

FEDERAL WAGE AND LABOR LAW INSTITUTE

VERMONT DEPARTMENT OF LABOR Employer's Reinstatement Liability

This notice is informational and required under the law.

Employer and employee are hereby advised of the existence and significant provisions of 21 VSA §643B.

This law provides that an employer who regularly employs ten or more people, may have an obligation to rehire a worker who has suffered a work related injury provided that the following conditions are met:

1. The worker recovers from the injury within two (2) years; and
2. The worker keeps the employer informed of his or her interest in reinstatement and his or her current address; and
3. The worker had an expectation of continuing work had the injury not occurred; and
4. The worker is physically capable of performing either his or her prior job, if available, or an alternative suitable position.

Reinstatement must be with all benefits earned up to the date of injury, including both seniority and accrued leave time. Obviously, such benefits need not accrue during the period of actual disability.

Please note that the right to reinstatement applies only to the first available suitable job. Thus, the employer is not obligated either to create an "extra" position for a returning worker or to lay-off a current employee in order to comply with this law.

Should you have questions regarding the above, please contact the Vermont Department of Labor, Workers' Compensation Division at 802-828-2286 or our website: www.labor.vermont.gov.

Equal Opportunity is the Law
The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).
Interpretative services are available for limited English proficiency customers. For more information please visit: <http://www.dol.gov/assam/programs/crc/ISpeakCards.pdf>

WC-9 (10/06)

VERMONT DEPARTMENT OF LABOR Employer's Liability and Workers' Compensation NOTICE TO EMPLOYEES

This employer, _____,

has complied with the provisions of Title 21 of the Vermont Statutes, Annotated §687, by obtaining Workers' Compensation Insurance coverage through:

(Insurance Carrier)

Workers' Compensation benefits for lost time, medical expenses, disability or death because of a work-related injury are available through the above named company.

- An injured employee MUST immediately notify his/her employer of an injury.
- The employer MUST file an Employer Claim and Employer's First Report of Injury (Form 1) with the Vermont Department of Labor within 72 hours of the notice of an injury that requires medical attention or results in time lost from work. The employer must also provide a copy of the Form 1 to the injured worker and to the insurance carrier.
- If the employer fails to file a First Report, an employee may file a **Notice of Injury and Claim for Compensation** (Form 5) with the Vermont Department of Labor within six months of the date of injury.
- Information concerning injured worker rights and benefits is available on the department's Workers' Compensation website at <http://www.labor.vermont.gov> or by calling (802) 828-2286.

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WC-10 (12/05)

VERMONT DEPARTMENT OF LABOR PARENTAL LEAVE, FAMILY LEAVE, AND SHORT-TERM FAMILY LEAVE

Vermont's **Parental Leave** Law covers employers with 10 or more employees who work an average of 30 hours per week over the course of a year.

Vermont's **Family Leave** Law, which includes Short-Term Family Leave, covers employers with 15 or more employees who work an average of 30 hours per week over the course of a year.

An employee who has worked for a covered employer for an average of 30 hours a week for a year is entitled to leave under these laws. During any 12 month period, the employee is entitled to up to 12 weeks of unpaid leave:

Parental Leave: during the pregnancy and/or after childbirth; or, within a year following the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption;

Family Leave: for the serious illness of the employee, employee's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent of the employee's spouse; and, in addition to the leave provided in 21 V.S.A. Sec. 472, an employee is entitled to **short-term family leave** of up to 4 hours in any 30 day period (but not more than 24 hours in any 12 month period) of unpaid leave.

Short-Term Family Leave: to participate in preschool or school activities directly related to the academic advancement of the employee's child, stepchild, foster child or ward who lives with the employee; to attend or to accompany the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical and dental appointments; to accompany the employee's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; to respond to a medical emergency involving the employee's child, stepchild, foster child or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

The employee must give reasonable written notice of intent to take family or parental leave, including the anticipated dates the leave will start and end. The employee may not require notice more than 6 weeks prior to birth or adoption. If serious illness is claimed, the employer may require certification from a physician. For **short-term family leave**, an employee must give notice as early as possible, at least seven days before the leave is to be taken unless waiting seven days could have a significant adverse impact on the employee's family member.

An employee may choose to use sick leave, or vacation leave, or any other accrued paid leave time during the leave, up to six weeks. The employer may not require the employee to do so. Use of paid leave does not extend the overall leave time to which the employee is entitled.

