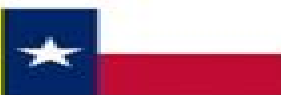




# TEXAS 2021



## EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE**  
**\$7.25**

**Minimum Wage:** The Fair Labor Standards Act (FLSA) requires employers to pay their employees at least the federal minimum wage for all hours worked. The current federal minimum wage is \$7.25 per hour.

**Overtime Pay:** The FLSA requires employers to pay their employees overtime pay for all hours worked in excess of 40 hours per week. Overtime pay is calculated at one and one-half times the employee's regular rate of pay.

**Child Labor:** The FLSA restricts the hours and types of work that minors can perform. It prohibits the employment of children under 18 in hazardous occupations and limits the hours of work for minors aged 16 and 17.

**Recordkeeping:** Employers are required to keep accurate records of their employees' hours worked and wages paid.



## YOUR RIGHTS UNDER OSHA

**OSHA's Mission:** The Occupational Safety and Health Act (OSHA) was created to ensure the safety and health of America's workers by setting and enforcing standards, providing training, and conducting research and technical assistance.

**OSHA's Authority:** OSHA has the authority to inspect workplaces, issue citations for violations, and require employers to abate violations.

**Employee Rights:** Employees have the right to a safe and healthy workplace, to be informed of workplace hazards, and to participate in workplace safety programs.

**Employer Responsibilities:** Employers are responsible for providing a safe and healthy workplace, for training employees, and for keeping records of workplace injuries and illnesses.



## EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

**FMLA Overview:** The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year for specified family and medical reasons.

**Eligibility:** Employees are eligible for FMLA if they have worked for their employer for at least one year and have worked at least 1,250 hours during the previous 12 months.

**Qualifying Reasons:** FMLA leave is available for the birth and care of a newborn child, the placement of a child for adoption, the care of a child with a serious health condition, the care of a spouse, child, or parent with a serious health condition, and the employee's own serious health condition.

**Job Protection:** Employees on FMLA leave are guaranteed the same or equivalent job upon their return.

1-866-4-USWAGE  
[www.dol.gov/whd](http://www.dol.gov/whd)

## NOTICE TO EMPLOYEES

**OSHA's Role:** OSHA is responsible for ensuring that employers provide a safe and healthy workplace. OSHA's role includes setting and enforcing standards, providing training, and conducting research and technical assistance.

**Employee Rights:** Employees have the right to a safe and healthy workplace, to be informed of workplace hazards, and to participate in workplace safety programs.

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## Equal Employment Opportunity is THE LAW

**Prohibits Employment, Hiring and Labor Discrimination, Unlawful Harassment, Retaliation, and Other Unlawful Practices**

**Key Concepts:** The EEOC enforces federal laws that prohibit employment discrimination on the basis of race, color, sex, religion, national origin, and age. These laws also prohibit harassment and retaliation against employees who exercise their rights under the law.

**Employer Responsibilities:** Employers are responsible for providing a workplace free from discrimination and harassment. They must also have policies and procedures in place to prevent and address discrimination and harassment.

**Employee Rights:** Employees have the right to a workplace free from discrimination and harassment. They also have the right to file a complaint with the EEOC if they believe they have been discriminated against.

**Employment Testing:** Employers may use employment tests to select employees, but the tests must be valid and reliable. They must also be used in a consistent and non-discriminatory manner.

**Retaliation:** It is illegal for an employer to retaliate against an employee who has filed a complaint with the EEOC or who has exercised their rights under the law.

**Harassment:** Harassment is a form of discrimination that involves unwelcome conduct based on a protected characteristic. It can include verbal abuse, threats, and physical harassment.



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

- All workers have the right to:**
- A safe workplace
  - Know what safety and health hazards exist in their workplace, and what they can do to avoid them
  - Receive information and training on job safety, including all necessary information on safety and health hazards
  - Participate in workplace safety programs
  - Receive training on the proper use of tools, equipment, and machinery
  - Receive training on the proper use of personal protective equipment (PPE)
  - Receive training on the proper use of safety equipment
  - Receive training on the proper use of safety equipment
  - Receive training on the proper use of safety equipment
- Employers must:**
- Identify workplace hazards and evaluate the risks to workers
  - Develop and implement a safety and health program
  - Provide training to workers on safety and health hazards
  - Provide training to workers on the proper use of tools, equipment, and machinery
  - Provide training to workers on the proper use of personal protective equipment (PPE)
  - Provide training to workers on the proper use of safety equipment
  - Provide training to workers on the proper use of safety equipment
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Contact OSHA, We can help.

1-800-321-OSHA (6742) • TTY 1-877-682-6827 • [www.osha.gov](http://www.osha.gov)

**Notice to Employees Concerning Workers' Compensation in Texas**

**Workers' Compensation:** Workers' compensation is a system of benefits that provides financial support to employees who are injured or become disabled as a result of their work. It also provides medical benefits to injured employees.

