opportunity for an individual to secure employment without liscrimination... is declared to be a CIVIL RIGHT.

The Maine Human Rights Act prohibits discrimination because of race, color, , sexual orientation, age, physical or mental disability, genetic pre-disposiion, religion, ancestry or national origin The Maine Human Rights Act also prohibits discrimination because of filing a

laim or asserting a right under the Worker's Comp Act or retaliation under the Whistleblower's Act.

#### UNLAWFUL EMPLOYMENT DISCRIMINATION . For any employer to fail or refuse to hire an applicant

2. For any employer to discharge an employee

3. For any employer to discriminate against an employee with respect to recruitment, tenure, promotion, transfer, or compensation 4. For any employment agency to fail or refuse to classify properly or refer for employment an applicant 5. For any labor organization to exclude from apprenticeship or membership

an applicant

6. For any employer, employment agency, or labor organization prior to employment or admission to membership of an individual to ask questions, keep as record, use application form, issue any notice, employ a quota system 7. For any employer, employment agency, or labor organization to retaliate against a person who has opposed a violation of the Maine Human Rights Act Because of race, color, sex, sexual orientation, age, physical or mental disal ty, genetic predisposition, religion, ancestry or national origin or because of asserting a claim under the Worker's Comp Act or Whistleblower's Act. MAINE=

#### **HUMAN RIGHTS**

COMMISSION

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT THE COMMISSION OFFICE. 51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051 PHONE (207) 624-6050 FAX (207) 624-6063 TTY 1-888-577-6690

#### Whistleblower's **Protection Act**

## **MAINE LABOR**

#### **Protection of Employees Who Report or Refuse to Commit Illegal Acts**

This poster describes some important parts of the law. A copy of the actual law or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards by calling (207) 624-6400. (The laws are also on the Bureau's web site.)

Maine Law (Title 26 M.R.S.A. § 839) requires every employer to place this poster in the workplace where workers can easily see it.

This poster is provided at no cost by the Maine Department of Labor and may be copied.

It is illegal for your boss to fire you, threaten you, retaliate against you or treat you differently because:

1. You reported a violation of the law;

2. You are a healthcare worker and you reported a medical error;

5. You have been involved in an investigation or hearing held by the

3. You reported something that risks someone's health or safety;

4. You have refused to do something that will endanger your life or someone else's life and you have asked your employer to correct it; or

government.

You are protected by this law ONLY if: 1. You tell your boss about the problem and allow a reasonable time for it to be

2. You have good reason to believe that your boss will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act in your workplace, contact:

(This information should be filled in by the employer)

(Name)

(Title)

(Location or Phone)

For more information or to file a complaint under this law, contact:

The Maine Human Rights Commission 51 State House Station Augusta, Maine 04333 Tel: (207) 624-6050 TTY: (207) 624-6040

The following agencies may provide useful information on workplace safety and labor laws:

www.Maine.gov/mhrc

U.S. Department of Labor Wage and Hour Division P.O. Box 554 Portland, Maine 04112 Tel: (207) 780-3344 www. dol.gov

U.S. Department of Labor/OSHA 40 Western Avenue Augusta, Maine 04330 Tel: (207) 626-9160 www. osha.gov

Maine Department of Labor Bureau of Labor Standards 45 State House Station Augusta, Maine 04333-0045 (207) 624-6400 (TTY: 1-800-794-1110)

Web site: www.maine.gov/labor/bls E-mail: webmaster.bls@maine.gov

#### MAINE DEPARTMENT OF LABOR

Bureau of Unemployment Compensation

#### **FULL AND PART-TIME WORKERS**

1. HOW TO FILE A CLAIM FOR UNEMPLOYMENT BENEFITS: All new and reactivated claims for unemployment benefits are filed either by telephone, by mail, or by Internet. Do not delay in filing your claim once you are out of work. CLAIMS CANNOT BE BACKDATED.

EMPLOYEES OF THIS FIRM ARE COVERED BY THE MAINE EMPLOYMENT SECURITY LAW

A. BY TELEPHONE: To file a claim for unemployment benefits by telephone, you will need to know your Social Security Account Number. Also, you should have the names and addresses of all employers for whom you worked, and your dates of employment in the last 18 months. Call this toll free telephone number to connect with the Unemployment Claims Center System:

#### 1-800-593-7660 TTY (Deaf/Hard of Hearing): 1-888-457-8884

If you do not have a phone, you can still file your claim this way by using phones, free of charge for this purpose, at any Department of Labor CareerCenter.

