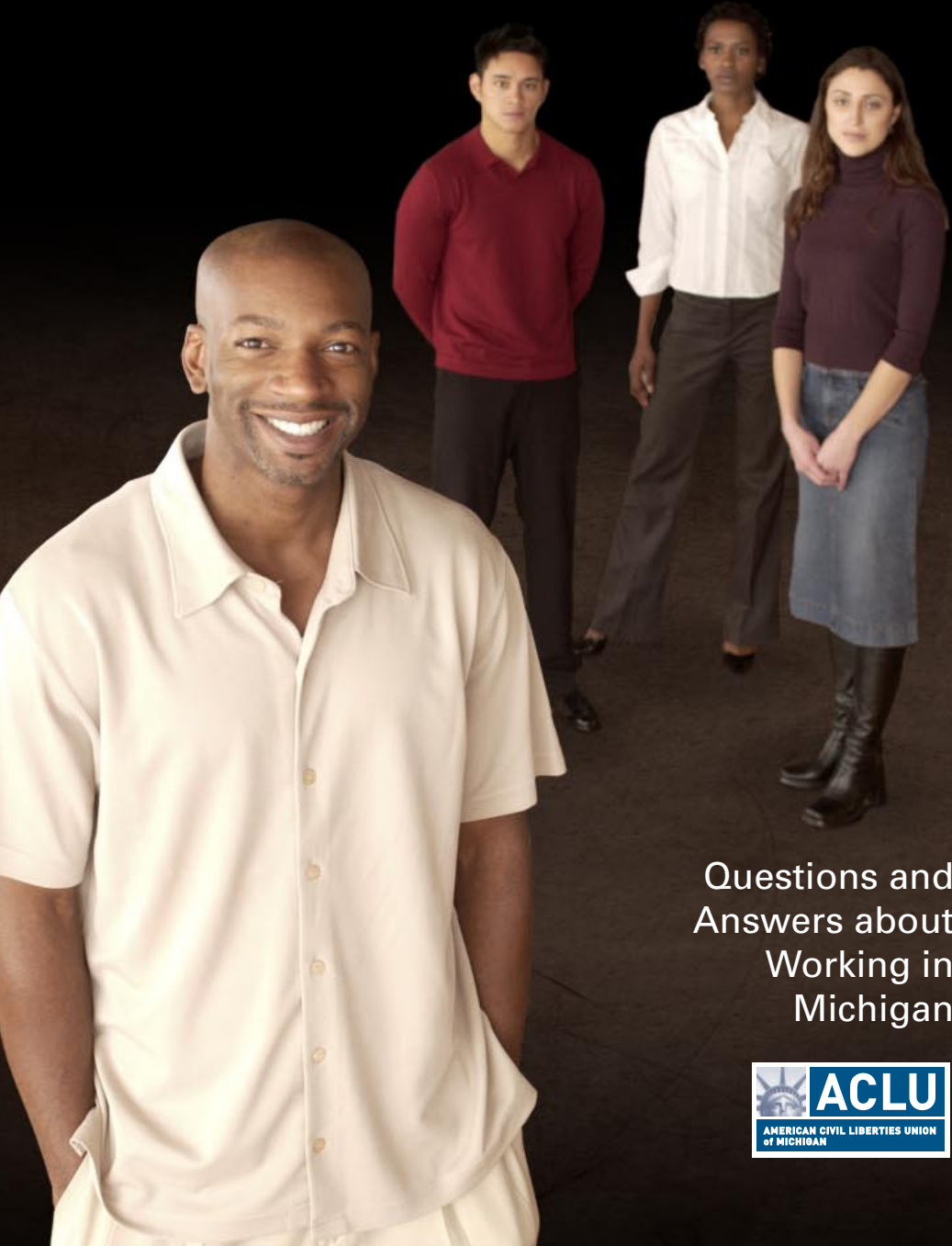


# got rights?

AT WORK



Questions and  
Answers about  
Working in  
Michigan





## **ACKNOWLEDGMENTS**

*This purpose of this manual is to provide workers with information about their rights in the workplace. Specifically, we focus on issues of privacy, discrimination, sexual harassment, and unsafe working conditions.*

*We would like to thank those who worked so diligently to research, write, and edit this manual – Roger Kerson, David Elsila, Nancy Brigham, Frank Joyce, Bill Bowles, and Wendy Wagenheim.*

*We would also like to give special thanks to the Nokomis Foundation for their support of this project. We thank the women and students who participated in the focus groups that helped determine what information we should cover in this manual. And special thanks to Kary Moss who started this project and made it happen.*

*The ACLU of Michigan created the Workplace Justice Project in 2001 in honor of the late Hy Kornbluh, a trade unionist, labor educator, and longtime ACLU member. We are grateful to Joyce Kornbluh who chose to pay tribute to her husband in this way.*

*With the help of leaders of Michigan trade unions, labor educators, attorneys, members of the clergy, and leaders of civic organizations, the Michigan ACLU Hy Kornbluh Workplace Justice Project will continue working to bring greater awareness to the public, through outreach efforts, the legislature and the courts.*

# TABLE OF CONTENTS

	Introduction	3
	Eight Things You Need to Know	4
Chapter One:	Getting Started	5
Chapter Two:	Work Permits	6
Chapter Three:	Looking for Work	7
Chapter Four:	Applying for work	9
Chapter Five:	Hours of Work	13
Chapter Six:	Your Right to a Fair Wage	16
Chapter Seven:	Health and Safety	19
Chapter Eight:	Expressing Yourself on the Job	21
Chapter Nine:	Privacy at Work	22
Chapter Ten:	Job Termination, Layoffs and Discipline	24
Chapter Eleven:	Discrimination	27
Chapter Twelve:	Sexual Harassment	28
Chapter Thirteen:	Immigration	30
Chapter Fourteen:	Unions	32
Appendix:	How Workers Form Unions and Bargain Contracts	36
	Valuable Resources	37
	What is the ACLU	39
	How the ACLU Decides to Take a Case	40



## INTRODUCTION

Are you looking for work? Starting your first job? Have a question about your pay, your benefits, or your rights in the workplace? Having troubles on the job that you don't know how to deal with?

This booklet is designed to help answer these and other questions about workplace issues. It is especially designed for young people who have recently entered the workforce, but much of the information here applies to anybody who works for a living, no matter what your age.

The booklet covers many topics of concern to young workers, and to workers in general, such as:

- how old you need to be to have a job in Michigan
- work permits
- hours of work
- wages
- health and safety on the job
- discipline and discrimination
- your right to join a union

Because a short booklet like this cannot answer all the questions you may have about your rights on the job, we have included website addresses, phone numbers of organization and government agencies, and other resources to help you gather more information.

Work can be challenging and rewarding – but also frustrating, difficult and sometimes dangerous. It's important to know that you do have rights on the job, including the right to join with your co-workers to make things better.

Here in Michigan, hundreds of thousands of workers have improved their jobs and expanded their rights in the workplace by organizing labor unions. The “Unions” section on page 32 describes your right to organize a union.

Although not every workplace has a union, every worker has rights on the job. Workers under 18 have some special protections, relating to the hours you may work and the types of work you are eligible to do. Every worker, regardless of age, has the right to be paid at least the minimum wage – or better. You also have the right to a safe workplace, and the right to be free from discrimination and sexual harassment.

This booklet will describe in greater detail your rights and the rights of your employer. If you have more questions or need additional information, use the resources described here, and feel free to contact the ACLU of Michigan at [www.aclumich.org](http://www.aclumich.org) for additional help or call (313) 578-6800.

## EIGHT THINGS YOU NEED TO KNOW ABOUT YOUR RIGHTS ON THE JOB

**1. You've got rights:** The world of work can be intimidating, and it may seem as if the boss holds all the cards. In fact, Michigan and U.S. law guarantee certain rights for all workers, including the right to a minimum wage, limits on working hours, the right to a safe workplace, and the right to join or form a union.

**2. You've got friends:** Michigan labor unions, the Michigan ACLU, and other non-profit, community and government organizations can help you if you've got a problem on the job. See the Resources section, page 37.

**3. The law is on your side – sometimes:** Thanks to the efforts of workers, unions, and concerned citizens, there are laws to address some of the problems that can happen at work – like discrimination against women and minorities, sexual harassment, and unsafe working conditions. This booklet explains how to contact government agencies, non-profit organizations, and attorneys who can help you enforce your rights under the law.

