

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-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 non-manufacturing, non-mining, non-hazardous jobs with certain work hours 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 tip 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.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WHD

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

WH1086

REV. 07/2016

SD

2023 Minimum Wage Requirement

\$10.80/Hour

MINIMUM WAGE
See SDCL 60-11-3 and 60-11-3.2. Employers with tipped employees must pay a cash wage of no less than \$5.40 per hour, which is no less than 50% of the state minimum wage. See SDCL 60-11-3.1. South Dakota state minimum requirements apply to all employees; however, no minimum wage requirements apply to independent contractors.

Additional information from the South Dakota Department of Labor and Regulation available at drlr.sd.gov/employment_laws.

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. The federal minimum wage is the federal minimum wage. Both apply to an employee. The U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

CONTACT
For questions or to report a violation, contact the DLR Division of Labor and Management, Wage and Hour Office at:
123 W. MISSOURI AVE. PIERRE, SD 57501
Phone: 605.773.3681 Fax: 605.773.4211

SD

2023 Minimum Wage Requirement

\$10.80/Hour

Additional information from the South Dakota Department of Labor and Regulation available at drlr.sd.gov/employment_laws.

SD

Guide to Workers' Compensation Law in South Dakota

July 1, 2021 to June 30, 2022

SOUTH DAKOTA DEPT. OF LABOR & REGULATION
drlr.sd.gov

Summary of Workers' Compensation Law
The South Dakota Department of Labor and Regulation has summarized the basic provisions of our state's workers' compensation law. However, the information contained in this brochure is general in nature and is not intended as a substitute for legal advice. Changes in the law or specific facts in a case may result in legal interpretations different from those presented here. Anyone having further questions should contact the Division of Labor and Regulation.

I. Workers' Compensation
Workers' compensation is an insurance program that pays medical and disability benefits for work-related injuries and diseases. Workers' compensation protects both employees and employers. Each covered employee has a right to benefits if injured on the job. In return, he or she forfeits the right to sue the employer for job-related injuries.

South Dakota law permits all employers to provide coverage rather than assume direct liability for work-related injuries. Thus, most employers obtain coverage by purchasing an insurance policy. Those employers that do not must prove they are financially secure enough to pay full benefits for all employees. Each covered employee has a right to benefits if injured on the job. In return, he or she forfeits the right to sue the employer for job-related injuries.

II. Non-covered Employees
The following employees are exempt:
• Domestic servants, unless working for an employer for more than 20 hours in any calendar week and for more than six weeks in any 13-week period
• Farm or agricultural laborers
• One whose employer is not in the usual course of the trade, business, occupation or profession of the employer (independent contractor). This includes real estate brokers and owner operators of trucks who are certified as exempt by the Department.
• Certain elected officials of the state or any subdivision of state government
• Workforce participants

III. Benefits
Benefits are not allowed when injury is due to willful misconduct, intoxication, illegal use of drugs, failure to use a furnished safety appliance, a false representation as to the nature of obtaining employment may also preclude awarding of benefits.

A. Medical
The employer or insurance carrier must furnish necessary first aid and medical, surgical and hospital services, including artificial members and body aids. Prosthetic devices, if damaged, are considered an injury. Repair or replacement of hearing aids, eye glasses, contact lenses and dentures must also be furnished if damaged or destroyed in an accident which caused bodily injury compensable under the law. Medical services will be subject to a fee schedule and in no case may a health care provider charge a higher price to an injured worker who is eligible for workers' compensation benefits.

The employee has the right to make the initial selection of a medical practitioner (defined as a licensed health care provider) and must notify the employer of this selection prior to treatment or as soon as reasonably practicable after treatment has been provided. The employee must obtain written permission from the employer or insurer before changing health care providers. The employee may obtain a second opinion at his or her own expense. The employer also has the right to a second opinion. Services may also be regulated by the insurer's designated managed care plan. Travel, lodging and meal costs incurred as a result of securing necessary medical treatment are also compensable in certain instances. Generally such expenses will only be allowed if an employee is required to travel to obtain medical treatment. The Division of Labor and Management should be contacted in regard to current rates.