**LANGUAGE INTERPRETER:** We provide language interpreter services in approximately 140 commonly spoken languages. Arrangements will be made to have an interpreter assist you when you call the Unemployment Claims Center.

B. BY INTERNET: A claim can be filed on the Internet. The website is: www.file4ui.com.

C. BY MAIL: In some cases, your employer will give you a claim form. You can also obtain paper claim forms from any Department of Labor CareerCenter and some city/town offices. Mail your initial claim form to the nearest Unemployment Claims Center:

#### **Maine Department of Labor Bureau of Unemployment Compensation**

P. O. Box 4200 Lewiston, ME 04243-4200

P. O. Box 610

Orono, ME 04473-0610

P. O. Box 1088 **Presque Isle, ME 04769-1088** 

2. BASIC ELIGIBILITY REQUIREMENTS

A. Earnings During the Base Period: The "base period" is a one-year period that includes four calendar quarters. To establish a claim, an individual must have earned two times the annual average weekly wage in Maine in each of two different calendar quarters, and a total of six times the annual average weekly wage in Maine in the whole base period. In most cases, the Department of Labor has your wage information on file. If it is not on file, the Department will take steps to obtain it.

B. Separation: If you were laid off from your last job due to a lack of work, no additional investigation is required. If you separated from your last job for reasons other than lack of work, you will be scheduled for a fact-finding interview. A determination will then be made regarding your eligibility

C. Weekly Requirements: Weekly eligibility requirements include being able to work and being available for work, making an active search for work (unless your work search has been "waived"), not refusing offers of suitable work or referral to suitable job opportunities from the CareerCenters.

D. Aliens: If you are not a U.S. Citizen, your Social Security number and/or your Alien Permit number will be checked with the Department of Homeland Security, Immigration and Naturalization Service.

3. UNEMPLOYMENT BENEFITS ARE TAXABLE: Unemployment benefits are taxable and have to be reported when you file your income tax forms.

4. CHILD SUPPORT: If you owe child support that you pay to the Department of Human Services (DHS), up to fifty percent (50%) of your unemployment check may be withheld and sent to DHS.

5. BENEFITS FOR PARTIAL UNEMPLOYMENT: Employing units, following a week in which an individual who is customarily employed full time worked less than full-time hours, or who was laid off for one calendar week due to a lack of work, shall give such an individual a claim form for use in filing a claim for that week

CAUTION: This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It is does not have the force or effect of law. For more information, call 1-800-593-7660 toll free.

To Be Posted In A Conspicuous Place.

Rev. 08/2005

Employers must place

place where workers

#### **Child Labor Laws**

Child Labor Laws of the State of Maine provide protection for people under the age of 18 in nonagricultural jobs. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply. This poster describes some important parts of the laws. A copy of the actual laws and formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 624-6400

Maine Law (Title 26, MRSA, Section 42-B) requires every employer to place this poster in the workplace where workers can easily see it. This poster is provided at no cost by the Maine Department of Labor and may be copied.

#### Where Minors May Work

 $16\hbox{--\& 17- year olds} \ \hbox{may work in most businesses, but not in hazardous jobs.}$ 14- & 15- year olds may work in most businesses, except in most jobs in manufacturing, nechanical, dry cleaners, laundries, bakeries, hotels/motels, and most commercial places of

Minors under 14 years old may not work in most businesses. Prohibited Jobs Youth under 18 years old are not allowed to work at many hazardous jobs. Contact the

#### Bureau of Labor Standards for details

Under 16-years old

No more than 6 days in a row.
 Cannot work before 7 a.m.

· Cannot work after 7 p.m. during school year Cannot work after 9 p.m. during summer vacation.

When School Is Not in Session

No more than 8 hours in any one day (weekend, holiday, vacation or workshop). · Not more than 40 hours in a week (school must be out entire week). When School Is in session

No more than 3 hours on a school day, including Friday.

Not more than 18 hours in a week that school is in session 1 or more days.

16- & 17- years old (enrolled in school) No more than 6 days in a row.
 Cannot work before 7 a.m. on a school day . Cannot work before 5 a.m. on a non-school day.