**4. Immigrant workers have rights:** Even if you were born in another country, you still have rights on the job. Many of the laws that protect workers' rights apply to all workers, regardless of where they are from, and discrimination based on race or national origin is illegal. See the section on Immigration, on page 29 for more details.

**5. Young workers have special protections:** If you're under 18, there are limits on the hours you can work and on the types of jobs you can do. These laws exist to keep you safe – and to help you stay in school.

**6. You have responsibilities:** You have legal rights that protect you while you're on the job. But you also have a responsibility to your employer – to show up on time, to do a fair day's work for a fair day's pay, and to behave respectfully towards your co-workers and to the customers or clients of your company or organization.

**7. Your employer has rights:** In most private workplaces, this includes the right to establish a dress code, for example, and the right to monitor your on-the-job activities.

**8. You can make a difference:** You might find yourself working a dirty, dangerous job for not much pay, and think: "This stinks!" But many jobs that used to be dirty and dangerous – like working in an auto factory – have become much better, because workers joined together to organize unions and improve their workplaces. You also have the right to join with your co-workers to advocate for better pay, safer working conditions, and other issues you care about.

## ONE: GETTING STARTED

**Q: How old do I have to be to get a job?**

**A:** With a few exceptions, you have to be at least 14 to have a job in Michigan.

**Q: What if I'm under 14?**

**A:** You can babysit, do some yard work, be a golf caddy or have a paper route at 11. You can also work for your parents or guardians.

At 13, you can work on a farm, planting, cultivating or harvesting crops, or raising livestock.

If you're an actor, dancer or musician, and you would like to work for a performing arts organization, you can ask the Michigan Department of Consumer and Industry Services for an exception to the 14-year old rule.



## TWO: WORK PERMITS

### Q: What is a work permit, and do I need one?

A: A work permit is a document you must give to your employer before you start work if you are under 18.

There are some exceptions: You don't need a work permit if you're under 18 and you've finished high school, or if you're 17 and have passed your GED Test. You also don't need one if you work for your parents or guardians or have a co-op job for school, or to do farm work.

If you're under 18, there are limits on what jobs you can have and how many hours you can work. You're not supposed to do hazardous jobs or work too many or late hours that get in the way of school. (See Section 7, Health and Safety, on page 19 for more information.)

A work permit has to be signed by a school official before you start working.

By giving a work permit to your employer before you're hired, it will be clear that you're under 18 and that there are restrictions on your job, such as the hours you can work and the types of work you can do.

### Q: Where do I get a work permit?

A: You can get a permit either from your employer or your school. See your guidance counselor or principal about this.

If you're 14 or 15, you need a pink form called CA-6. If you're 16 or 17, you need a yellow form, called CA-7.

If your employer or school doesn't have the forms, call the Michigan Center for Career and Technical Education at 800-292-1606.

### Q: Do I have to get a new work permit every time I get a new job?

A: Yes. You need a work permit for every job you have as long as you're under 18.



## THREE: LOOKING FOR WORK

**Q:** I need a job, but I don't know where to start. Who should I talk to?

**A:** Start out with the people you know best.

- your parents, friends and relatives might know about openings where they work.
- people you've worked for before, doing babysitting, yard work, shoveling snow, or delivering papers. Ask if you can use them as a reference.

**Q:** Where else should I look for a job?

**A:** Check the classified advertisements in local newspapers or on the Internet (be sure to narrow your search to your local area).

Your local public library has job search resources. They can help you with Internet classifieds and other information sources.

Ask stores and businesses in your neighborhood if they are hiring.

The State of Michigan also operates employment centers which list job opportunities as well as training and education activities. For information on the web, go to: [http://www.michigan.gov/emi/0,1303,7-102-111\\_123--,00.html](http://www.michigan.gov/emi/0,1303,7-102-111_123--,00.html)

Some unions co-sponsor apprenticeship and pre-application programs to help young workers learn a trade. Contact the Michigan AFL-CIO to find local unions in your area for more information. [www.miaflcio.org](http://www.miaflcio.org) or (517) 487-5966.

**Q:** What is a "reference" and who can I list on an application?

**A:** A reference is anyone who knows you well and who would be willing to recommend you to an employer. You can list teachers, guidance counselors, coaches, clergy, friends, your friends' parents, or even your own parents.

If you've never worked before, you won't have work references. That's why it's OK to list people who know you well, even if you've never worked for them.

Most employers check references, so making one up is a bad idea. If you get caught, you won't get the job or you could get fired. Lying on a job application is considered a very serious offense by most employers.

**Q: How can I recognize and avoid “job scams”?**

**A:** When you start looking for work, you may receive e-mail, phone calls or letters from companies that promise employment opportunities. Or you may see ads promising travel and high wages – these often involve selling things door to door, possibly in other states. Be cautious of companies that contact you offering to find you a job, especially if you didn’t contact them first. Make sure they are legitimate and have really been hired by the employer to fill job openings.

Don’t pay a fee upfront. Most legitimate employment agencies don’t charge unless they actually get you a job, and often it’s the employer who pays for this service – not you.

Know exactly what services are being offered. An employment agency may not actually have openings, and service limited to advice or help in writing a resume.

If you need advice about an Internet or online solicitation, or you want to report a possible scam, contact the National Consumer League’s National Fraud Information Center at [www.fraud.org](http://www.fraud.org), or call toll free 1-800-876-7060.



## FOUR: APPLYING FOR WORK

### Q: What can the employer ask me on an application or during the interview?

A: An employer can ask questions about your education, what work you've done and why you're qualified for the job. They will also ask where you live, your phone number and other contact information.

### Q: Do I have to answer anything he or she asks?

You should answer all questions on an application or during an interview, unless you think a question is illegal or discriminatory. For example, an employer can't ask about your religion or about a medical problem that won't interfere with your job.

The Michigan Department of Civil Rights has a publication that lists lawful and unlawful pre-employment questions on its website at [http://www.michigan.gov/documents/pre-employment\\_inquiry\\_guide\\_13019\\_7.pdf](http://www.michigan.gov/documents/pre-employment_inquiry_guide_13019_7.pdf).

### Q: Can an employer make me take a drug test?

A: You can ask the employer if every one applying for the same job has to take the test. If that's the case, you would also have to take a drug test.

### Q: Can they ask me if I use drugs?

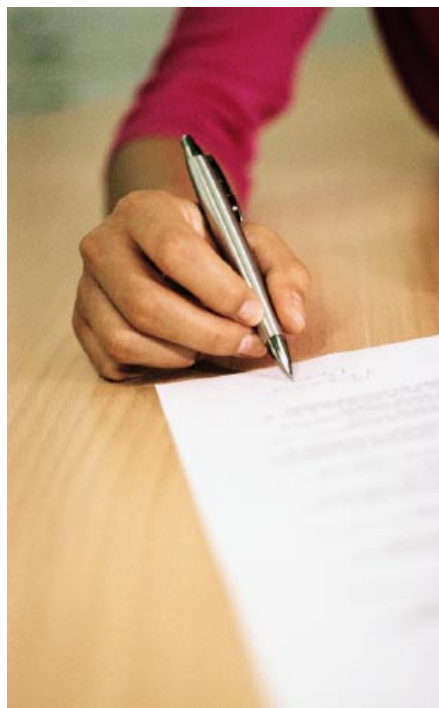
A: Yes, but an employer can't ask you if you are or have been "addicted" to drugs. Addiction is considered a disability, and it is illegal to discriminate against someone who is disabled.

### Q: Can an employer ask if I drink alcohol?

A: Yes, but they can't ask how often you drink or whether you're "addicted." Even if an employer finds out you have an alcoholism problem from a "personality" test or from someone who knows you, it's not legal to use this information against you when deciding whether or not to hire you.

### Q: Do I have to take a medical exam when I apply for a job?

A: No. But you can be required to take a pre-employment medical exam after you've been offered a job, before you start work. This type of exam would be more comprehensive than just a drug test. It can be required only if the employer requires everyone to take it.



