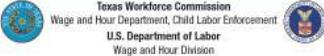


CHILD LABOR LAWS



For further information about Texas' child labor laws, call 800-432-4242 (TDD) 800-735-2989.

This poster provides some guidelines to the Texas child labor laws, but it is not complete. Chapter 15, Texas Labor Code, governs the employment of children under Texas state law. WorkSafe TWC's EMPLOYMENT (E-14) however, state and federal laws provide for certain exceptions. Please call TWC's Wage and Hour Department concerning questions about labor law. The Fair Labor Standards Act (FLSA) governs federal laws and guidelines pertaining to child labor. For information concerning federal child labor laws, contact your local office of the U.S. Department of Labor, Wage and Hour Division or call 866-487-9243.

Additional prohibited occupations for 14- through 17-year-old children:

Prohibited occupations are the same for both federal and state law. The hazardous occupations described by an asterisk (*) have provisions for employment of persons below the age of eighteen (18), provided applicable experience or child labor learner certification has been obtained. Persons desiring specific information about these exceptions 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 include:

- (1) in or about plants or establishments which manufacture or store explosives or articles containing explosives, except where other than retail establishments;
- (2) involving the driving of motor vehicles, other than bicycles;
- (3) on any public road or highway;
- (4) in or about any place where logging or normal operations are in progress, or
- (5) in connection:
 - (A) under certain conditions, driving a motor vehicle for a commercial purpose is NOT considered a hazardous occupation under state or federal law;
 - (B) connected with coal mining;
 - (C) in logging and general occupations and occupations involving logging and timber tracts;
- (6) "in operating or assisting to operate power-driven woodworking machines;
- (7) involving operations to radioactive substances and to blasting materials;
- (8) "in operating or assisting to operate power-driven hoisting apparatus such as elevators, cranes, derricks, hoists, high-ropes;
- (9) "in operating or assisting to operate power-driven metal forming, punching, and shearing machines;
- (10) in connection with mining, other than coal;
- (11) "in operating or assisting to operate power-driven metal processing machines, and occupations including slagging, hot packing, processing, or cooling;
- (12) in operating or assisting to operate power-driven bakery machines;
- (13) "involved in the operation of power-driven paper products machines, rollers and compactors;
- (14) in manufacturing brick, tile, and related products;
- (15) "in operating or assisting to operate power-driven circular saws, band saws and gable saws, always cutting and sanding, planing, jointing, and jointing machines;
- (16) in working, demolishing, and ship-lifting operations;
- (17) "in roofing operations as on or about a roof, and
- (18) "in connection with recreation operations.

Additional prohibited occupations that apply under state law:

- (1) Occupations involved in sales and solicitation by a child under 16 years of age. Covered by 15.145 Texas Labor Code for occupations and occupations.
- (2) Occupations in sexually oriented businesses by a child under 21 years of age.

Penalties:

State of Texas — An offense under Chapter 15, Texas Labor Code, in a Class B misdemeanor, except for the offense of employing a child under 14 to sell or solicit, which is a Class A misdemeanor. If the Commission determines that a person who employs a child has violated this Act, or a rule adopted under this Act, the Commission may assess an administrative penalty against that person in an amount not to exceed \$10,000 for each violation. The amount of the penalty may seek injunctive relief is distributed to the employer who repeatedly violates the requirements established by this Act relating to the employment of children.

Federal — The FLSA prescribes a maximum administrative penalty of \$1,000 per violation under certain circumstances and fines.

101 E. 15th Street • Austin, Texas 78770-0001 • (512) 463-2222 Relay Texas: 800-735-2989 (TDD) 800-735-2988 (Voice) www.texasworkforce.com

Equal Opportunity Employer / Services

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE:

[Name of employer] _____ has workers' compensation insurance coverage from [name of commercial insurance company] _____

in the event of work-related injury or occupational disease. This coverage is effective from _____

[effective date of workers' compensation insurance policy] _____

Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _____

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.

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. Employees 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.

TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION (5/1/19)

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).

OMBUSDMAN 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.

Form 28 TWC (07/06) - September 2022

Texas Minimum Wage Law

This page gives information about employer and employee rights, duties, and remedies under the Texas Minimum Wage Law.

- Sets a minimum wage for non- exempt employees.
- Requires certain employers give their employees a written earnings statement that contains information about this law.
- Includes Texas Workforce Commission (TWC) as the agency who provides 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 Minimum Wage

Texas adds the federal minimum wage rate. The federal minimum wage is \$7.25 per hour (Effective July 24, 2009).

The Texas Minimum Wage Act does not prohibit employees from collective bargaining with their employers for a higher wage.

With specified exceptions, employers may court fee and the use of means and lodging toward minimum wage. An employer does not need to pay an employee who has not the business premises for on-call time in addition to normal working hours.

Under specific conditions, an employer may pay a wage rate below the minimum. This applies to an employee who is a parent or child of the Texas Department of Health Services (TDHS) or its other subsidiaries, or to an employee who is a parent or child of a Texas Department of Health Services (TDHS) or its other subsidiaries, or to an employee who is a parent or child of a Texas Department of Health Services (TDHS) or its other subsidiaries.

Wage Rate Complaints and Deadline

If you find you have been paid at a rate lower than the law requires you may wish to file a wage claim. You can file a wage claim with TWC or you can file a lawsuit in court.

If you file a wage claim with TWC, it must be filed no later than 180 days after the wages were due. Our online information about How to File a Wage Claim.

