



# MidPenn Legal Services

## **KNOW YOUR EMPLOYMENT RIGHTS**

You have the right:

- To be paid for all of the hours that you work or are required to be at work.
- To be paid at least \$7.25 per hour for every hour that you work.
- To be paid “overtime” for any hours that you work over 40 in a week. Overtime is 1½ times your normal pay.
- To only have deductions taken out of your paycheck that are allowed by law, such as for health insurance, union dues, and taxes. Employers cannot deduct money from your paycheck for broken equipment or materials.
- To receive a paycheck for your last weeks of work, even if you were fired!
- To receive a pay stub each week that lists your hours worked, money earned, and deductions.
- Most people that work for a company are *employees*. Don’t let your boss call you an independent contractor to avoid paying you the minimum wage or overtime!

### **Wage Example**

If you are normally paid \$10 per hour and work 45 hours in a week, you should receive:

- \$10 per hour for the first 40 hours of work
- \$15 per hour for the last 5 hours that you work. \$15/hour is your overtime rate.

**Keep a record of all of your hours if you do not receive a pay stub from your work!**

## **Unemployment Compensation (UC)**

- UC is money for many workers who have lost their job. You must have legal status to get it.
- Qualifying for UC depends on how much you earned and how much you worked over the last 15 months
- You are generally eligible for UC if you were fired or laid off from your job, but not for willful misconduct. If you quit your job, you may not be eligible, except for certain cases.
- You must be able and available to work to get UC.
- Find out if you are eligible! File a claim by calling 717.299.7711 or by going to <http://www.uc.pa.gov>.

## **Family and Medical Leave**

- You have the right to take up to 12 weeks of unpaid leave to care for a new child, to care for a child, spouse or parent with a serious health condition, or to care for your own serious health condition.
- To qualify for this law, you must work in a business that has at least 50 workers working in the area and you must have worked for at least 12 months at the employer and for at least 1250 hours in the last year.
- You must give at least 30 days notice of your need to take leave, if possible. If an illness is sudden, you must give notice to your employer as soon as possible.

## **Discrimination – you have the right to work free of discrimination!**

---

- It is illegal for your employer to treat you differently because of your
- Race, Color, Age (if you are over 40), National Origin, Religion, Gender, Disability, Pregnancy, and Sexual Orientation (in Philadelphia only)
- This means that you cannot be fired, paid less, or be given different work because of any of these traits.
- It is illegal for your employer to allow sexual harassment at the workplace! If you are being harassed on the job, tell the harasser to stop and let a supervisor know it is happening!

If you have been discriminated against at work, you need to file a claim very quickly. Call:

- Equal Opportunity Employment Commission (must file within 300 days) – 800.669.4000
  - Pennsylvania Human Relations Commission (must file within 180 days) – 717.787.4410
- 

## **Workplace Injuries**

---

- If you are injured at the workplace, under the law it is your employer's responsibility to pay for your medical bills. This applies even for undocumented immigrants.
- If you are out of work for over one week because of a workplace injury, your employer should be paying you a portion of your salary. Consult with a workers compensation attorney if this happens to you.
- Let your employer know if you have been injured at work.
- You have the right to a healthy workplace. If there is a dangerous situation, or lack of safety equipment or training, call OSHA and they will investigate. You can file an anonymous complaint with OSHA.
- You can reach OSHA by calling: 717.782.3902

## **Organize!**

---

- You have the right to join a union without being fired. You have the right to join with your co-workers to demand better working conditions!
- If you have a problem at work, bring a co-worker when you make a complaint. The law protects you more if you complain as a group.

## **Anti-Retaliation!**

---

It is illegal for your employer to fire you or take any adverse action against you because you filed a claim under any of the laws discussed in this document!

## **Contact A Lawyer if You Need Help!**

---

MidPenn Legal Services – 800.326.9177  
Pennsylvania Lawyer Referral – 800.692.7375  
Friends of Farmworkers – 800.729.1607