

Dallas County Human Resources/Civil Service

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

PRIVATE EMPLOYERS STATE AND LOCAL GOVERNMENTS EDUCATIONAL INSTITUTIONS **EMPLOYMENT AGENCIES AND LABOR ORGANIZATIONS** **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN: Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classifications, referral, and other aspects of employment, on the basis of race, color, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisi- INDIVIDUALS WITH DISABILITIES: religion, national origin, or sex (including pregnancy). Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

The law covers applicants to and employees of most priviate employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal Law.

AGE: The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. The law covers applicants and employees of most private employers, state and location governments, educational institutions, employment agencies and labor organizations.

SEX (WAGES): In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. The law covers applicants and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations. Labor organizations cannot use employers to violate the law. Many employers not covered by Title VII, because of size are covered by the Equal Pay Act.

GENETICS: Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, tion of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

DISABILITY: Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability, in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination employment agencies and labor organizations are protected under Federal Law.

RACE, COLOR, NATIONAL ORIGIN, SEX: In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provination on the basis of sex in educational programs or activities, which receive Federal financial assistance.

If you believe you have been discriminated against in a program of any institution, which receives Federal assistance; you should contact immediately the Federal agency providing such assistance.

Section 503 of the Rehabilitation Act of 1973, as amended protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training classification, referral, and other aspects of employment. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the

RETALIATION: All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or unlawful otherwise opposes an employment practice. includes not making reasonable accommodation to the known physical or mental limitations of an otherwise WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED: If you believe qualified individual with a disability who is an applicant or employee barring undue hardship. The law covers that you have been discriminated against under any of the above laws, you should contact the Director of applicants to and employees of most private employers, state and local governments, educational institutions, Human Resources/Civil Service at (214) 653-7668. There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf

and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected: The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at sion of employment, or where employment discrimination causes or may cause discrimination in providing www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimi- Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

NOTICE TO EMPLOYEES CONCERNING WORKERS' COMPENSATION IN TEXAS

COVERAGE: Dallas County is a self-insured employer providing worker's compensation insurance to protect you in the event of work-related injury or illness. Claims for injuries or illnesses which occur on the job will be handled by the County's Third Party Administrator. An employe or a person acting on the employee's behalf must notify Dallas County through their supervisor of an injury or occupational disease no 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. EMPLOYEE ASSISTANCE: The Division provides free information about how to file a workers' compensation claim. Division staff will explain your rights and responsibilities under the Workers' Compensation Act and assist in resolving disputes about a claim. You can obtain this assistance by contacting Texas Department of Insurance - Division of Workers' Compensation at (214) 350-9299. SAFETY HOTLINE: The Division has established a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers 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. For additional information: Contact the Director of Human Resources/Civil Service at (214) 653-7668 or the Division of Workers' Health & Safety at 1-800-452-9595.

TEXAS DEPARTMENT OF INSURANCE DIVISION OF WORKERS' COMPENSATION NOTICE REGARDING CERTAIN WORK-RELATED COMMUNICABLE DISEASES AND ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS

TO: Law Enforcement Officers, Fire Fighters, Emergency Medical Service Employees, Paramedics, and Correctional Officers -

In order to qualify for workers' compensation benefits, an employee who claims a possible work-related exposure to a reportable disease, including HIV infection, must be tested for the disease not later than the 10th day after the exposure and must provide their employer with documentation of the test and a sworn affidavit of the date and circumstances of the exposure. The test result must indicate the absence of the disease. The employee is not required to pay for the test.

Reportable diseases are those communicable diseases and health conditions required to be reported to the Texas Department of Health. Exposure criteria and testing protocol must conform to Texas Department of Health requirements.

For additional information: Contact the Human Resources Department at 214-653-7668 or call the Division of Workers' Compensation at 1-800-252-7031. Also, contact the Texas Department Health (TDH) to ensure full compliance with the Health and Safety Code and TDH

Unlawful Harassment violates Title VII of

the Civil Rights Act of 1964

Unlawful harassment includes sexual harassment and harassment of employees on the basis of race, color, sex, national origin, age, religion or disability.

Examples of UNLAWFUL HARASSMENT include, but are not limited to: • Displaying pornographic posters, calendars, pictures, cartoons, or drawings. • Making or using derogatory comments, epithets, slurs, or jokes. • Touching, assaulting, impeding, or blocking movements. • Verbal sexual comments, advances or propositions. • Requests for sexual favors.

If you believe you are being unlawfully harassed, or if you witness unlawful harassment, you should contact your Supervisor, Elected Official/Department Head, or the Director of Human Resources/Civil Service in accordance with Dallas County's Prohibition Against Unlawful Harassment Policy, Section 86-781 of the Dallas County Code.

Consequences for committing, or witnessing and not reporting Unlawful Harassment may include: Disciplinary action ranging from a verbal warning to dismissal, damages and other relief for the victim.

