

**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 pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

**NURSING MOTHERS**  
The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

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](http://www.dol.gov/whd)

WH1088

REV. 07/2016

**OH**

## 2020 Minimum Wage

OHIO DEPARTMENT OF COMMERCE  
DIVISION OF INDUSTRIAL COMPLIANCE

Mike DeWine  
Governor

Jon Husted  
Lt. Governor

[www.com.ohio.gov](http://www.com.ohio.gov)

Sheryl Maxfield  
Director

### NON-TIPPED EMPLOYEES

#### A Minimum Wage of \$8.70 per hour

"Non-Tipped Employees" includes any employee who does not engage in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips.

"Employers" who gross less than \$319,000 shall pay their employees no less than the current federal minimum wage rate.

"Employees" under the age of 16 shall be paid no less than the current federal minimum wage rate.

"Current Federal Minimum Wage" is \$7.25 per hour.

**TIPPED EMPLOYEES**

#### A Minimum Wage of \$4.35 per hour PLUS TIPS

"Tipped Employees" includes any employee who engages in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips. Employees electing to use the tip credit provision must be able to show that tipped employees receive at least the minimum wage when direct or cash wages and the tip credit amount are combined.

**OVERTIME**

- An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours in excess of 40 hours in one work week, except for employers grossing less than \$150,000 per year.

**RECORDS TO BE KEPT BY THE EMPLOYER**

- Each employer shall keep records for at least three years, available for copying and inspection by the Director of the Ohio Department of Commerce, showing the following information concerning each employee:
  - Name
  - Address
  - Occupation
  - Rate of Pay
  - Amount paid each pay period
  - Hours worked each day and each work week
- The records may be opened for inspection or copying at any reasonable time and no employer shall hinder or delay the Director of the Ohio Department of Commerce in the performance of these duties.

**SUB-MINIMUM WAGE RATE**

To prevent the curtailment of opportunities for employment and avoid undue hardship to individuals whose earning capacity is affected or impaired by physical or mental deficiencies or injuries, a sub-minimum wage may be paid, as provided in the rules and regulations set forth by the Director of the Ohio Department of Commerce.

**INDIVIDUALS EXEMPT FROM MINIMUM WAGE**

- Any individual employed by the United States;
- Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;
- Any individual employed as an outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity, or computer professionals;
- Any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate government agency, if
  - the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
  - such services are not the same type of services which the individual is employed to perform for such public agency;
- Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
- Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a non-profit organization or group of organizations.
- Employees of a solely family owned and operated business who are family members of an owner.

\* For information about additional exemptions, please visit the Ohio Division of Industrial Compliance or U.S. Department of Labor websites.

For further information about minimum wage issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance, 6606 Tussing road, Reynoldsburg, Ohio 43068. Phone: 614-644-2239. TTY/TDD: 1-800-750-0750. An Equal Opportunity Employer and Service Provider.

**POST IN A CONSPICUOUS PLACE**

REV. 09/30/2019

**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 posting, which indicates the federal minimum wage. When the federal and state rates 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.**

**NOTICE:** This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.**

**OH**

## Know Your Rights

CIVIL RIGHTS COMMISSION

Governor: Mike DeWine

Executive Director: G. Michael Dayton

### EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

The Ohio Civil Rights Act protects applicants and employees of private employers, state, county and local governments, educational institutions, labor organizations, employment agencies and personnel placement services from unlawful discriminatory employment practices.

**Race and Color**  
Ohio law prohibits discrimination on the basis of **race or color** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any facially neutral employment policy or practice that results in a discriminatory impact on the basis of race or color is a prohibited form of discrimination unless such policy or practice is job-related and based upon business necessity.

**National Origin and Ancestry**  
Ohio law prohibits discrimination on the basis of **national origin or ancestry** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any policy or practice limiting or prohibiting the use of any language in the workplace is a prohibited form of discrimination unless such limitation or prohibition is job-related and based upon business necessity.