The employer must continue to provide all employee benefits unchanged during the leave period, but may require the employee to contribute to the cost at the existing rate of employee contribution.

Upon return from leave, an employee must be offered the job held previously or a comparable one at equal pay, benefits, seniority, and other terms and conditions.

Exceptions: An employee is not entitled to leave under the Parental and Family Leave Act if the employer can prove by clear and convincing evidence that:

Layoff: during the period of leave the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave; or

Unique Services: the employee performed unique services and hiring a permanent replacement during the leave, after giving the employee notice of intent to do so, was the employer's only available alternative to prevent substantial and grievous economic injury.

This law sets a minimum standard for parental and family leave rights. It does not prevent an employer from offering a more generous leave policy and does not reduce an employer's obligation under a collective bargaining agreement or existing program that provides greater leave rights than the law requires.

EMPLOYEES ARE PROTECTED FROM RETALIATION OF ANY KIND IN CONNECTION WITH THE ENFORCEMENT OF THIS LAW.

An employee aggrieved by a violation of this law may:

- bring a private lawsuit for injunctive relief, economic damages including prospective lost wages for a period not to exceed one year, attorney fees and court costs;
- (if you are not a state employee) lodge a complaint with the Office of the Attorney General at 828-3657, or (if you are a state employee) lodge a complaint with the Vermont Human Rights Commission at 828-2480. These agencies may investigate your complaint and bring action in court to enforce this law.

To obtain copies of this poster, call the Vermont Department of Labor at 828-2157 or visit our website at: <http://www.labor.vermont.gov/sections/uiwages/wage/posters/leave.pdf>

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WH-14 (10/06)

VERMONT CHILD LABOR POSTER

NON AGRICULTURAL EMPLOYMENT:

Children Age 16 - 18
An employee must be at least 16 years old to work in most non-farm jobs. No person less than 18 years old may work in any occupation declared hazardous by the Secretary of the USDOL or the Commissioner of Labor & Industry. The following occupations have been declared hazardous (see child labor rules for additional information):

Hazardous Occupations
Manufacturing and storing of explosives, driving a motor vehicle and being an outside helper on a motor vehicle; coal mining, logging and sawmilling, power-driven woodworking machines, exposure to radioactive substances, power-driven hoisting apparatus, power-driven metal-forming, punching, and shearing machines, mining, other than coal mining, meat packing or processing (including the use of power-driven meat slicing machines), power-driven bakery machines, power-driven paper-product machines, manufacturing brick, tile, and related products, power-driven circular saws, band saws, and guillotine shears, wrecking, demolition, and shipbreaking operations, roofing operations, or excavation operations. There are some exemptions for apprentice/student-learner programs in some of these hazardous occupations.

A person must be at least 18 to work in any of the hazardous non-farm jobs listed above.

Children Age 14 and 15 MAY NOT work in any of the hazardous occupations above and may not work in communications or public utilities jobs, construction or repair jobs, driving a motor vehicle or helping a driver, manufacturing and mining occupations, power-driven machinery or hoisting apparatus other than typical office machines, processing occupations, public messenger jobs, transporting of persons or property, workrooms where products are manufactured, mined or processed, or warehouse and storage

Children Age 14 and 15 MAY work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:
No more than 3 hours on a school day or 18 hours in a school week; 8 hours on a non-school day or 40 hours in a non-school week. Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

Examples of permitted jobs include office, grocery store, retail store, restaurant, movie theater, baseball park, amusement park, or gasoline service station

AGRICULTURAL EMPLOYMENT:

Once a person turns 16 years old, he or she can do any job in agriculture.

A youth 14 or 15 years old can work in agriculture, on any farm, but only in non-hazardous jobs.

A youth 12 or 13 years of age can only work in agriculture on a farm if a parent has given written permission or if a parent is working on the same farm as his or her child, and only in non-hazardous jobs.

If the youth is younger than 12, he or she can only work in agriculture on a farm if the farm is not required to pay the Federal minimum wage. Under the FLSA, "small" farms are exempt from the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small," workers under 12 years of age can only be employed with a parent's permission and only in non-hazardous jobs.