## Pre-Employment Inquiry Guide

SUBJECT	LAWFUL PRE-EMPLOYMENT INQUIRIES	UNLAWFUL PRE-EMPLOYMENT INQUIRIES
NAME:	<p>Applicant's full name.</p> <p>Have you ever worked for this company under a different name?</p> <p>Is any additional information relative to a different name necessary to check work record? If yes, explain.</p>	<p>Original name of an applicant whose name has been changed by court order or otherwise.</p> <p>Applicant's maiden name.</p>
ADDRESS OR DURATION OF RESIDENCE:	How long a resident of this state or city?	
BIRTHPLACE:		<p>Birthplace of applicant.</p> <p>Birthplace of applicant's parents, spouse or other close relatives.</p> <p>Requirement that applicant submit birth certificate, naturalization or baptismal record, unless as part of I-9 form.</p>
AGE:	*Are you 18 years old or older?	How old are you? What is your date of birth?
Religion or creed:		Inquiry into an applicant's religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed.
Race or color:		Complexion or color of skin.
Photograph:		Any requirement for a photograph prior to hire.
Height:		Inquiry regarding applicant's height.
Weight:		Inquiry regarding applicant's weight.
Marital status:	Is your spouse employed by the employer?	Requirement that an applicant provide any information regarding marital status or children. Are you single or married? Is your spouse employed? What is your spouse's name?
Sex:		<p>Mr., Miss or Mrs. Or an inquiry regarding sex. Inquiry as to the ability to reproduce or advocacy of any form of birth control.</p> <p>Requirement that women be given pelvic examinations.</p>
Disability:	Can you perform the essential duties of the job in which you wish to be employed, with or without accommodation?	Inquiries regarding an individual's physical or mental condition which are not directly related to the requirements of a specific job and which are used as a factor in making employment decisions in a way which is contrary to the provisions or purposes of the Persons with Disabilities Civil Rights Act.

SUBJECT	LAWFUL PRE-EMPLOYMENT INQUIRIES	UNLAWFUL PRE-EMPLOYMENT INQUIRIES
Citizenship:	<p>If not a citizen of the United States, does applicant intend to become a citizen of the United States?</p> <p>If you are not a United States citizen, have you the legal right to remain permanently in the United States? Do you intend to remain permanently in the United States?</p> <p>(To avoid discrimination based on national origin, the questions above should be asked after the individual has been hired, even if it related to the Federal I-9 process.)</p>	<p>(Questions below are unlawful unless asked as part of the Federal I-9 process.)</p> <p>Of what country are you a citizen?</p> <p>Whether an applicant is naturalized or a native-born citizen; the date when the applicant acquired citizenship. Requirement that an applicant produce naturalization papers or first papers.</p> <p>Whether applicant's parents or spouse are naturalized or a native-born citizens; the date when such parent or spouse acquired citizenship.</p>
National origin:	Inquiry into languages applicant speaks and writes fluently	<p>Inquiry into applicant's (a) lineage; (b) ancestry; (c) national origin; (d) descent; (e) parentage, or nationality, unless pursuant to the Federal I-9 process.</p> <p>Nationality of applicant's parents or spouse.</p> <p>Inquiry into how applicant acquired ability to read, write or speak a foreign language.</p>
Education:	Inquiry into the academic, vocational or professional education of an applicant and the public and private schools attended.	
Experience:	Inquiry into work experience.	
Arrests:	<p>Have you ever been convicted of a crime?</p> <p>Are there any felony charges pending against you?</p>	Inquiry regarding misdemeanor arrests which did not result in conviction. (Except for law enforcement agencies.)
Relatives:	Names of applicant's relatives already employed by this company.	Address of any relative of applicant, other than address (within the United States) of applicant's father and mother, husband or wife and minor dependent children.
Notice in case of emergency:	Name and address of person to be notified in case of accident or emergency.	Name and address of nearest relative to be notified in case of accident or emergency.
Organizations:	Inquiry into the organizations of which an applicant is a member excluding names or characters which indicate the race, color, religion, national origin or ancestry of its members.	List all clubs, societies and lodges to which you belong.

\*This question may be asked only for the purpose of determining whether applicants are of legal age for employment.

\*\*This information is made available by the Michigan Department of Civil Rights (<http://www.michigan.gov/mdcr>)

**Q: Can I be required to take a lie detector test when applying for a job?**

**A: No.**

**Q: Can I be fingerprinted to get a job?**

**A: Most employers don't fingerprint, but the law does allow it for government jobs, hospitals, medical schools and brokerage houses.**

**Q: Do I have to give my employer my Social Security number?**

**A: Yes. An employer needs this information for tax and income reporting purposes.**

If you don't know your number, or don't have one, you can call 1-800-772-1213 or go to [www.socialsecurity.gov](http://www.socialsecurity.gov). There is an online form you can fill out to get your Social Security number, and a link to help you find the nearest Social Security office.

**Q: A bunch of people applied for work at a store near me. They hired only the boys and none of the girls. Isn't this illegal?**

**A: It is illegal under Michigan and federal law to discriminate based on gender, race, ethnicity, age, religion, marital status, height, weight, family status, arrest record or disability.**

There certainly may be a problem if only applicants of one gender are hired, but whether or not a specific hiring decision is illegal depends on the facts and circumstances of the case.

If you feel you were discriminated against in a hiring or employment decision, you can contact the Michigan Department of Civil Rights: [www.michigan.gov/mdcr](http://www.michigan.gov/mdcr) or 1-800-482-3604 or the U.S. Equal Employment Opportunity Commission (EEOC): [www.eeoc.gov](http://www.eeoc.gov) or 1-800-669-4000.

These government agencies are responsible for enforcing anti-discrimination laws. They will investigate your complaint at no cost to you.

You may also wish to contact an attorney. The Michigan Bar Association at [www.michbar.org](http://www.michbar.org) or 1-800-968-0738 can help refer you to an attorney in your community who specializes in discrimination cases. Lawyers who are referred through the Michigan Bar Association have agreed to charge no more than \$20 for an initial half-hour legal consultation.

## FIVE: HOURS OF WORK

**Q: Can my boss make me work 10 hours a day, 6 days a week?**

**A:** Yes, if you're 18 or over. But not if you're under 18. Also, if there is a union contract where you work, it may include provisions which limit the number of hours and days you have to work.

**Q: What hours can I work?**

**A:** If you're under 18:

- You can't work more than six days a week.
- You can't work more than ten hours a day. And, in a week, you're not allowed to work an average of more than 8 hours a day. In other words, if you work ten hours one day, you have to work fewer hours on other days.
- Curfew: The law is different depending on your age and if you're in school.

16 or younger: You can't work past 9 p.m. or before 7 a.m.

17: You can't work after 10:30 p.m. or before 6 a.m.

The rules are different for students during week-ends and school vacation. 16 and 17 year-olds can work until 11:30 p.m. on Fridays and Saturdays.

- Your employer can't require you to work a cash register alone after dark or after 8 p.m., whichever is earlier.
- 48-hour rule: If you're under 18, your combined weekly work and school schedule cannot add up to more than 48 hours.

**Q: Why can't I work more hours?**

**A:** The law prohibits excessive working hours for high school students for an important reason: If you try to hold down a job working 20, 30, or 40 hours a week, it's likely to interfere with your schoolwork.

The statistics are very clear: In the long run, people who graduate high school earn more money than people who don't. And people who graduate college earn more money than people who have only a high school diploma.

An extra few hours on your time card might seem worth a lot now. But if work interferes with your education, it's probably not worth it in the long run.

### ***How many hours can you work?***

*Let's say you're in school six hours per day, Monday through Friday: That's six hours per day, times five days per week, or 30 hours:*

*48 hours, maximum school + work schedule*

*- 30 hours school*

*18 hours maximum work schedule*

*Call your school to find out the number of hours the school reports it is in session.*

**Q: What can I do if my employer asks me to work more hours?**

A: Your employer may try to ignore the 48-hour limit for a combined work-school schedule. You have a right to refuse excess work during the school year, and you might be surprised to find that your boss will respect you if you're serious about your schoolwork.

You can ask your parents, a teacher or school counselor to help you figure out what to say to your boss about this. You can even ask one of them to come with you. And there's always strength in numbers: If any of your co-workers have the same problem, it might help to talk to the employer together.

If your employer insists on making you work extra hours, you can report violations to the Michigan Department of Labor and Economic Growth, Wages and Hours Division at [www.michigan.gov/cis](http://www.michigan.gov/cis), or call them at: 517-322-1825.