AGRICULTURAL PIECE RATES

The Commission of Agriculture decides the multi agricultural piece rates for the raising or harvesting of plants and crops. The "piece rate" are based on how much an average worker can do in a certain amount of time. The goal is to make sure at least minimum wage for average workers while allowing workers who do more work to earn more.

Law

• Texas Minimum Wage Act, Chapter 62 of the Texas Labor Code

• State

Contact Us

TWC's Wage and Hour Dept. 502-23-9242

512-475-2670

Equal Employment Opportunity is...

The Law in Texas

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

- hiring
- promotion
- discharge
- pay
- fringe benefits
- membership
- training
- other aspects of employment

because of race, color, national origin, religion, sex, age, or disability.

The law also includes Sexual Harassment, Gender Discrimination, Pregnancy Discrimination, Gender Identity, and Sexual Orientation.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division.

It is called one call to file a job discrimination complaint with the Comisión Laboral de Texas, División de Derechos Civiles.

Website: www.twc.texas.gov/jobdiscrimination submit-employment-discrimination-complaint

Email: CD@twc.texas.gov

101 East 15th Street, Suite 1447, Austin, TX 78778

(512) 463-2642 • Toll Free (within Texas) 1-866-452-4778 • TTY (512) 321-7473

Equal Opportunity Employer / Program • Igualdad de Oportunidades de Empleo / Programa

TEXAS

TEXAS Minimum Wage Law

We have four years from the date wages were due to file a lawsuit to recover the unpaid wages plus an additional equal amount as liquidated damages. The employer can be assessed reasonable attorney's fees and court costs.

Earnings Statement

Employers must give employees a written earnings statement. The statement must have enough details for an employee to determine whether they were paid correctly during the pay period.

Exemptions

The provisions of the Texas Minimum Wage Law do not apply to any person covered by the Federal Fair Labor Standards Act (FLSA).

- Other specific exemption include:
 - Employment in, or by religious, educational, charitable, or nonprofit organizations.
 - Professions, occupations, or public officials.
 - Domestic.
 - Certain youth and students.
 - Hotels.
 - Family members.
 - Amusement and recreational establishments.
 - Non-agricultural employees not liable for state unemployment contributions.
 - Dairying and production of livestock.
 - Salaried employees.

Agricultural Piece Rates

The Commission of Agriculture decides the multi agricultural piece rates for the raising or harvesting of plants and crops. The "piece rate" are based on how much an average worker can do in a certain amount of time. The goal is to make sure at least minimum wage for average workers while allowing workers who do more work to earn more.

Law

• Texas Minimum Wage Act, Chapter 62 of the Texas Labor Code

• State

Contact Us

TWC's Wage and Hour Dept. 502-23-9242

512-475-2670

IGUALDAD DE OPORTUNIDADES EN EL EMPLEO ES...

La Ley en Texas

La ley prohíbe a los empleadores, agencias de empleo y sindicatos denegar la igualdad de oportunidades de empleo a:

- pagar
- beneficios
- desocupar
- entrenamiento
- beneficios
- otros aspectos del empleo

por causa de raza, color, nacionalidad, religión, sexo, edad, o discapacidad.

La ley también incluye Acoso Sexual, Discriminación por Sexo, Discriminación por Embarazo, Identidad de Género y Orientación Sexual.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division.

It is called one call to file a job discrimination complaint with the Comisión Laboral de Texas, División de Derechos Civiles.

Website: www.twc.texas.gov/jobdiscrimination submit-employment-discrimination-complaint

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ATTENTION EMPLOYEES

The Texas Payday Law, Title 2, Chapter 61, Texas Labor Code, requires Texas employers to pay their employees who are exempt from the overtime pay provisions of the Fair Labor Standards Act of 1938 at least once per month. All other employees must be paid at least as often as semi-monthly and each pay period must consist of an equal number of days.

Scheduled paydays: You must indicate date or dates of the month for employees paid monthly or semi-monthly, and day of the week for employees paid weekly or on other times.

MONTHLY

SEMI-MONTHLY

WEEKLY

OTHER

For more information write or contact the Texas Workforce Commission in Austin or contact your nearest TWC office. TWC offices are located in major cities throughout the state.

TEXAS WORKFORCE COMMISSION Wage and Hour Department 101 East 15th Street, Room 814 Austin, Texas 78778-0001 800-832-9243 TDD 800-735-2989 (Hearing Impaired)

TO EMPLOYERS: The law requires that this notice or its equivalent be posted in conspicuous places at your business. (08/23)

Reporting Workplace Violence

Employees can report instances of workplace violence or suspicious activity by contacting the Department of Public Safety (DPS) through the WorkSafeTexas Community Reporting System at www.worksafe.org or by calling 844-643-2251. Employees have the right to make a report to DPS anonymously.

Reportando La Violencia en el Trabajo

Los empleados pueden denunciar casos de violencia en el trabajo o actividades sospechosas comunicando con el Departamento de Seguridad Pública (DPS) a través del Sistema de Reporte Comunitario WorkSafeTexas en www.worksafe.org o llamando al 844-643-2251. Los empleados tienen derecho a presentarlo una denuncia al DPS de forma anónima.

Notice to Employers / Employees

This notice is required to be posted in conspicuous places at your business. It is called one call to file a job discrimination complaint with the Comisión Laboral de Texas, División de Derechos Civiles.

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TEXAS

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iHRSource

www.ihrsource.com

800-845-0085