

## FED

### EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

#### FEDERAL MINIMUM WAGE \$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

#### OVERTIME PAY

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR**

An employee must be at least 16 years old to work in most non-agricultural jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth, 14 and 15 year olds may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

**PUMP AT WORK**

Employers must provide reasonable time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

DEPARTMENT OF LABOR WHD WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR UNITED STATES OF AMERICA

1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

REV. 04/2023

## TX

### Minimum Wage Law

TWC provides information to employers and employees about their respective rights, duties and remedies under the Texas Minimum Wage Act.

**The Texas Minimum Wage Act:**

- Establishes a minimum wage for non-exempt employees.
- Requires covered employers to provide each employee with a written earnings statement containing certain information about the employee's pay period.
- Designates TWC as the agency responsible for disseminating information about state minimum wage requirements.
- Contains provisions concerning agricultural piece rate workers.
- Exempts a variety of employers from its coverage.
- Provides civil remedies for its violation.

**Current Texas Wage Act:**

This act adopts the federal minimum wage rate. Effective July 24, 2009, the federal minimum wage is \$7.25 per hour. The Texas Minimum Wage Act does not prohibit employees from bargaining collectively with their employers for a higher wage. With specified exceptions, employers may count tips and the value of room and board toward minimum wage rates. An employer does not need to pay an employee who lives on the business premises for on-call time in addition to assigned working hours.

Under certain conditions, an employer may establish a sub-minimum wage for employees who work in certain of the Texas Department of Mental Health and Mental Retardation, or to other individuals due to age (see the law for details), or to productivity impairments.

**Wage Rate Complaints & Deadlines:**

Individuals who believe they have been paid at a rate lower than the law requires may choose to take legal action.

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates the employee is entitled to the higher minimum wage.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.**

## TX

### Child Labor Laws

#### Texas Workforce Commission

#### Wage and Hour Department, Child Labor Enforcement

#### U.S. Department of Labor

#### Wage and Hour Division

For further information about Texas child labor laws, call: 800-482-0242 (TDD 800-735-2099).

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 51, Texas Labor Code, governs the enforcement of Texas state law.

**FOR EMPLOYMENT:** It is illegal to employ children and federal laws provide for certain exceptions. Please call TWC's Wage and Hour Department concerning questions about federal law.

The Fair Labor Standards Act (FLSA) governs federal law and gives specific information about child labor laws.

An employer must contact the local office of the U.S. Department of Labor, Wage and Hour Division or call 800-487-9243.

**THE FOLLOWING ARE PROHIBITED OCCUPATIONS FOR 14- THROUGH 17-YEAR-OLDS:**

These occupations are the same for both federal and state law. The hazardous occupations designated by an asterisk (\*) have provisions for employment of persons below the age of eighteen (18), provided applicable apprentice or student-leader certification has been obtained. Persons desiring specific information concerning these occupations should contact the nearest office of the United States Department of Labor.

Occupations declared particularly hazardous or detrimental to the health or well-being of all children 14 through 17 years of age are prohibited by law.

(1) in or around plants or establishments other than retail establishments which manufacture or store explosives or articles containing explosive components other than retail establishments;

(2) involving the driving of motor vehicles and outside helpers;

C. in or about any place where logging or sawmill operations are in progress;

C. in excavations;

(Under certain conditions, driving a motor vehicle for a commercial purpose is not considered a hazardous occupation under state or federal law,

(3) connected with coal mining;

(4) in logging and sawmill occupations and occupations involving firefighting and timber tracks;

(5) "in operating or assisting to operate power-driven woodworking machines;

(6) involving exposure to radioactive substances and to ionizing radiation;

(7) in operating or assist to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-lift trucks;

(8) "in operating or assisting to operate power-driven metal forming, punching, and shearing machines;

(9) in operating or assisting to operate power-driven meat processing machines;

(10) "in operating or assisting to operate power-driven meat processing machines, and occupations including slaughtering, meat packing, processing, or rendering;

(11) in operating or assisting to operate power-driven bakery machines;

(12) in manufacturing of power-driven paper-products machines, balers and compactors;

(13) in manufacturing brick, tile, and kindred products;

(14) in operating or assisting to operate power-driven circular saws, bandaws and guillotine shearers, abrasive cutting discs, reciprocating saws, chain saws and wood-chippers;

(15) in wrecking, demolition, and ship-breaking operations;

(16) "in roofing operations and on about a roof, and

(17) "in connection with excavation operations.

**ADDITIONAL PROHIBITED OCCUPATIONS THAT APPLY UNDER STATE LAW:**

(1) Occupations involved in sales and solicitation by a child under 18 years of age. Consult S11.045 Texas Labor Code for exceptions and requirements.

(2) Occupations in sexually oriented businesses by a child under 21 years of age.

**ADDITIONAL PROHIBITED OCCUPATIONS THAT APPLY ONLY TO 14- AND 15-YEAR-OLDS:**

(1) Occupations declared particularly hazardous or detrimental to the health or well-being of 14- and 15-year-old children include:

- (1) mining, manufacturing, or processing occupations, including dairies in or places where goods are manufactured, mined, or otherwise processed;
- (2) operating or assisting in operating power-driven machinery or equipment other than typical office machines;
- (3) work as a ride attendant or ride operator at an amusement park or "discothèque" at the top of elevated water slides;
- (4) driving a motor vehicle or helping a driver;

(5) occupations involved in transporting persons or property by rail, highway, air, water, pipeline, or other means;

(6) youth peddling, sign waving, or door-to-door sales;

(7) poultry catching;

(8) lifeguarding at a second environment such as a lake, river, ocean beach, quarry, pond, youth must be at least 15 years of age and properly certified to be a lifeguard at a traditional

### 101 E. 15TH STREET • AUSTIN, TEXAS 78778-0001 (512) 463-2222 RELAY TEXAS: 800-735-2988 (TDD) 800-735-2988 (Voice) [www.texasworkforce.org](http://www.texasworkforce.org)

Equal Opportunity Employer/Employer Services  
WHCL

REV. 09/2022

## TX

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

You have 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](http://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 you 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)**

# LABOR LAWS

# FEDERAL

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**PUMP AT WORK**

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

**DISADVANTAGED PERSONS**

The minimum wage and overtime pay provisions of the FLSA do not apply to certain occupations and establishments exempt from the minimum wage, overtime, and other provisions. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for failing to pay minimum wage, overtime, and other provisions of the FLSA. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be imposed for violations of the FLSA's child labor provisions. Heightened civil money penalties may also be imposed for violations of the FLSA's minimum wage, overtime, and other provisions.

**EXEMPTIONS**

Federal, State and local governments are not affected by the FLSA. Also, the law does not apply to tests given by the Federal Government to determine individuals engaged in national security-related activities.

The Act permits polygraph testing, subject to restrictions, to certain prospective employees for refusing to take a test or for other employment purposes.

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