Cannot work detroit 3 a.m. on a non-school day.

Cannot work after 10 p.m. the night before a school day.

Can work up to midnight when there is no school the next day. When School Is Not in Session
No more than 10 hours in any one day (weekend, holiday, vacation, or workshop).
No more than 50 hours in a week. · No more than 4 hours on a school day

No more than 10 hours on any holiday, vacation, or workshop day.
On last day of school week or unscheduled school closure day, may work up to 8

 No more than 20 hours in a week except may work 50 hours any week that approved school calendar is less than 3 days or during the first and last week of school calendar. • May work up to 28 hours in week that an unscheduled school closure occurs. (snow

Minors under 16 years of age need work permits in order to work.

Employer must keep Bureau-approved permit on file.
 Minor allowed only 1 permit during school year, 2 during summer vacation Minor cannot work until permit is approved by Bureau of Labor Standards.

All employers must keep accurate daily records of hours for workers under 18. Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at

For more information, contact:

Maine Department of Labor

Bureau of Labor Standards 45 State House Station Augusta, Maine 04333-0045 Telephone: 207-624-6400 (TTY: 1-800-794-1110) Website: www.maine.gov/labor/bls E-mail: webmaster.bls@maine.gov

Rev. 2/06

#### **Regulation of Employment**

Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 624-6400.

#### Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it. This poster is provided at no cost by the Maine Department of Labor and may be copied.

Employees must be paid in full at least every 16 days. Employees must be notified of any decrease in wages or salary at least one day prior to the change

Employees who leave a job must be paid in full on the next payday or within two weeks, whichever is earlier. Any vacation pay earned is due at the same tim

Employers cannot deduct from an employee's pay for losses such as broken merchandise, bad checks, or bills not paid by cus Most employees must be offered a 30-minute paid or unpaid rest break after 6 hours of work

An employee who has worked for the last 12 months at a workplace with 15 or more employees can have leave for up to 10 paid or unpaid consecutive weeks in 2 years for:

Birth or adoption of a child
 Serious illness of the employee or immediate family member

(Federal family medical leave is different, Call 207-780-3344 for more information.) Must be allowed upon request if an employee (or a child, parent or spouse of an employee) is a victim of violence, assault, sexual assault or stalking or any act that would support an order for protection under Title 19-A M.R.S.A., c. 101 and the employee needs the time to:

• Prepare for and attend court proceedings; or
• Receive medical treatment; or

· Obtain necessary services to remedy crisis.

Leave to Care for Family If the employer's policy provides for paid time off, the employee must be allowed to use up to 40 hours in a 12-month period to care for an immediate family member who is ill.

Most employers may not require employees to work more than 80 hours of overtime in any consecutive 2-week period. A nurse who has worked 12 consecutive hours may not be disciplined for refusing to work additional hours and must be allowed at least 10 hours off after working 12 hours. (There are exceptions to this law.)

Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 207-

For more information, contact: Maine Department of Labor Bureau of Labor Standards 45 State House Station Augusta, Maine 04333-0045 Telephone: 207-624-6400 (TTY: 1-800-794-1110) Web site: www.maine.gov/labor/bls E-mail: webmaster.bls@maine.gov

At-Will Employment - Under Maine law, an at-will employee may be terminated for any reason not specifically prohibited by law. In most instances, you are an at-will employee unless you are covered by a collective bargaining agreement or other contract that limits termination. If you have questions about at-will employment, contact your human resources department or the Bureau of Labor Standards.

#### Minimum Wage

Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 624-6400. (The laws are also on the Bureau's web site.)

Maine Law (Title 26 M.R.S.A. § 668) requires every employer to place this poster in the workplace where workers can easily see it. This poster is provided at no cost by the Maine Department of Labor and may be copied.