B. Disability Benefits
State law provides for a series of benefits during the period of disability. Failure to make payment within 10 days of the date due may result in a penalty of 10% of the unpaid amount. The disability benefits are as follows:
Temporary total disability - An employee who cannot work because of work-related injury or disease is eligible for temporary total disability benefits. Generally this total disability work must be confirmed by a medical practitioner. Payment is not made for lost work time unless an employee is incapacitated for more than 7 days. If the incapacity lasts for seven consecutive days or more, compensation is then computed from the date of injury. Payments continue until a medical practitioner releases the employee for return to work or until the employee's condition has reached a point of maximum improvement. The weekly rate for temporary disability payments is set forth in Section III-D.
Temporary partial disability - If a medical practitioner allows an employee who is still recovering from an injury or disease to return to part-time or modified work, and if the employee receives a bona fide job offer, and if the employee is receiving less than his or her usual earnings, the employee may be entitled to temporary partial disability benefits. These benefits are computed on the basis of one-half the difference between the average amount earned before the injury and the average amount the employee is earning or able to earn in some suitable employment after the injury. The amount of compensation allowed for temporary partial disability cannot exceed the maximum in Section III-D. The total compensation for earnings and workers' compensation may not be less than the amount received for temporary total disability, unless the employee refuses suitable employment. These benefits are payable until the employee is returned to full employment or until maximum improvement.

Permanent partial disability - If an injury or illness results in impairment of certain members of the body, an employee may be entitled to permanent partial disability benefits. Benefits are computed by applying a determination of the employee's percentage of impairment to the number of weeks designated in the table for full disability of that body part. This number of weeks is then multiplied by the compensation rate as set forth in Section III-D. Payments are made on a weekly or bi-weekly basis unless lump sum payment is allowed by the Division.

Loss	Weeks
Thumb	50
First or index finger	35
Second finger	30
Third finger	20
Fourth or little finger	15
Great toe	30
Any other toe	10
Hand	150
Arm	200
Foot	125
Leg	160
Sight of eye	150
Hearing one ear	50
Hearing both ears	150

For permanent disability from back injury or others not specifically listed above, compensation is for that proportion of 312 weeks which is represented by the percentage that such permanent partial disability bears to the body as a whole.

Permanent total disability - An employee who is totally and permanently disabled in terms of occupational capacity, or can no longer perform services of any kind, extent and quality which a reasonably stable labor market exists, may be entitled to compensation at the weekly rate set forth in Section III-D during the entire period of disability. In addition, cost of living adjustment is provided. The benefits may, however, be subject to review by the Department.

Rehabilitation - An employee suffering disability from an occupational disease or an injury and unable to return to his/her usual and customary line of employment, is entitled to disability compensation at the weekly rate provided by Section III-D during the period he or she is engaged in a program of rehabilitation which is reasonably necessary for

restoration to suitable, substantial and gainful employment. An injured employee desiring rehabilitation services should contact the Division of Labor and Management for further information.

C. Death Benefits
If an injury causes death, compensation is payable to the employee's spouse as at the rate of compensation shown in Section III-D for life or until remarriage. In the case of remarriage, a sum equal to two years of compensation will be paid to the spouse. Surviving children are eligible to receive equal shares of the compensation if the spouse dies or remarries. They must be under 18, under 22 if full-time students, or incapable of self-support. If any of the children are not in the custody of the spouse at the employee's death (and the spouse is eligible for benefits), half the benefit goes to the spouse, the other half to the non-custodial children. In addition to the above-mentioned weekly benefits, an additional \$100 per month is payable to each legally dependent child of the deceased employee from the date of the employee's death until the child is 18. If dependents attend accredited South Dakota post-secondary schools, they can receive up to \$2,000 a year towards their education for five years.

The employer or insurer must also pay up to \$10,000 in burial expenses plus the cost of transporting the body if death occurs outside the community where the employee is to be buried.