Hazardous agricultural occupations include:

- Operating a tractor of over 20 PTO (Power-Take-Off) horsepower, or connecting or disconnecting implements or parts to such a tractor.
- Operating or helping to operate Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner, Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a non-gravity-type self-unloading wagon or trailer; or, Power post-hole digger, power post driver, or nonwalking-type rotary tiller, trencher or earthmoving equipment; Fork lift; Potato combine; or Power-driven circular, band, or chain saw.
- Working on a farm in a yard, pen, or stall occupied by Bull, boar, or stud horse for breeding, or Sow with suckling pigs, or cow with newborn calf with umbilical cord present.
- Loading, unloading, felling, bucking, or skidding timber with a butt (large end) diameter of more than 6 inches.
- Working from a ladder or scaffold at a height of over 20 feet.
- Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

WORK BEGINS AT _____ AND ENDS AT _____

TIME ALLOWED FOR MEALS BEGINS AT _____ AND ENDS AT _____

Rev. 06/05

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NOTICE MINIMUM WAGE

Indicated below is Vermont's minimum wage rate. (Note: Effective since July 1, 1989, "if the minimum wage rate established by the U.S. Government is greater than the rate established for Vermont for any year, the Vermont minimum wage rate shall be the rate established by the U.S. Government".)

MINIMUM WAGE RATE:
Effective 01/01/2005: \$7.00 per hour worked
Effective 01/01/2006: \$7.25 per hour worked
Effective 01/01/2007: \$7.53 per hour worked

Service or Tipped Employees – "A service or tipped employee" means an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than \$30.00 a month in tips, or \$120.00 a month, effective July 1, 2007 and thereafter.

The Basic Wage Rate is:	Maximum Tip Credit Allowed
Effective 1/1/2005: \$3.65/hr.	\$3.35/hr.
Effective 1/1/2006: \$3.65/hr.	\$3.60/hr.
Effective 1/1/2007: \$3.65/hr.	\$3.88/hr.

The basic wage rate is the minimum required employer contribution towards the minimum wage. If an employee does not receive sufficient tips in the work week to at least achieve the minimum wage for all hours worked that week, the employer must make up the difference.

How to Contact Us:

Vermont Department of Labor 5 Green Mountain Drive P.O. Box 488 Montpelier, Vermont 05601-0488
Email: labor-wagehour@state.vt.us Telephone: (802) 828-0267 Fax: (802) 828-4198

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WH-11 (6/07)

Call immediately if: YOU BECOME UNEMPLOYED or YOUR HOURS HAVE BEEN REDUCED 1-877-214-3330

Unemployment Insurance

For general information or questions regarding unemployment insurance, call 1-877-214-3332
VERMONT DEPARTMENT OF LABOR

For Help In Finding A New Job – Visit:

CENTRAL VERMONT (Barre) McFarland State Office Building, 5 Perry Street • 802-476-2600	SOUTHERN VERMONT (Rutland) 200 Asa Bloomer Building • 802-786-5837
SOUTH WEST VERMONT (Bennington) 150 Veterans Memorial Drive, Suite 2 • 802-442-6376	NORTH EAST VERMONT (St. Johnsbury) 1197 Main Street, Suite 1 • 802-748-3177
NORTH WEST VERMONT (Burlington) 63 Pearl Street • 802-863-7676	SOUTH EAST VERMONT (Springfield) 56 Main Street, Suite 101 • 802-885-2167

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A-24 (6/07)

SAFETY AND HEALTH PROTECTION ON THE JOB

The Vermont Occupational Safety and Health Code (Title 21 V.S.A. Chapter 3, Sub-Chapters 4 and 5, and the rules adopted (there under) provides job safety and health protection for workers. The purpose of the law is to assure safe and healthful working conditions throughout the State.

You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!

- > You have the right to notify your employer or VOSH about workplace hazards. You may ask VOSH to keep your name confidential.
- > You have the right to request a VOSH inspection if you believe that there are unsafe and unhealthy conditions in your workplace.
- > You or your representative may participate in the inspection.
- > You can file a complaint with VOSH within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the *Vermont Occupational Safety and Health Act*.
- > You have a right to see VOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- > Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- > You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- > Your employer must post this notice in your workplace.
- > The Statute provides that employees may not be discharged or discriminated against in any way for filing safety or health complaints or otherwise exercising their rights under the Code.
- > The Statute also provides that employees who are discriminated against may bring a private action in Superior Court for appropriate relief including reinstatement, triple wages, damages, costs and reasonable attorney's fees.