**Q: What is overtime pay? When do I get it?**

A: Overtime pay is extra money you receive when you are required to work extra-long hours. There are basically two kinds of overtime pay:

Legal overtime, equal to 1 ½ times your regular pay, is "generally required... for hours worked in excess of 40 hours in a workweek," according to the U.S. Department of Labor, which administers the Fair Labor Standards Act (FLSA).

Legal overtime is not required if you work more than eight hours in a day – only if you work more than 40 hours in a week. And you are not automatically entitled to overtime for work on Saturdays, Sundays, or holidays.

In addition, some kinds of workers, such as supervisory employees or those working on commission, are exempt from overtime coverage. Visit [www.dol.gov/esa/regs/compliance/whd/hrg.htm#8](http://www.dol.gov/esa/regs/compliance/whd/hrg.htm#8) to find out if you are eligible for overtime.

If you do qualify, and your employer required you to work 45 hours in a single week, you would receive time-and-a-half for the extra five hours. So if your normal wage is \$10 an hour, you would receive 40 hours of pay at \$10 an hour, plus five hours of overtime pay at \$15 an hour.

Contractual overtime only applies if there is a union where you work. Depending on what the contract says, you may be entitled to overtime pay beyond what is required by law. For example, many union contracts



provide for 1 ½ times your regular pay if you work more than eight hours a day, or twice your regular pay for work on Sundays.

If you are not sure whether there is a union at your workplace, ask your co-workers.

**Q: I worked more than 40 hours but I didn't get any overtime pay. What should I do?**

**A:** Ask your supervisor to get your paycheck corrected. Your employer should do this as soon as possible – they have no right to hold on to your money. If your employer won't fix the problem, you can report them to the Michigan Department of Labor and Economic Growth at [www.michigan.gov/cis](http://www.michigan.gov/cis) or 1-800- 866-4674, or the US Department of Labor at [www.dol.gov](http://www.dol.gov) or 1-866-4-DOL-USA.

You also have the right to contact an attorney to sue your employer for the overtime pay you're owed. The Michigan Bar Association at [www.michbar.org](http://www.michbar.org) can help you locate an attorney. If you win your case, your employer may be required to pay your attorney's fees.

**Q: How long do I have to work before I get a break?**

**A:** If you're under 18, employers have to give you a half-hour break after five hours of work. If you're over 18, you can ask for a break period, but your employer doesn't have to give you one.

Break periods and relief time are a common feature of negotiated union contracts. If you and your co-workers have a contract, which requires breaks, your employer has to allow them.



## SIX: YOUR RIGHT TO A FAIR WAGE

### Q: How much should I get paid?

A: You have a right to earn a fair day's wage for a fair day's work. But "fairness" is often in the eye of the beholder.

In a non-union workplace, the employer has the right to decide how much you will get paid as long as it's at least the legal minimum wage. If there is a union where you work, wages are subject to negotiation between workers and management, which is one reason that union workers earn, on average, 25% more than non-union workers.

In any case, federal law requires that you receive at least a minimum wage. Some of cities and local governments in Michigan have passed "Living Wage" laws, which require higher pay for certain workers. (See chart at right.)

### Q: What is the minimum wage?

A: The federal minimum wage is \$5.15 an hour. However, some jobs are not covered. If you get tips on the job like waiting tables in a restaurant, the minimum wage is \$2.13 per hour plus tips, as long as it adds up to \$5.15 an hour.

If your tips and your hourly wage are less than \$5.15 an hour, then your employer must make up the difference. Some factory or production jobs pay by how many pieces you produce, instead of by the hour. But even if you are paid by the piece, your hourly average must equal at least \$5.15 an hour.

### Q: Who decides what the minimum wage is?

A: The federal minimum wage is set by the U.S. Congress in Washington, DC. State governments can set a higher minimum, but not a lower one. Michigan does not have a higher minimum wage, so the federal minimum of \$5.15 an hour applies here.

### Q: When was the last time the minimum wage was increased?

A: Congress raised the minimum to \$5.15 in September 1, 1997. There have been efforts to increase it since then, to keep pace with rising prices, but they have not been successful.

If you have an opinion about the minimum wage, you can contact your U.S. Senator or U.S. Representative at [www.house.gov](http://www.house.gov) or [www.senate.gov](http://www.senate.gov).

**Q: What is a “living wage”?**

**A:** In the absence of federal or state action to increase the minimum wage, some cities and counties have taken action to increase wages for low-wage workers. Living wage laws usually apply only to city or county employees, or to those who work for companies that have contracts with the government.

Sixteen city, county and local governments in Michigan have passed living wage ordinances. (See box below for a full list.) These laws usually require a living wage of \$8 to \$9 an hour, or more if the employer does not pay health benefits.

The Living Wage Resource Center at <http://livingwagecampaign.org/victories.php> features a list of cities in Michigan (and elsewhere) with living wage laws. You can also call the Center at: 617-740-9500.

**Q: I work for a custodial company with a contract to clean City Hall. Am I covered by a living wage law?**

**A:** Only if the city where you are working has passed a living wage ordinance. Contact the mayor or a city councilperson to find out.

If there is no living wage ordinance in your community, and you think there should be one, contact the Living Wage Resource Center to find out how to start a campaign in your area.

<b>MICHIGAN LIVING WAGE LAWS</b>			
<b><i>Cities</i></b>	<b><i>Counties</i></b>	<b><i>Commissions</i></b>	<b><i>Townships</i></b>
Ann Arbor	Ingham	Washtenaw County	Pittsfield
Detroit	Monroe	Road Commission	Ypsilanti
Eastpointe	Washtenaw		
Ferndale			
Hazel Park			
Lansing			
Southfield			
Taylor			
Ypsilanti			
Warren			

*As of February, 2004*

**Q: Can my employer pay me less because I'm young?**

**A:** If you're under 20, an employer can pay a "youth minimum wage" during your first 90 days on the job. However, it can't be less than \$4.25 an hour. After that, your pay must increase to the full minimum wage of \$5.15 an hour.

**Q: How often should I get a paycheck?**

**A:** You should be paid regularly. An employer can pay weekly, every two weeks, or monthly. Ask about this when you start a job. If you quit or are fired you must be paid on the regular payday following your last day of work.

**Q: I worked 40 hours and my pay is \$6 an hour, so I should get \$240. But my actual paycheck is for a lot less. How come?**

Your employer is required to deduct certain amounts from your paycheck, such as federal, state and local taxes. Your taxes go for important public services such as roads, schools, police and fire protection and the military.

Social Security and Medicare payments are also deducted from your check. This money goes into the Social Security system, which will give you benefits in case you become disabled, and a pension and health care coverage when you retire.

**Q: Can I get paid if I call in sick?**

**A:** Not by law, but most employers allow a few days of sick leave each year without penalty. You might not get paid for the time you take off, and your employer can fire you if you're absent from work more than the sick days or other time off an employer allows. If you're sick for a long time, you should talk to your employer.

Many union contracts guarantee sick leave for union workers.

## SEVEN: HEALTH AND SAFETY

### ***Your right to a safe workplace***

**Q: Do I have a legal right to a safe work place?**

**A:** Yes. The government's Occupational Safety and Health Administration (OSHA) requires employers to make sure that there are no serious recognized hazards in a workplace.

**Q: How can I tell if my workplace is dangerous?**

**A:** Some hazards are pretty obvious—a wobbly ladder, a machine without safety guards, a sparking electric cord. But sometimes things, like workplace chemicals, aren't so obvious. Employers have to tell you about health effects, what they're doing to protect you and train you to protect yourself from dangers in the workplace. You should be told all of this when you start a job and once a year after that.

**Q: If I'm under 18, am I allowed to use the slicing machine in a grocery store meat counter?**

**A:** No. Workers under 18 are barred by law from using many power-operated devices, including machines like food-slicers or mixers. (See list below.)

**Q: Can I lose my job if I refuse to use dangerous machinery?**

**A:** It's illegal for an employer to take advantage of young, untrained, or inexperienced workers by forcing them to do dangerous work. If you are fired for that reason, you may want to contact an attorney.

**Q: If I see someone doing unsafe work – like working on a power machine without safety guards – is there anything I can do?**

**A:** Yes. Report problems to the health-and-safety committee if there is one in your workplace, or to a union representative. Keep a record of any problems you see. You can also call OSHA (800-321-OSHA) or the Michigan Occupational Safety and Health Administration, (800) 866-4674 ([www.mich.gov/miosha](http://www.mich.gov/miosha)).

