

Conexiones Latinas
Cuatro Condados Unidos
Jefferson-Walworth-Rock-Dodge

The mission of Conexiones Latinas is to inform and educate the Hispanic community of the services available in the counties of Dodge, Jefferson, Rock & Walworth.

For those of you who don't read Spanish, but have an interest in what *Conexiones Latinas* is all about, we will be including a brief summary in English of the articles included in the newsletter. If your organization would like to submit an article or other information for publication in future editions of *Conexiones Latinas* feel free to do so. Information which is time specific should be submitted at the beginning of the quarter **PRIOR** to the quarter in which your event will take place. Publication dates for the year are January, April, July, and October. We want *Conexiones Latinas* to work for you, so let us hear about your organization, upcoming events and information of interest to our community.

Information should be written and ready for publication when it is submitted. If possible, submit the information in Spanish. If this is not possible, you may send it in English and it will be translated by a *Conexiones Latinas* volunteer. Submit information to:

Conexiones Latinas
c/o Jodi Roberts
520 Handeyside Lane, Suite 3
Fort Atkinson, WI 53538 or fax to (920) 568-5023

April/May/June 2014

Derechos...Break Time for Nursing Mothers

This fact sheet provides general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA"), which took effect when the PPACA was signed into law on March 23, 2010 (P.L. 111-148). This law amended Section 7 of the Fair Labor Standards Act (FLSA).

General Requirements

Employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the 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 an employee to express breast milk."

The FLSA requirement of break time for nursing mothers to express breast milk does not preempt State laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond 1 year after the child's birth).

Time and Location of Breaks

Employers are required to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

A bathroom, even if private, is not a permissible location under the Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public.

Coverage and Compensation

Only employees who are not exempt from section 7, which includes the FLSA's overtime pay requirements, are entitled to breaks to express milk. While employers are not required under the FLSA to provide breaks to nursing mothers who are exempt from the requirements of Section 7, they may be obligated to provide such breaks under State laws.

Employers with fewer than 50 employees are not subject to the FLSA break time requirement if compliance with the provision would impose an undue hardship. Whether compliance would be an undue hardship is determined by looking at the difficulty or expense of compliance for a specific employer in comparison to the size, financial resources, nature, and structure of the employer's business. All employees who work for the covered employer, regardless of work site, are counted when determining whether this exemption may apply.

Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. In addition, the FLSA's general requirement that the employee must be completely relieved from duty or else the time must be compensated as work time applies. See [WHD Fact Sheet #22, Hours Worked under the FLSA](#).

FLSA Prohibitions on Retaliation

Section 15(a)(3) of the FLSA states that it is a violation for any person to "discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee."

Employees are protected regardless of whether the complaint is made orally or in writing. Complaints made to the Wage and Hour Division are protected, and most courts have ruled that internal complaints to an employer are also protected.

Any employee who is "discharged or in any other manner discriminated against" because, for instance, he or she has filed a complaint or cooperated in an investigation, may file a retaliation complaint with the Wage and Hour Division or may file a private cause of action seeking appropriate remedies including, but not limited to, employment, reinstatement, lost wages and an additional equal amount as liquidated damages.

For additional information, visit our Wage and Hour Division Website:

<http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

Presentation...

Sat. April 5 -- Immigration Attorney Sara Dady will be at Faith Lutheran Church, 2116 Mineral Point Ave. Janesville, WI from 9 a.m. to 12 p.m. For more information call the church at 608-754-0261 after March 15th.