YOU HAVE THE RIGHT TO WORK IN A HARASSMENT FREE WORKPLACE

EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT

FMLA requires covered employers to provide up to 12 weeks of unpaid, jobprotected leave to eligible employees for certain reasons during a defined 12 month period. Employees are eligible if they have worked for a covered employer for at least one year, for 1250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

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REQUESTING LEAVE.

EMPLOYER RESPONSIBILITIES.

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Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it

is not possible to give 30-days' notice, an employee must notify the employer as soon as

possible and, generally, follow the employer's usual procedures. Employees do not have

to share a medical diagnosis, but must provide enough information to the employer so it

can determine if the leave qualifies for FMLA protection. Sufficient information could

include informing an employer that the employee is or will be unable to perform his or

her job functions, that a family member cannot perform daily activities, or that

hospitalization or continuing medical treatment is necessary. Employees must inform the

employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting

the need for leave. If the employer determines that the certification is incomplete, it must

Once an employer becomes aware that an employee's need for leave is for a reason

that may qualify under the FMLA, the employer must notify the employee if he or

she is eligible for FMLA leave and, if eligible, must also provide a notice of rights

and responsibilities under the FMLA. If the employee is not eligible, the employer

must provide a reason for ineligibility. Employers must notify its employees if leave

will be designated as FMLA leave, and if so, how much leave will be designated as

provide a written notice indicating what additional information is required.

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

Federal Minimum Wage \$7.25 Per Hour Beginning July 24, 2009

Overtime Pay At least 1 1/2 times your regular rate of pay for all hours worked over 40 in a work week.

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

Tip Credit Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must 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 the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

Nursing Mothers The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to 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.

Enforcement The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

Additional Information

· Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.

- · Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the **Commonwealth of Puerto Rico**
- Some state laws provide greater employee protections; employers must comply with both.

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

• Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

or additional information, contact the Director of Human Resources/Civil Service at (214) 653-7668 or the Wage and Hour Division, Inited States Department of Labor at 1-866-487-9243 - TTY: 1-877-889-5627 - www.dol.gov/whd

NOTICE

DALLAS COUNTY IS DRUG – FREE AND ALCOHOL - FREE

ILLEGAL SUBSTANCES AND ALCOHOL WILL NOT BE TOLERATED

Dallas County's policy on a Drug-Free and Alcohol-Free Workplace applies to all employees and volunteers regardless of rank or position within the County. Any reference to an employee or group of employees should be interpreted to include any volunteer working for or representing Dallas County, including but not limited to Sheriff's Department reserve and posse members.

The unlawful manufacture, distribution, dispensing, possession or use of a drug or controlled substance, including inhalants, on County premises or while representing the County off-premises, is prohibited.

The unauthorized use, possession of, or being under the influence of alcohol or other drugs, including inhalants, volatile chemicals, and/or abuse of prescriptions or over-the-counter drugs on County premises or while representing the County off-premises. is prohibited. Employees working in an undercover capacity within the guidelines of the Sheriff Department's general orders and standard operating procedure are an exception to this policy.

Employees who violate the Drug and Alcohol-Free Policy are subject to appropriate disciplinary action, up to and including termination.

YOU HAVE THE RIGHT TO NOT REMAIN SILENT

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.

LEAVE ENTITLEMENTS.

Unpaid leave must be granted for any of the following reasons:

• The birth of a child or placement of a child for adoption or foster care; • To bond with a child (leave must be taken within 1 year of the child's birth or

placement); • To care for the employee's spouse, child, or parent who has a qualifying serious health

condition; or • For the employee's own qualifying serious health condition that makes the employee

unable to perform the employee's job; • For qualifying exingencies related to the foreign deployment of a military member who

is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA'leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use'leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced"schedule. Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee'substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

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> For additional information or to file a complaint: Contact the Director of Human Resources/Civil Service Department at (214) 653-7668 or U.S. Department of Labor - Wage and Hour Division 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 www.dol.gov/whd

medical leave rights.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER USERRA

USERRA protects the job rights of individuals who voluntarily or involuntarily HEALTH INSURANCE PROTECTION eave employment positions to undertake military service or certain types of service n the National Disaster Medical System. USERRA also prohibits employers from If you leave your job to perform military service, you have the right to elect to discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of your service; you have five years or **ENFORCEMENT** less of cumulative service in the uniformed services while with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: are a past or present member of the uniformed service; have applied for membership in the uniformed service; or are obligated to serve in the uniformed service; then an employer may not deny you: initial employment; reemployment; employer for violations of USERRA. retention in employment; promotion; or any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., preexisting condition exclusions) except for service-connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at http://www.dol.gov/vets. If you are eligible to be reemployed, you must be restored to the job and benefits you An interactive online USERRA Advisor can be viewed at http://www.dol.gov/ elaws/userra.htm

> If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

> You may also bypass the VETS process and bring a civil action against an

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

DALLAS COUNTY HUMAN RESOURCES/CIVIL SERVICE **500 ELM STREET, SUITE 4100** DALLAS, TEXAS 75202 214-653-7638