**Q: Can I get in trouble if I complain about workplace hazards?**

**A:** It's illegal for your employer to fire you or punish you for reporting a workplace problem.

*Too many young workers are being killed or injured on the job. According to the Detroit Free Press (June 2, 2003), about 70 teenagers die every year from injuries sustained on the job, and another 77,000 visit hospital emergency rooms because of work-related injuries. You have rights, but you have to act to make sure your rights are respected.*

**Q: Can I refuse to do a job that I think is unsafe?**

**A: Yes.** You have the right to refuse to do a job if you really believe you are in danger. But you don't have the right to walk off the job. Call 800-321-OSHA immediately to report a situation that is likely to be dangerous.

## **MICHIGAN LAW SAYS THESE JOBS ARE TOO DANGEROUS FOR MINORS**

### ***Michigan law says that if you're under 18, you may not work:***

- Driving a vehicle (such as pizza delivery) or as an outside helper on a vehicle.
- On construction site jobs involving construction, excavation, street, highway, bridge construction or demolition. (16- and 17-year-olds may work on certain construction jobs under specially approved conditions.)
- Using lead paint, lead solder, varnish, or hazardous cleaners and solvents.
- Doing animal slaughtering, butchering, and meat cutting.
- Operating elevators, hoisting equipment, and power industrial trucks.
- Using power-driven equipment, tools, and machinery (for example, power saws).

### ***If you're under 16, you may not work in jobs:***

- Using ladders, scaffolding, or their substitutes, or operating power lawnmowers.
- Involving brazing, welding, soldering, heat-treating, ore reduction, and casting

### ***Teenagers and businesses that sell alcohol:***

- Teenagers may work in a business where alcoholic beverages are sold or consumed if the sale of food or other goods is at least 50 percent of the total gross receipts.
- 14 and 15-year-olds cannot work in the part of the business where alcohol is consumed.
- If you're under 18, you cannot sell, or serve alcoholic beverages.

***Minors must be supervised at all times by a person who is at least 18 years of age.***

## EIGHT: EXPRESSING YOURSELF ON THE JOB

**Q: Can I wear whatever I want to work?**

**A:** No. Your employer may have a dress code, and you'll be expected to follow it. Your employer can also tell you to get a haircut. If you work for a private employer, he or she may also prohibit you from wearing political t-shirts or buttons, or religious symbols like crosses, stars of David, or pentagrams.

**Q: What about piercings? Do I have to take out my earring or nose ring when I go to work?**

**A:** Yes, if your employer asks you to. As noted above, your employer has a right to establish a dress code.

**Q: I wear a head scarf because of my religious beliefs when I'm in public. Can my employer tell me to take it off?**

**A:** If you work in a government job, your religious rights must be respected. Public employers, including the federal, state and local governments, are restricted by the First Amendment to the U.S. Constitution, which prevents the government from interfering with freedom of religion.

But the First Amendment doesn't apply to private businesses. So if you work for a private employer, you have no legal protection to express religious beliefs at work. You can talk to your employer to explain your beliefs, but there are no guarantees.

As in other situations, you may have more success if a group of you share your concerns with your employer, instead of just one person. And religious protection, like other employee concerns, can be the subject of a union contract.



## NINE: PRIVACY AT WORK

**Q: Can my boss spy on me by using a video camera at work?**

**A:** Yes, but not in the bathroom or in a changing room or locker room where people dress or undress. Outside of those areas, however, it is legal for an employer to use a hidden camera to monitor your activities.

*New York City postal workers discovered that management had put video cameras in bathroom stalls. Women workers at a department store found a hidden video camera in a changing room, and waiters in a hotel were secretly videotaped in their locker room. All of that is illegal.*

**Q: Can an employer read my e-mails and listen to my phone conversations?**

**A:** Unless you have a union contract that says otherwise, your employer can watch you on cameras, read your e-mail, look at your personal computer files, and eavesdrop on your phone calls. Even though it can take several minutes for a boss to determine whether a conversation is personal or job-related, it is legal for an employer to listen in on phone calls.

**Q: Why do employers want to do this?**

**A:** Employers say they monitor workers to make sure work is done properly and to prevent theft.

**Q: Can I be physically searched?**

**A:** Private employers may search a desk, handbag or pocket, or take your picture when you leave work. But employers may not discriminate by searching the handbags of women but not men.

Only public employers, covered by the Fourth Amendment to the U.S. Constitution, are restricted from making “unreasonable” workplace searches and seizures. This would include searches of locked desks or drawers.





**Q: Can I see my employment files?**

**A:** Yes. Under the Bullard-Plawecki Employee Right-To-Know Act, you have the right to review your personnel file. It's important to do that because an employer can give creditors, landlords, and insurance agencies access to your files.

**Q: Do I have to take a lie-detector test?**

**A:** As discussed earlier (see p. 12), you do not have to take a lie detector test when applying for a job. Once you do have a job, however, your boss may require a lie-detector test, but only under very narrow circumstances. Check with an attorney before agreeing to take the test.

*It is estimated that more than 20 million workers are subject to computer monitoring. And employers eavesdrop on 400 million telephone calls a year.*

If you have to take a lie-detector test, only a licensed examiner can give it, and you must get a list of all questions in writing ahead of time. Questions about religious, racial, political, sexual, or lawful activities of unions may not be asked.

## TEN: JOB TERMINATION, LAYOFFS, AND DISCIPLINE

**Q:** How do I know if I've been fired unfairly?

**A:** Unless there is a union contract where you work, you are probably an "employee-at-will." This means an employer can fire you for just about any reason.

But if there is a union in your workplace, the contract negotiated between you and your employer will typically include a grievance procedure which allows you to file a complaint if you feel you have been fired unfairly.

In the absence of a union contract, the law does not usually protect a worker from unfair firing. But there are some exceptions:

- You can't be fired because of your race, gender, religion or similar factors.
- You can't be legally fired for refusing to do something illegal (like a bartender refusing to serve beer to an underage customer) or telling someone if your employer has done something illegal (this is called "whistleblowing").
- You can't be fired if the employer is just trying to avoid paying you what you are owed.

**Q:** What can I do if I have been fired unfairly?

**A:** If you think that your boss is firing you without a good reason, you may want to see a lawyer. If you belong to a union, you often have the right to file a grievance or complaint against your employer, asking for your job back. You also may have certain rights to appeal or arbitrate your firing under the rules of an employee handbook. But unfortunately the law doesn't cover every unfair firing.



**Q: Can I be fired or disciplined for trying to organize a union?**

**A:** No. Your boss is breaking the law if he or she tried to fire or discipline you and other workers for trying to organize a union.

You have the right to attend union meetings, read and distribute union literature in non-work areas on breaks or lunch hours, wear union buttons or T-shirts, sign a card asking your employer to recognize and bargain with a union, or sign petitions.

These are considered “concerted activities” and are protected by law. If your employer harasses you or discriminates against you for any of these activities, you can get help from the union, and the government agency which supervises labor relations for your type of employer. Even if the boss says you’ve been fired for some other reason, if you think your union activity is the real reason, you might be protected. Contact the National Labor Relations Board at [www.nlrb.com](http://www.nlrb.com) or (313) 226-3200 or, for public employees, the michigan employment relations commission (313-456-3510) for more information or see “Unions” section on page 32 for more information.

**Q: My boss says I’ve been coming in late to work and I have to go to his office tomorrow for a “verbal warning”? Can I have someone come with me?**

**A:** Usually. Union employees have the right to ask for a representative or co-worker to be with them if they are called into a meeting with a supervisor where the employee thinks that discipline or firing is likely to happen.



**Q: I was laid off. Am I entitled to unemployment compensation?**

A: To receive unemployment compensation in Michigan, you must:

- 1) Have been laid off involuntarily
- 2) Be ready, available, and willing to work.
- 3) Have worked a certain number of weeks and earned a certain amount of wages during the past twelve months. (the amount is set by law).

To find out if you qualify, contact the Michigan Unemployment Insurance Agency at [www.michigan.gov/uia](http://www.michigan.gov/uia) or 1-800-638-3995.