Indicios de Abuso...Child Abuse information

This article covers how to detect signs of possible sexual abuse in children. It covers some of the physical signs as well changes in behavior that may occur. The highlighted points present the facts compared to people's perceptions, such as: 1.Children are rarely victims of sexual abuse.- 1 in 4 girls and 1 in 6 boys have been sexual abused before age 18. 2. This type of thing doesn't happen where I live. – This type of abuse doesn't have socioeconomic boundaries and it doesn't matter if you're black, white or Latino, rich or poor, or what religion you practice. 3. We never leave our children with strangers. - 93% of cases occur while children are being cared for or are with adults that the parents know. 4. My child isn't old enough to talk about these things. - You can start talking about these things when a child is 3 years old and is learning about their body. Teach them what to do if somebody touches them inappropriately 5. I don't want to scare my child. - Done properly children don't feel afraid when given this information, they feel more in control of their bodies. 6. I would know if something happened to my child. - The reality is that sexual abuse is difficult to detect because often there aren't physical signs of abuse. However, emotional signs and behavioral changes that accompany sexual abuse can be confused with other factors that change your child's behavior. 7. My child would tell me if something happened. – The majority of children don't say anything when they have suffered abuse. This can be because the abuse has convinced them not to say anything because nobody will believe them, that people are going to say it's the child's fault, that telling somebody will cause a lot of sadness in the family and they insist that the abuse is their "secret". 8. I never leave my child alone with adults.- Other children can sexually abuse them. The same steps to keep your child safe from adult abusers can keep them safe from other children. 10. This will never happen to my child. – According to the statistics, abuse can happen to anybody as confirmed on www.StopitNow.org with their testimonials of children who have survived sexual abuse. If you need help or information, contact the sexual abuse organization in your area.

El Futuro del Seguro...The Future of Insurance in Wisconsin.

This table provides information for individuals and families who don't have insurance through their employer. It lists the different coverage options based on income guidelines.

Preguntas para OSHA...Questions for OSHA

Can an employee be fired for refusing to do a dangerous job? You should never do a job that you believe is not safe and you should inform your employer of the dangerous conditions immediately. You can refuse to do an assignment under certain circumstances. It is against the law for an employer to fire someone for refusing to do a job that exposes the worker to "imminent danger". The law doesn't protect workers from being let go for "dereliction of duty", so remember: Don't quit your job, simply refuse the dangerous assignment that you feel is going to hurt or kill you. Please explain your feelings to the person who is assigning you the job.

You have limited rights under the OSH Act to refuse to do a job because of dangerous conditions. You can do this under the OSH Act only when (1) you believe you are facing death or serious injury (the situation is so clearly dangerous that any reasonable person would believe the same); (2) you have tried to have the employer correct the condition and there is no other way to do the job safely; and (3) the situation is so urgent that you don't have time to eliminate the danger through regular regulatory channels, line calling OSHA.

No matter what the dangerous condition may be, you are not protected if you simply abandon the job. For more details visit www.osha.gov/as/opa/worker/refuse.html. OSHA cannot enforce union contracts or state laws that provide employees the right to refuse to work.

To learn more about dangerous situations and the steps you can take to protect yourself and your job under these circumstances, call 1-800-321-6742 or visit the OSHA web-site www.osha.gov.

OSHA complaint filing in Spanish. How to present a complaint to OSHA

Filing a complaint about safety or health has become a little easier for workers that speak Spanish. The national office of OSHA has translated the complaint form into Spanish. Information in Spanish regarding the OSHA complaint process

Requisitos Revisados...Revised Requirements for Requesting an ITIN

Beginning January 1 of 2013 the IRS made changes that affect the process of requesting an ITIN. Now individuals have to use Form W-7, attach a federal tax statement to the W-7, and qualify under any exception to the requirement to file federal income tax. Why did the IRS change from an ITIN card to an

authorization letter? This was done to avoid possible similarities with Social Security Cards. The ITIN cards will not be replaced. Why did the IRS change the process for requesting an ITIN? This was done to ensure that the ITINs would only be used for tax purposes. For more information, contact your tax preparer.

Fiesta Cultural...Cultural Fiesta in Watertown

Fiesta Cultural LatinoAmericana will be held on Saturday, May 17, 2014 at Riverside Park in Watertown. A 5k run will begin at 9:00 am. Food sales start at 11:00. Opening ceremonies will be held at noon. A dance will begin at 6:00 pm and end at 8:00 pm. The Fiesta will close at 9:00 pm. Ballet Folklórico Hermanos Escamilla of Milwaukee will be performing at the festivities. There will be live music, children's games, soccer, sack races and other activities throughout the day. For more information go to: www.fiestacultural.org