D. Rate of Compensation
As of July 1, 2021, weekly compensation is two-thirds of the employee's average weekly wage (including overtime hours at straight time) paid up to a maximum of \$934 per week. The minimum compensation is \$467 unless the employee's average weekly wage is less than \$467. In that instance, the amount of the employee's average weekly wage, less standard deductions, is paid as compensation. This rate is effective through June 30, 2022. The foregoing amounts are used to calculate temporary total disability, temporary partial disability, permanent partial disability, permanent total disability, rehabilitation and death benefits.

IV. Requirements of Employee
Immediately upon occurrence of an injury, or as soon as practical, an injured employee (or a representative) shall give or cause to be given a written notice of injury to the employer. Written notice shall be provided no later than three business days after occurrence. No compensation will be paid unless written notice is given within three business days, unless reasonable excuse is made to the Department of Labor and Regulation. Therefore, the employee shall not be entitled to compensation unless any medical practitioner's fee or any compensation which may have accrued prior to the time of giving notice, unless either of the following can be shown:
• The employer, or the employer's agent or representative, had knowledge of the injury or death;
• The employer was given written notice after the date of the injury and the employee had good cause for failing to give written notice within the three business-day period, which determination shall be liberally construed in favor of the employee
If an employee is entitled to benefits and does not receive them within 20 days, direct contact should be made to the insurance company.

The employee must also inform his/her medical practitioner about which case management plan his employer uses.

V. Requirements of Employer
A. Record-keeping
Every employer subject to the provisions of this title shall keep a record of all injuries, fatal or otherwise, sustained by his employees in the course of their employment. The record shall be completed within seven days, not counting Sundays and legal holidays, after an employee has knowledge of the occurrence of an injury. The record shall be on a form approved by the Department of Labor and Regulation. The employer shall preserve the record for a period of at least four years from the date of injury.

B. Reporting
If an employer is authorized to self-insure, a written report shall be made to the Department of Labor and Regulation within seven days, not counting Sundays and legal holidays, after an employer coming under the provisions of this title has knowledge of the occurrence of an injury which requires medical treatment other than minor first aid or which incapacitates the employee for a period of at least seven calendar days.
Failure to comply may result in a fine of \$100. The employer must file a report with its case management plan within 24 hours of the injury.

VI. Requirements of Insurer
The insurer is required to send a copy of the injury report to the Department of Labor and Regulation within 10 days. Failure to do so may result in a fine of \$100.
The insurer (or the employer if self-insured) shall make an investigation of the claim and notify the injured employee and the Department of Labor and Regulation in writing within 20 days of the date of injury. The investigation may be extended up to 30 additional days if approved by the Department of Labor and Regulation. Failure to comply may result in a \$100 fine. The insurer or self-insurer who denies liability in whole or in part must state the reasons and notify the claimant of the right to a hearing.

If the claim is denied, the injured employee has two years from the date of notification from the insurer or self-insurer to file a Petition for Hearing with the Department of Labor and Regulation.

VII. Mediation
If the employer/insurer and the injured employee do not agree to a compensation in whole or in part, either party may request the Department to conduct a mediation. Lawyers are not required.

VIII. Fraud
To report fraudulent collection of workers' compensation benefits contact the Department of Labor and Regulation, Division of Insurance.

IX. Lack of Insurance or Self-Insurance
If an employer fails to provide workers' compensation coverage under the provisions of South Dakota law, an injured employee or the dependents of a deceased employee may proceed against the employer in an action to recover damages for the personal injury or death, or may elect to proceed against the employer in circuit court under the provisions of the workers' compensation law as if the employer had elected to operate thereunder. The measure of benefits for the employee shall be all medical expenses and twice the amount of disability or death compensation allowed under the law.

X. Administration
Our state's workers' compensation law is administered by the Division of Labor and Management of the Department of Labor and Regulation. All work-related injuries and occupational diseases which require medical treatment, other than minor first aid, or which incapacitate the employee for a period of at least seven calendar days must be reported to the Division. In addition, the insurer or self-insurer must file the following:
• Calculation of Compensation (Form DLR-LM-110)
• Monthly Payment Liability (Form DLR-LM-107)
• Payment for Permanent Partial Disability (Form DLR-LM-111)
• Payment for Rehabilitation (Form DLR-LM-113)

XI. More Information
Contact the Division of Labor and Management at:
SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION
MISSOURI POWER PLAZA
123 W. MISSOURI AVE.
PIERRE SD 57501
Phone: 605.773.3681 Fax: 605.773.4211
Office Hours: Monday-Friday, 8 a.m. to 5 p.m. (Central time)
Visit drlr.sd.gov and click on the Workers' Compensation button.