If you are eligible for benefits, you can file a claim by phone at 1-866-500-0017, or on the agency's website.

**Q: Can I quit my job and still collect unemployment?**

A: Not usually. But there are some times when an employee quits and it was the employer's fault. When an employee quits "with good cause attributable to the employer" the employee is usually entitled to unemployment compensation. For example, if an employee is being sexually harassed and quits the employee should be entitled to unemployment compensation.

**Q: My boss says I was laid off "for cause" so I won't get unemployment. What does that mean?**

A: You may not be entitled to unemployment compensation if you were guilty of serious workplace misconduct. For example, if you were caught stealing from your workplace, you would not be eligible for benefits. However, you may be entitled to unemployment compensation if you did your best on the job but were still not able to meet the employer's needs and the employer fired you for that reason.

You do not have to agree with an employer's decision. You have the right to ask for benefits and have your side of the story heard by a hearing officer. The hearing officer will decide whether you are entitled to benefits. You do not need a lawyer to have a hearing and are also entitled to the assistance of a specially trained "advocate" to help you at the hearing. Contact the Michigan Unemployment Insurance Agency, as noted above, for more information.

## ELEVEN: DISCRIMINATION

### Q: What is job discrimination?

A: Discrimination is treating one person differently than another based on factors unrelated to your ability to do the job. It is illegal in many circumstances to discriminate between persons based on their religion, race, color, national origin, age, sex, marital status, height, weight, arrest record, family status or disability.

### Q: Can I get paid less money than another worker doing the same job?

A: Yes. Employers can pay workers differently based on your experience, or how long you've worked on a particular job. Without a union, the employer has the right to pay some workers more or less than another.

But an employer cannot pay you less based on your religion, race, color, national origin, age, sex, marital status, height, weight, arrest record, family status or disability.

Employers may not refuse to hire or promote a woman because she is pregnant, for example. It would also be illegal to question a female job applicant about her prior pregnancies, child care arrangements, marital status, or other questions that are not asked of male job applicants.

*Michigan's civil rights law, the Elliott Larsen Civil Rights Act, prohibits discrimination against any person based on religion, race, color, national origin, age, sex, marital status, height, weight, arrest record, family status or disability.*

### Q: Can my employer require me to speak only English on the job?

A: No. Employers can't have a blanket "English Only" rule, but can require all employees to speak English at their desks, even among themselves. This isn't true on personal time, like during lunch or on breaks. If an employer has an "English Only" rule, it must be for all ethnic groups.

### Q: Can an employer fire a woman because she is pregnant?

A: No. It is discrimination if an employer fires a woman because she is pregnant. Employers must treat pregnant women the same as non-pregnant employees with similar abilities.

For example, a restaurant owner who makes a pregnant waitress take a position as a cashier, but who does not make other employees with similar abilities work as cashiers, discriminates based on gender. A cleaning agency that does not permit pregnant women to take time off for medical reasons, but does permit other employees to take medical leave is discriminating against pregnant women.

## TWELVE: SEXUAL HARASSMENT

**Q: Is sexual harassment considered discrimination?**

**A:** Yes. Discrimination because of sex includes sexual harassment. Both men and women can be victims or perpetrators of sexual harassment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:

- If agreeing to a sexual favor is a term or condition of getting a job;
- If agreeing or not agreeing to an unwelcome sexual advance affects a decision in giving you employment.
- If the unwelcome sexual advance interferes with your employment or creates a hostile work environment.

**Q: What should I do if a co-worker is overly friendly in a sexual way or makes me uncomfortable?**

**A:** Be direct. Warn him or her that you're going to complain if he or she doesn't leave you alone. Take notes. Carry around a piece of paper and every time something happens, write it down.

**Q: I told my boss that one of my co-workers is hassling me. He said, "That's your problem."**

**A:** Your boss is wrong – it's his problem too. Your employer has a legal responsibility to provide a work environment is free of sexual harassment.

If your immediate supervisor will not take action about your complaints, contact the manager of the plant or office where you work. You can also file a complaint with the U.S. or Michigan government agencies which are charged with preventing discrimination, because sexual harassment is a form of discrimination.

Michigan Department of Civil Rights: [www.michigan.gov/mdcr](http://www.michigan.gov/mdcr) or 1-800-482-3604;

U.S. Equal Employment Opportunity Commission (EEOC): [www.eeoc.gov](http://www.eeoc.gov) or 1-800-669-4000.

**Q: What if the person bothering me IS my boss?**

**A:** A boss who harasses you could get in even more trouble than a co-worker. It's a clear abuse of authority, and it's illegal.

You have to tell your boss, clearly and directly, that you believe you are being harassed and you want this behavior to stop. If that does not help, then you must inform your boss' supervisor about the harassment. It's a good idea to take clear notes of what you said to your boss and when you reported it.

If there is a union at your workplace, you can file a grievance, or complaint, about the harassment. Even if you don't have a union, you can get help from your co-workers. Tell someone you trust what happened and when, and ask them to back you up if you have to complain.

You can also report the problem to the government agencies noted above, or hire a lawyer and take the case to court

**Q: Is it my word against his/hers?**

A: Co-workers may be able to help you avoid being alone with the boss or add their complaints to yours, which can strengthen your case.

**Q: If I'm harassed by someone of the same sex, is that considered sexual harassment?**

A: Yes. On-the-job sexual harassment can apply even when the target and harasser are the same sex. Harmless horseplay between two males or two females would not be unlawful, but a threatened sexual assault would be.

**Q: Can I be disciplined or fired for complaining about discrimination?**

A: If nothing is done to change the situation, or if you get punished or fired for speaking up, you can file a complaint with the Equal Employment Opportunity Commission ([www.eeoc.gov](http://www.eeoc.gov) or 1-800-669-4000.) For a complaint based on federal law, you must file with the EEOC within 300 days of the date you of when you've been discriminated against.

Under state law, you must file a complaint with the Michigan Department of Civil Rights within 180 days of the discriminatory action. For the MDCR office closest to you, visit [www.mdcr.gov](http://www.mdcr.gov) or call 1-800-482-3604.

You can also talk to an employment discrimination lawyer for more help. You can contact the Michigan Bar Association ([www.michbar.gov](http://www.michbar.gov) or 1-800-968-0738.)

## THIRTEEN: IMMIGRATION

**Q: I was born in the U.S., but my parents are immigrants and don't have legal papers. Can I apply for a job?**

**A:** All persons born in the United States are citizens. If you have a birth certificate or other proof that you were born in the U.S., you have all the rights that other citizens do.

**Q: What if I am not a U.S. citizen. Can I still work in the U.S.?**

**A:** Yes, but you will need special documentation to prove you have the right to work. Lawful Permanent Residents ("green card" holders) and persons granted Refugee or Asylum status have the right to be employed in the U.S. with almost all the same rights as U.S. citizens. In this case, you do NOT need a special work permit beyond documentation verifying such status.

**Q: Can an employer refuse to hire me if I wasn't born in the U.S.?**

**A:** If you are a lawful permanent resident or Refugee/Asylee, it's illegal to deny you a job or treat you differently for not being a citizen. However, there are certain jobs that are limited to citizens – such as a police job or airport security.

**Q: If I don't have a social security card or green card, what kind of documents do I need?**

**A:** Everyone is required to fill out Form I-9 when they take a job.

If you aren't a citizen and you don't have an immigrant visa or green card, you should get a work permit –called an "Employment Authorization Document" (EAD). But you can get it only if you're here legally. The Immigration Service's web site ([www.uscis.gov](http://www.uscis.gov)) will show you the forms needed.

Once you're authorized to work, you should also get a Social Security card by applying at the Social Security office. You'll need a social security number to get paid properly, with the right deductions.

But don't go through this maze alone, and don't apply for papers you can't legally qualify for. Before you apply for a job, talk to people in your community who have been in the same situation and/or know immigration law.



**Q: What do I do if an employer is treating me differently because I'm an immigrant or my family are immigrants?**

**A:** It is against the law for employers to discriminate against anyone because of "birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group." Employers have to treat you the same as other, non-immigrant workers.

If you think you've been discriminated against because of your ethnic background or nationality – whether it's during the hiring process, or you're fired, or you're not being recruited or being mistreated by an employer or paid referral service -- contact the U.S. Justice Department's Office of Special Counsel toll-free at 1-800-255-7688, or 1-800-237-2515 (TDD).