**Employer Responsibilities:** Employers are required to carry workers' compensation insurance for their employees. They must also provide information to employees about their rights and the benefits available under the system.

**Employee Responsibilities:** Employees are required to report any work-related injury or illness to their employer as soon as possible. They must also follow the employer's instructions regarding medical treatment and return to work.

**NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS**

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## NOTICE

**The Texas Whistleblower Act** protects public employees 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.



**Notice to Employees Concerning Workers' Compensation in Texas**

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**ATTENTION EMPLOYEES**

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# Texas Labor Laws

**Joan M. McCrea**



## **Texas Labor Laws:**

**Labor Law in Texas** Texas, Rolland Bradley, 1924     *A Layman's Guide to Texas Labor Laws* Texas Manufacturers Association, 1963     **Texas Labor Laws** Joan M. McCrea, 1971-01-01     **Texas Labor History** Bruce A. Glasrud, James C. Maroney, 2013-04-21 Too often observers and writers of Texas history have accepted assumptions about labor movements in the state both organized and not that do not bear up under the light of careful scrutiny Offering a scholarly corrective to such misplaced suppositions the studies in Texas Labor History provide a helpful new source for scholars and teachers who wish to fill in some of the missing pieces Tackling a number of such presumptions that a viable labor movement never existed in the Lone Star State that black brown and white laborers both male and female were unable to achieve even short term solidarity that labor unions in Texas were ineffective because of laborers inability to confront employers the editors and contributors to this volume lay the foundation for establishing the importance of labor to a fuller understanding of Texas history They show for example that despite differing working conditions and places in society many workers managed to unite sometimes in biracial efforts to overturn the top down strategy utilized by Texas employers Texas Labor History also facilitates an understanding of how the state s history relates to reflects and differs from national patterns and movements This groundbreaking collection of studies offers notable opportunities for new directions of inquiry and will benefit historians and students for years to come     General and Special Laws of the State of Texas Texas, 1911     Texas Employment Law Laura M. Franze, 1999     *General Laws of the State of Texas* Texas, 1876     **Maslanka's Texas Field Guide to Employment Law: FLSA, FMLA, ADA, Texas Labor Code** Michael P. Maslanka, 2021-02-28     **Labor Law in Texas** Texas, Rolland Bradley, 1924     Texas Labor Laws Joan M. McCrea, 1978     **1927 Supplement to the Laws of Texas Relating to Labor, Children, Education, Health and Vital Statistics, Care of Mental Defectives, Workmen's Compensation, Crime and Delinquency, Prisons and Prisoners, State Institutions, Loan Companies and Various Related Subjects as Passed by All Sessions of the State Legislature Subsequent to 1921, Including the Acts of the 40th Legislature, First Called Session 1927** Civic Federation of Dallas, 1927     **Texas Employer's Guide** Summers Press, Aspen Publishers Editorial, 2007-07-25 The Texas Employer s Guide is an authoritative and accessible book that provides the lay of the land about employment law the Guide integrates federal and Texas laws that affect the employer employee relationship making it a valuable resource for business owners managers and human resource professionals The Texas Employer s Guide is written and updated annually by an employment law attorney We have eliminated legal jargon offering clear and concise explanations of today s complex labor laws regulations and court decisions Relevant state and federal agencies are listed at the end of each chapter along with citations for the information discussed Chapter headings are Hiring Managing Employees and Personnel Costs Termination of Employment Health and Safety Employment Discrimination Wages Hours and Child Labor Employee Benefits and Leave Personnel Records Workplace Privacy Unions and Government

Contractors Written from an employer s point of view this 2nd Edition of the Texas Employer s Guide includes discussion of these and other current topics New federal and Texas minimum wage rate information Discussion of Texas Workforce Commission guidance on classifying independent contractors Updated sections on changes to Texas workers compensation and unemployment compensation law Discussion of Texas law on use of Social Security numbers Discussion of the revised definition of supervisor under federal labor relations law Discussion of new Texas law allowing individuals to use deadly force when threatened by an attacker

**The Laws of Texas Relating To: Labor, Children, Education, Health and Sanitation, Marriage and Divorce, Rights of Married Women, Delinquency, Dependency and Juvenile Courts, State Institutions, Penitentiaries and Jails, Gambling and Disorderly Houses, Public Morals, Elections, and Various Related Subjects, Including Such Legislation as was Passed by All Sessions of the Thirty-seventh Legislature, 1921, Up to and Including the Second Called Session** Civic Federation of Dallas,1921      **Labor Laws in Texas** Joan M. McCrea,1974      Labor Laws and Their Administration International Association of Governmental Labor Officials,United States. Bureau of Labor Standards,1961      **The Laws of Texas 1822-1897** Texas,1898      **The Laws of Texas, 1822-1909** ,1898      *Laws of Texas Relating to Labor* Texas. Bureau of Labor Statistics,1959      **Labor Laws and Their Administration** International Association of Governmental Labor Officials. Convention,1959      Labor Laws in Texas Joan McCrea,1974

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