Justi-aid and services available upon request to individuals with disabilities. State and federal laws require the Department of Labor and Regulation to provide services to all qualified persons without regard to race, color, creed, religion, age, sex, ancestry, political affiliation or belief, national origin, or disability.

Rev. 06/2021

FED

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for 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;
• For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
• For qualifying exigencies 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.

BENEFITS & PROTECTIONS
While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.
Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.
An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS
An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:
• Have worked for the employer for at least 12 months;
• Have at least 1,250 hours of service in the 12 months before taking leave; and
• Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.
*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE
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 provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES
Once an employee 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 FMLA leave.

ENFORCEMENT
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.
The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:
DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WHD

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

WH1420

REV. 04/2016

FED

EMPLOYEE RIGHTS UNDER THE POLYGRAPH PROTECTION ACT

THE Employee Polygraph Protection Act (EPPA) prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS
Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.
The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.
The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.
The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS
Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT
The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

WHD

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

WH1462

REV. 07/2016

SD

Notice to Employees: Availability of Unemployment Compensation

Employees in this establishment are covered under the South Dakota Reemployment Assistance (RA) law (formerly known as Unemployment Insurance). Benefits are available to workers who become unemployed or whose working hours are reduced to less than full time, if they are:
• Able to work,
• Available for full-time work, and
• Meet certain eligibility requirements.
Employees who voluntarily quit without good cause, are discharged or suspended for misconduct, or refuse to accept suitable work may be denied benefits.
You may file an RA claim in the first week employment ends or hours are reduced.
Employees working less than full time or who become totally unemployed, if available for work, should register for work at one of the Job Service Offices listed below. View an office directory at www.sdjobs.org.
• Aberdeen • Lake Andes • N. Sioux City • Sioux Falls • Vermillion • Yankton
• Brookings • Madison • Pierre • Sisseton • Watertown
• Huron • Mitchell • Rapid City • Spearfish • Winner
If you have questions about the status of your RA claim, you can call the Customer Service Center at 605.626.2452, email DLR.DIVISION@state.sd.us, or log in to your account and view the status under the Welcome message.

PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

SOUTH DAKOTA DEPT. OF LABOR & REGULATION
REEMPLOYMENT ASSISTANCE DIVISION
420 S ROOSEVELT ST
PO BOX 4730
ABERDEEN, SD 57402-4730

REV. 05/2020

TOGETHER EVERYONE CAN SAVE MORE

BE PART OF THE SAFETY TEAM

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This poster is in compliance with federal and state posting requirements.

JAN 2023

FED

U.S. Equal Employment Opportunity Commission

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?
Employees (current and former), including managers and temporary employees
Job applicants
Union members and applicants for membership in a union

What Organizations are Covered?
Most private employers
State and local governments (as employers)
Educational institutions (as employers)
Staffing agencies

What Types of Employment Discrimination are Illegal?
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:
• Race
• Color
• Religion
• National origin
• Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
• Age (40 and older)
• Disability
• Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
• Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:
• Discharge, firing, or lay-off
• Harassment (including unwelcome verbal or physical conduct)
• Hiring or promotion
• Assignment
• Pay (unequal wages or compensation)
• Failure to provide reasonable accommodation for a disability or a sincerely held religious belief, observance or practice
• Benefits
• Job training
• Classification
• Referral
• Obtaining or disclosing genetic information of employees
• Requesting or disclosing medical information of employees
• Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