**Q: Can I get arrested if I don't have the right papers and someone hires me anyhow?**

**A:** The reality is that lots of employers overlook the law and hire "undocumented" immigrants, but this is risky for both you and the employer. If an employer finds out you don't have the right to work, they are supposed to fire you.

Working without employment authorization is a violation of your non-immigrant visa status. You can be deported even if you have a valid visa. If you're working under the table, it's hard to defend your rights. A boss who hires immigrants illegally may be looking for people who are willing to be underpaid, because they are afraid of being deported.

**Q: Do the same problems exist if I want to work in a foreign country?**

**A:** There are many organizations that provide summer work visas for U.S. citizens who want to work abroad. But working illegally in a foreign country is a serious offense and could turn what promises to be an exciting adventure abroad into a sour experience. Do some research on the Internet and at your local library in order to find the country and program that best fits your interests. Make sure you thoroughly check out the organization offering the job.

## FOURTEEN: UNIONS

**Q: What does a union do?**

**A:** A union is a group of workers who join together to bargain for better wages and benefits, respect on the job, and a stronger voice in workplace decisions. Workers who belong to a union negotiate a contract with their employer that covers wages, benefits, and working conditions.

Collective bargaining takes place when a union negotiating committee, elected by you and your co-workers, negotiates with representatives from management

**Q: When I got hired they gave me an employee handbook that covers most of those topics. So why do I need a union contract?**

**A:** An employee handbook is not written by employees. It's written by management, and it is a way for managers to put policies in writing. It doesn't legally obligate managers to do anything. Management can change the policies

at any time. It is not a way for workers to have their opinions included when workplace policies are established.



*Jim West/jimwestphoto.com*

**Q: If there's a union, does that mean the workers get to decide what the policies will be?**

**A:** Not exactly. A union contract is the result of negotiations between two parties – workers and management. A contract includes, in writing, all of the topics that have been discussed and agreed to by both sides and is legally binding. It can't be changed without an agreement between management and the workers.

Suppose management's policy at your workplace is to give every worker one week of vacation. In a workplace with no union, the policy written in the employee handbook could be "One week paid vacation", but the employer can change that policy at any time.

In a union workplace, by contrast, the amount of vacation time would have to be negotiated. If management offered one week, and workers asked for three weeks, a compromise might be reached at two weeks.

Everyone would then be entitled to two weeks of vacation and there can be no change in the vacation policy without further negotiations.

**Q: Do public employees have union rights?**

A: Yes. Public employees working for the federal government, the Michigan state government, or Michigan cities and counties have the right to join a union and bargain with their employer.

**Q: What happens if management doesn't follow the union contract?**

A: Union members have the right to file a grievance. A grievance is any complaint you might have about how you are treated at work. For example, you might have a grievance if you worked overtime but were not paid for it, or if your boss disciplines you for something you didn't do.

Almost all union contracts include a grievance procedure, which spells out how the union and management will deal with complaints. Typically, union representatives and management meet to talk about your complaint; if those meetings don't resolve the problem, a neutral judge – usually called an arbitrator – can be called in to settle the dispute.

In that case, it's not just your word against your manager or supervisor. Both sides get to make their case to a neutral person, who makes a final decision which is binding on both sides.

*Workplaces are better if workers make them better. You and others together can organize a union and negotiate a contract that guarantees certain rights on the job as well as pay and benefits.*

**Q: I am a student working part-time. Does a union contract really affect me?**

A: It depends on what the contract says, but in most cases, yes. Many of the issues covered in a union contract – such as wages, health care, health and safety, and a grievance procedure – affect both full and part-time workers.

If there is a union at your workplace, but you feel it is not addressing the needs of part-time workers, find out how to get involved. You have a right to participate and be represented by your union, whether you are a full or part-time worker, and no matter how old you are.

**Q: Must I pay union dues if I don't want to join the union?**

A: Usually. It depends on the collective bargaining agreement between the employer and the union. You may be required to pay union fees, even if you don't want to become a member. Such fees represent your

contribution to the cost of negotiating and enforcing the contract, or representing you if you have a grievance.

**Q: What if there is no union at my place of employment? Can I start one?**

A: Yes. Federal and state laws guarantee the right to form a union at your workplace. For example, workers have the right to talk about how they feel about unions, to talk with their co-workers about their interest in forming a union, to wear union buttons, and to attend union meetings.

Despite these laws, many employers don't want their employees to start a union, and actively campaign to convince workers not to organize. But your boss has no right to decide on your behalf whether or not you want to organize a union. That decision is up to you and your co-workers.

**Q: We need a union where I work. Who do I call?**

A: The Michigan AFL-CIO can refer you to a union in your area that might be appropriate for your workplace: [www.miaflcio.org](http://www.miaflcio.org), or 1-517-487-5966.

**Q: Can an employer tell me that I'll get in trouble if I try to start a union?**

A: Many employers respect workers' rights and basic freedom to choose when it comes to unions, but sometimes employers will try to convince workers not to start or belong to a union.

Employers have the right to present their opinion to their employees, but they cannot legally threaten to discipline or fire you, or threaten to close your plant or office, just because you support a union.

**Q: We're trying to start a union where I work, but everyone on the committee is getting harassed. What can we do?**

A: First, contact the union that is helping you organize. They will have a staff person or attorney who can help you respond to illegal harassment. You can also contact the government agency which monitors labor relations in your type of workplace.

The National Labor Relations Board (NLRB) [www.nlr.gov](http://www.nlr.gov) covers most private sector employers. The agency's toll free phone number is 1-866-667-NLRB. In Michigan, the NLRB has offices in Detroit (313-226-3200) and Grand Rapids (616-456-2679.)

If you work for a railroad or airline, labor relations in your workplace are regulated by the National Mediation Board ([www.nmb.gov](http://www.nmb.gov)). 202-692-5000

Federal government employees are covered by the Federal Labor Relations Authority: [www.flra.gov](http://www.flra.gov). The office with jurisdiction over Michigan is located in Chicago and can be reached at Tel. 312-886-3465 .

Public employees in the state of Michigan, including state employees; city, county and township workers; teachers, and public college and university employees are covered by the Michigan Employment Relations Commission at 313-456-3510.

#### YOU CAN:

- Join a union.
- Participate in union activities.
- Bargain with your employer over the terms and conditions of your employment
- Discuss union activities and other workplace issues with your co-worker in non-work areas during non-work times.
- Distribute union literature, in non-work areas during non-work times.
- Join with other workers to improve your workplace, you pay and benefits even if you're not trying to form a union.

#### YOUR EMPLOYER CANNOT:

- Fire, discharge, threaten or punish you for engaging in union activity or other attempts to get together with co-workers to improve your wages, hours or working conditions.
- Give employees who speak out against the union special favors or concessions.
- Prevent employees from talking about unionization or workplace problems during non-working hours.
- Inquire about confidential union matters, including union meetings, union representatives or the union itself.
- Ask you how you're going to vote, or whether or not you currently belong to a union or have signed up to belong to a union.
- Try to influence your vote by threatening or coercing you.
- Make threats to take away benefits, wages, vacations, or job security if you vote for a union.
- Demand that you not tell anyone how much you're paid or about your working conditions.

## APPENDIX

### HOW WORKERS FORM UNIONS AND BARGAIN CONTRACTS

- The easiest and usually quickest way to gain union representation is through a “card check agreement.” Once a majority of the employees fill out and sign cards, saying they want to be represented by a particular union, they gain union representation. Unions will usually provide you with these “authorization” cards.
- If your employer refuses a card check agreement, you and your co-workers can send a petition to the National Labor Relations Board (NLRB) to conduct an election. If 30% of the workers sign authorization cards or a petition, an election will be held within a few weeks, or possibly in a few months, by secret ballot. If a majority of the employees who participate in the election vote yes, the next phase is contract negotiations. However, there may be disputes over whether everyone who voted was eligible to join the union.
- During contract negotiations, you and your co-workers will elect a group of co-workers who serve as a negotiating or bargaining committee. This committee is responsible for determining the needs of union members, presenting this information to management, and negotiating a contract that responds to workplace concerns.
- Once the negotiating committee agrees that they have a good contract, they will bring it to their fellow co-workers for a final decision. If a majority of employees approves the contract, it then goes into effect and covers all the employees in the bargaining unit.