October 1, 2006 – Minimum Wage is \$6.75 per hour

October 1, 2007 – Minimum Wage is \$7.00 per hour

Service Employees A service employee is someone who regularly receives more than \$20 a month in tips. The employer must pay a cash wage of at least one-half of the regular minimum wage. If the employee's total cash wage combined with the total tips for the week do not average at least the minimum hourly wage, the employer must

#### pay the employee the difference in wages **Exempt From Minimum Wage and Overtime\***

- Individuals employed in agriculture, except when employed
- for or on a farm with over 300,000 laying birds. • Employees in domestic service in or about private homes, if
- employed by the home owner. • Employees whose earnings are from sales commissions and whose hours and place of employment are not controlled by the employer.
- Public-supported nonprofit organization or educational
- nonprofit organization employees. • Counselors and junior counselors in summer camps for
- Employees of children's summer camps who are students under the age of 19 if the camp is under the provisions of Title 13 M.R.S.A., Part 2, which includes certain civic. social, charitable and fraternal orders.
- People who catch fish or work in farming of marine life. • Switchboard operators in public telephone exchanges with
- Home workers not supervised or controlled and who buy raw materials and complete articles for sale. • Dependent members of the employer's family.

#### • Executive, administrative or professional employees with a salary of at least \$455.00 weekly.

**Exempt From Overtime Only\*** • Processing of sardines or other perishable food products. • Hotels, motels, restaurants and other eating establishments. • Public employees, including fire and police departments.

• Automobile salespeople, mechanics and parts clerks who are

• Drivers and driver's helpers who are exempt from overtime

paid primarily on a commission or flat-rate basis.

• Are exempt from overtime under Maine law if they are paid in a manner that is reasonably equivalent to 1 1/2 times the regular hourly rate for all hours actually worked in excess of 40 hours in a week under rules established by the Bureau of Labor Standards.

- Are exempt from overtime under Maine law if they are covered by a collective bargaining agreement that regulates their rate of pay
- Are exempt from overtime under Maine law if they are employed by an entity that has a contract with the Federal Government or an agency of the Federal Government that dictates the minimum hourly rate they will be paid.

#### opposite sex for work that is of a comparable nature in skill, effort and responsibility. This does not include seniority, merit

**Equal Pay** 

or shift differentials which do not discriminate based on sex. **Board and Lodging** Wages may include reasonable costs to the employer furnishing food and lodging. Food and lodging must actually be used by the

employee, clearly shown on the employee statement and wage

Employees shall be paid the same wages as employees of the

#### records, and approved by the Bureau of Labor Standards. **Statements to Employees**

wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

Every employer shall give to each employee with the payment of

#### Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

**Unfair Contracts** An employer cannot make a special contract or agreement with an employee to exempt that employee from minimum wage or

\*Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 207-780-3344.

> Bureau of Labor Standards 45 State House Station Augusta, Maine 04333-0045 Telephone: 207-624-6400 (TTY: 1-800-794-1110) Web site: www.maine.gov/labor/bls E-mail:webmaster.bls@maine.gov

For more information, contact:

Maine Department of Labor

#### THE MAINE HUMAN **RIGHTS ACT PROHIBITS SEX DISCRIMINATION**

**SEXUAL HARASSMENT ON THE JOB** IS ILLEGAL

**M**UNWELCOME SEXUAL ADVANCES **▼**SUGGESTIVE OR LEWD REMARKS **UNWANTED HUGS. TOUCHES. KISSES** ☑ REQUESTS FOR SEXUAL FAVORS FRETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

**HUMAN RIGHTS** COMMISSION IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST,

MAINE=

CONTACT THE COMMISSION OFFICE. 51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051 Phone: (207)624-6050 Fax: (207)624-6063 TTY: 1-888-577-6690

### **Safe Work for Computer Operators**

The Maine Video Display Terminal (VDT) Law gives certain rights to

OR CONTACT YOUR PERSONNEL DEPT.

REPRESENTATIVE

people who use computers for work. can easily see it. This poster is provided at no cost by the Maine Department of Labor and may be copied.

If you work at a computer for more than 4 hours in a row on most days, your employer must: 1. Train you to use your computer safely so you won't get hurt.

Using your computer safely includes:

• Not keying too fast or for too long, and

• Not hitting the keys too hard,

3. Train you within the first month after you are hired and then once a year.

If you have questions about working safely at the computer,

E-mail: webmaster.bls@maine.gov

Website: www.maine.gov/labor/bls

• Not sitting in one position or in an uncomfortable position.

2. Train you the right way to adjust your workstation.

speak to your supervisor or contact the Bureau of Labor Standards Telephone:1-877-SAFE-345(1-877-723-3345) (TTY:1-800-794-1110)

7001 W. 43 RD STREET HOUSTON, TEXAS 77092

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