What can you Do if You Believe Discrimination has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:
Submit an inquiry through the EEOC's public portal: <https://publicportal.eeoc.gov/Portal/Login.aspx>
Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)
Visit an EEOC field office (information at www.eeoc.gov/field-office)
E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS
The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with,

or are an employee of a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:
Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
Age
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on age, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
Retaliation
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 by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.
Protected Veteran Status
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.
Retaliation
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws.
Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately:
The Office of Federal Contract Compliance Programs (OFCCP)
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1-800-397-6251 (toll-free)
If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online at the OFCCP's Help Desk at <https://ofccphelpdesk.dol.gov/>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and an OFCCP's "Contact Us" webpage at <https://www.dol.gov/agencies/ofccp/contact>.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE
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 provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.
Individuals with Disabilities
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. 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 job.
If you believe you have been discriminated against in a program of an institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

REV. 10/20/2022

FED

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from 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 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.
If you are eligible to be reemployed, you must be restored to the job and benefits you 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
• then an employer may not deny you:
• initial employment;
• reemployment;
• 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.

HEALTH INSURANCE PROTECTION
If you leave your job to perform military service, you have the right to elect to 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., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT
• 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 <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/usaera>.
• 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 employer for violations of USERRA.
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: <https://www.dol.gov/agencies/vets/programs/usaera/poster> 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.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice • Office of Special Counsel
Employer Support of the Guard and Reserve • 1-800-336-6590

REV. 05/2022

SD

Notice to Employees: Availability of Unemployment Compensation

Employees in this establishment are covered under the South Dakota Reemployment Assistance (RA) law (formerly known as Unemployment Insurance). Benefits are available to workers who become unemployed or whose working hours are reduced to less than full time, if they are:
• Able to work,
• Available for full-time work, and
• Meet certain eligibility requirements.
Employees who voluntarily quit without good cause, are discharged or suspended for misconduct, or refuse to accept suitable work may be denied benefits.
You may file an RA claim in the first week employment ends or hours are reduced.
Employees working less than full time or who become totally unemployed, if available for work, should register for work at one of the Job Service Offices listed below. View an office directory at www.sdjobs.org.
• Aberdeen • Lake Andes • N. Sioux City • Sioux Falls • Vermillion • Yankton
• Brookings • Madison • Pierre • Sisseton • Watertown
• Huron • Mitchell • Rapid City • Spearfish • Winner
If you have questions about the status of your RA claim, you can call the Customer Service Center at 605.626.2452, email DLR.DIVISION@state.sd.us, or log in to your account and view the status under the Welcome message.

PLEASE POST THIS NOTICE IN A VISIBLE PLACE.

SOUTH DAKOTA DEPT. OF LABOR & REGULATION
REEMPLOYMENT ASSISTANCE DIVISION
420 S ROOSEVELT ST
PO BOX 4730
ABERDEEN, SD 57402-4730

REV. 05/2020

TOGETHER EVERYONE CAN SAVE MORE

BE PART OF THE SAFETY TEAM

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JAN 2023

FED

U.S. Equal Employment Opportunity Commission

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?
Employees (current and former), including managers and temporary employees
Job applicants
Union members and applicants for membership in a union

What Organizations are Covered?
Most private employers
State and local governments (as employers)
Educational institutions (as employers)
Staffing agencies

What Types of Employment Discrimination are Illegal?
Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the basis of:
• Race
• Color
• Religion
• National origin
• Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
• Age (40 and older)
• Disability
• Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)
• Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

What Employment Practices can be Challenged as Discriminatory?
All aspects of employment, including:
• Discharge, firing, or lay-off
• Harassment (including unwelcome verbal or physical conduct)
• Hiring or promotion
• Assignment
• Pay (unequal wages or compensation)
• Failure to provide reasonable accommodation for a disability or a sincerely held religious belief, observance or practice
• Benefits
• Job training
• Classification
• Referral
• Obtaining or disclosing genetic information of employees
• Requesting or disclosing medical information of employees
• Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding.

What can you Do if You Believe Discrimination has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:
Submit an inquiry through the EEOC's public portal: <https://publicportal.eeoc.gov/Portal/Login.aspx>
Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)
Visit an EEOC field office (information at www.eeoc.gov/field-office)
E-Mail info@eeoc.gov

Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS
The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with,

or are an employee of a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases:
Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
Age
Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on age, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
Retaliation
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 by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.
Protected Veteran Status
The Vietnam Era Veterans' Readjustment Assistance Act of 19