*Jim West/jimwestphoto.com*

## APPENDIX

### VALUABLE RESOURCES

#### **General**

##### **American Civil Liberties Union (ACLU) of Michigan**

[www.aclumich.org](http://www.aclumich.org)  
60 West Hancock  
Detroit, MI 48201-1343  
313-578-6800

##### **Michigan AFL-CIO**

[www.miaflcio.org](http://www.miaflcio.org)  
419 S. Washington Sq., Suite 200,  
Lansing, MI 48933  
517-487-5966

##### **Detroit Metropolitan AFL-CIO**

[www.detroitaflcio.org](http://www.detroitaflcio.org)  
600 West Lafayette Blvd. Ste 200,  
Detroit, MI 48226  
313.961.0800

#### **Complaints: Discrimination**

##### **Michigan Department of Civil Rights**

[www.mdclr.gov](http://www.mdclr.gov)  
1-800-482-3604

##### **U.S. Equal Opportunity Employment Commission**

[www.eeoc.gov](http://www.eeoc.gov)  
1-800-669-4000

##### **U.S. Justice Department, Office of Special Counsel**

1-800-255-7688

#### **Complaints: Health and Safety**

##### **U.S. Occupational Safety and Health Administration**

[www.osha.gov](http://www.osha.gov)  
1-800-321-OSHA

##### **Michigan Occupational Safety and Health Administration**

[www.michigan.gov/miosha](http://www.michigan.gov/miosha)  
1-(800) 866-4674

#### **Complaints: Overtime Pay**

##### **Michigan Department of Labor and Economic Growth, Wages and Hours Division**

[www.michigan.gov/cis](http://www.michigan.gov/cis)  
1-517-322-1825

##### **U.S. Department of Labor**

[www.dol.gov](http://www.dol.gov)  
1-800-4-DOL-USA

#### **Complaints: Wages and Hours**

##### **Michigan Department of Labor and Economic Growth, Wages and Hours Division**

[www.michigan.gov/cis](http://www.michigan.gov/cis)  
1-517-322-1825

#### **Documents: Immigration**

##### **U.S. Immigration and Naturalization Service**

[www.uscis.gov](http://www.uscis.gov)

#### **Social Security**

##### **U.S. Social Security Administration**

[www.socialsecurity.gov](http://www.socialsecurity.gov)  
1-800-772-1213

### ***Job Seeking***

#### **State of Michigan**

[http://www.michigan.gov/emi/0,1303,7-102-111\\_123---,00.html](http://www.michigan.gov/emi/0,1303,7-102-111_123---,00.html)

### ***Work Permits***

#### **Michigan Center for Career and Technical Education**

1-800-292-1606

### ***Job Scams***

#### **National Fraud Information Center**

[www.fraud.org](http://www.fraud.org)

1-800-876-7060

### ***Labor Relations***

#### **National Labor Relations Board (private employers)**

[www.nlr.gov](http://www.nlr.gov)

313-226-3200 (Detroit)

616-456-2679 (Grand Rapids)

#### **National Mediation Board (railway and airline employers)**

[www.nmb.gov](http://www.nmb.gov)

202-692-5000

#### **Federal Labor Relations Authority (federal employees)**

[www.flra.gov](http://www.flra.gov)

312-886-3465

#### **Michigan Employment Relations Commission (state, local, educational employees)**

313-456-3510

### ***Lawyer Referral***

#### **Michigan Bar Association**

[www.michbar.org](http://www.michbar.org)

1-800-968-7384

### ***Living Wage Ordinances***

[www.livingwagecampaign.org](http://www.livingwagecampaign.org)

### ***Unemployment Claims***

#### **Michigan Unemployment Insurance Agency**

[www.michigan.gov/uia](http://www.michigan.gov/uia)

1-800-638-3995

### ***National Employment Law Project***

[www.nelp.org](http://www.nelp.org)

1-734-426-6773



## APPENDIX

### WHAT IS THE ACLU?

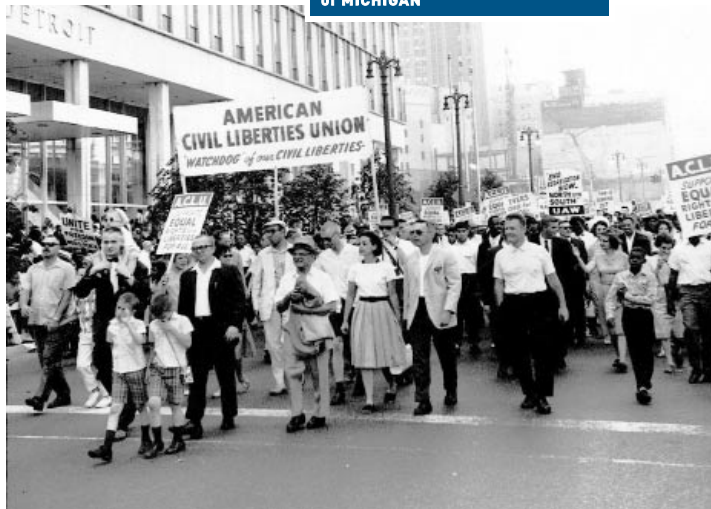
The Bill of Rights and the Michigan constitution would only be well-meaning promises if people did not fight to protect them. And the American Civil Liberties Union is the only organization dedicated to defending and expanding the civil liberties of all people.

Before the ACLU was founded in 1920, women couldn't vote, racial segregation was the law of the land, teachers were tried as criminals for teaching evolution and people were routinely harassed and persecuted for criticizing the government and espousing unpopular beliefs. The Supreme Court had never upheld the right of free speech.

Since 1920, all that has changed, and the ACLU has been on the forefront of that change, handling more cases in the Supreme Court than anyone except the government.

For more than 80 years, the ACLU, supported by concerned people, has been the nation's staunch defender of basic rights and liberties. And the ACLU has made a difference.

The ACLU is in the courts every day for hundreds of ordinary citizens – whenever equal protection, freedom of speech, privacy or any other civil liberty is threatened.



*Marching down Woodward avenue. 1960s.*

## APPENDIX

### HOW THE ACLU DECIDES TO TAKE A CASE

The ACLU is a private, non-profit membership organization. Our mission is to preserve and protect the civil liberties and civil rights guaranteed by the U.S. Constitution, especially the principles contained in the Bill of Rights.

When a case is submitted to the ACLU, it goes through a process of review. The Legal Director places it on the agenda for our volunteer Lawyers Committee. If the Lawyers Committee agrees that the ACLU should take the case, it makes a recommendation to the Board of Directors for final approval.

The ACLU of Michigan has limited resources and must concentrate them where they are most needed. We take cases that raise significant constitutional or civil liberties issues and which impact others in the same situation. We are unable to take many cases, even those concerning real injustices. If a complaint is not pursued by our office, it does not mean it is without merit. You may wish to consult the ACLU of Michigan office for information on other agencies that may be helpful.

Most of our cases focus on instances in which government has infringed upon a person's privacy, religion or speech or where the government has not followed proper procedures. We also handle cases involving discrimination on the basis of such things as a person's race, gender or sexual orientation. In general, we do not handle cases that involve such things as



*ACLU Staff in front of ACLU building.*

evictions, tenant-landlord disputes, general disputes between employees and employers (for example, disputes centering on wages and hours), criminal prosecutions, divorce, child custody, or wills, unless they raise broader constitutional or civil rights concerns.

## THANK YOU

This manual is supported, in part, by the generous contributions of several area law offices. Our sincere thanks to:

**Sachs Waldman, PC**

1000 Farmer St  
Detroit, MI 48226

**Deborah L. Gordon, PLC**

33 Bloomfield Hills Pkwy Ste 275  
Bloomfield Hills, MI 48304

**Klimist, McKnight, Sale, McClow & Canzano, PC**

400 Galleria Officentre Ste 117  
Southfield, MI 48034

**Mark Cousens**

26261 Evergreen Rd Ste 110  
Southfield, MI 48076

**Dib, Fagan & Brault, PC**

25892 Woodward Ave  
Royal Oak, MI 48067



**ACLU of Michigan**

60 W. Hancock

Detroit, Michigan 48201-1343

Phone 313.578.6800

Fax 313.578.6811

**[www.aclumich.org](http://www.aclumich.org)**