The *Occupational Safety and Health Act of 1970 (OSH Act)*, P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. To obtain more information on OSHA federal programs, call 1-800-321-OSHA or visit OSHA's website at www.osha.gov. The Vermont Occupational Safety and Health Administration (VOSH), in the Vermont Department of Labor, has the primary responsibility for administering the *OSH Act in Vermont*. To file a complaint, report an emergency, or seek VOSH advice or assistance call 1-800-287-2765.

Under a plan approved October 1, 1973, by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Vermont is providing job safety and health protection for workers throughout the State. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding Vermont's administration of this plan directly to the Occupational Safety and Health Administration, John F. Kennedy Federal Building, Room E-340, Boston, Massachusetts, 02203, Telephone (617) 565-9860.

ASSISTANCE AND INFORMATION:

The plan provides that employers and employees may request free voluntary compliance consultative or training assistance, which is provided by non-employee Project WorkSAFE personnel. Further information, including copies of the Code and of specific safety and health standards, may be obtained by contacting the Project WorkSAFE Office, Department of Labor, National Life Building, Drawer 20, Montpelier, Vermont 05620-3401, Telephone (888) SAFE-YES or 1-888-723-3937.

1-800-287-2765 www.labor.vermont.gov

July 27, 2005

VERMONT NOTICE SEXUAL HARASSMENT IS ILLEGAL

and is prohibited by
THE VERMONT FAIR EMPLOYMENT PRACTICES ACT
(Title 21, Chapter 5, Subchapter 6 of the Vermont Statutes)

A N D
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United State Code Section 2000e et seq.)

"SEXUAL HARASSMENT" IS A FORM OF SEX DISCRIMINATION AND MEANS UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN:

(A) SUBMISSION TO THAT CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF EMPLOYMENT, OR

(B) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS A COMPONENT OF THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING THAT INDIVIDUAL; OR

(C) THE CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH THE INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORK ENVIRONMENT.

IT IS UNLAWFUL TO RETALIATE AGAINST AN EMPLOYEE FOR FILING A COMPLAINT OF SEXUAL HARASSMENT OR FOR COOPERATING IN AN INVESTIGATION OF SEXUAL HARASSMENT.

Examples of SEXUAL HARASSMENT include:
UNWELCOME SEXUAL ADVANCES
SUGGESTIVE OR LEWD REMARKS
UNWANTED HUGS, TOUCHES, KISSES
REQUESTS FOR SEXUAL FAVORS
PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS
UNWELCOME SEXUAL JOKES AND BANTER
RETALIATING FOR COMPLAINING AGAINST SEXUAL HARASSMENT

Consequences for COMMITTING SEXUAL HARASSMENT may include:
DISCIPLINARY ACTION, FROM A VERBAL WARNING TO DISMISSAL
DAMAGES AND OTHER RELIEF FOR THE VICTIM
CIVIL PENALTIES OF UP TO \$10,000 PER VIOLATION
CRIMINAL PENALTIES

IT IS AGAINST THE POLICY OF THIS EMPLOYER FOR AN EMPLOYEE, MALE OR FEMALE, TO SEXUALLY HARASS ANOTHER EMPLOYEE. EVERY SUPERVISOR is responsible for promptly responding to or reporting any complaint or suspected acts of sexual harassment.

ANY EMPLOYEE who believes that she or he has been sexually harassed or retaliated against for complaining of it is encouraged, to report the situation as soon as possible to

(a) his or her supervisor, and/or

(b) _____, and/or

(c) this person, who is designated to receive such complaints and reports: _____

(Name and title) (Address and, telephone number)

THIS EMPLOYER WILL PROMPTLY INVESTIGATE AND RESPOND TO ALL REPORTS AND KNOWLEDGE OF SEXUAL HARASSMENT

You also may contact the STATE OF VERMONT ATTORNEY GENERAL'S OFFICE, 109 State Street, Montpelier, VT 05602 (888-745-9195 or 802-828-3665 voice/TDD); and/or, if you work for an employer with at least 15 employees, the **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**, John F. Kennedy Federal Govt. Ctr., Room 475, Boston, MA 02203 (617-565-3200 or 1-800-669-4000); or, if you work for a Vermont State agency, the Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301 (800-416-2010 or 802-828-2480 voice/TDD).

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7001 W. 43 RD STREET
HOUSTON, TEXAS 77092

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