**Military Status**  
Ohio law prohibits discrimination on the basis of **military status** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, employees who leave employment to perform military service, which includes the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, must be reemployed upon conclusion of such service.

**Harassment**  
Ohio law prohibits harassment in the workplace on any basis set forth herein, which includes the creation of a racially or sexually hostile work environment, verbally or physically abusive treatment, and requiring submission to sexual advances as a condition of employment, continued employment or promotion.

In addition, all reasonable steps should be taken to prevent and promptly correct harassment in the workplace, which includes the establishment of a policy against harassment and a procedure for receiving, investigating and remedying complaints of workplace harassment.

**Sex and Pregnancy**  
Ohio law prohibits discrimination on the basis of **sex or pregnancy** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, women affected by pregnancy, childbirth or related medical condition must be afforded leave for a reasonable period of time and may not be discharged under a policy providing insufficient or no leave.

**Disability**  
Ohio law prohibits discrimination on the basis of **disability** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for their disabilities, except when the accommodation imposes an undue hardship.

**Age**  
Ohio law prohibits discrimination against persons **40 years of age or older** on the basis of **age** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

**Religion**  
Ohio law prohibits discrimination on the basis of **religion** in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for religious beliefs and practices, except when the accommodation imposes an undue hardship.

**Retaliation**  
Ohio law prohibits retaliation against any person because that person has opposed any unlawful discriminatory practice, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing.

**ENFORCEMENT**

The Ohio Civil Rights Commission (OCRC) investigates complaints of discrimination and harassment in employment.

Complaints must be filed with the OCRC within six months of the last act of discrimination or harassment.

For assistance in filing a complaint, or for any other information on the Civil Rights Act, please call **1-888-278-7101** or **(614) 752-2391** (TTY), or visit our website at [crrc.ohio.gov](http://crrc.ohio.gov)

REV. 01/2019

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## EMPLOYEE RIGHTS

### EMPLOYEE POLYGRAPH PROTECTION ACT

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. Employers or job applicants may also bring their own court actions.

The Employee Polygraph Protection Act 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 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

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WH1462

REV. 07/2016

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## 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;
  - promotion;
  - reemployment;
  - any benefit of employment
- retention in employment;

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including:

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 • 1-800-336-4590

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REV. 04/2017

**OH**

## STATE OF OHIO

### MINOR LABOR LAWS

OHIO DEPARTMENT OF COMMERCE  
DIVISION OF INDUSTRIAL COMPLIANCE & LABOR

Mike Dewine  
Governor

Jon Husted  
Lt. Governor

Sheryl Maxfield  
Director

**OHIO REVISED CODE CHAPTER 4109\***

**"MINOR" MEANS ANY PERSON LESS THAN 18 YEARS OF AGE**

**WORKING PERMITS:** Every minor 14 through 17 years of age must have a working permit unless otherwise stated in Chapter 4109.

**WAGE AGREEMENT:** No employer shall give employment to a minor without agreeing with him/her as to the wages or compensation he/she shall receive for each day, week, month, year or per piece for work performed.

**REST PERIOD:** No employer shall employ a minor more than 5 consecutive hours without a rest period of at least 30 minutes.

**LIST OF MINORS EMPLOYED:** Employer shall keep a list of minors employed at each establishment and a list must be posted in a conspicuous place to which all minor employees have access.

**TIME RECORDS:** Every employer shall keep a time book or other written record showing actual starting and stopping time of each work and rest period. These records must be kept for two (2) years.

**RESTRICTIONS ON WORKING HOURS FOR MINORS 14 AND 15 YEARS OF AGE**

No person under 16 shall be employed:

- during school hours except where specifically permitted by Chapter 4109
- Before 7 a.m. or after 9 p.m. from June 1st to September 1st or during any school holiday of 5 school days or more; or after 7 p.m. at any other time
- For more than 3 hours a day in any school day
- For more than 18 hours in any school week
- For more than 8 hours in any day when school is not in session
- For more than 40 hours in any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.

**RESTRICTIONS ON WORKING HOURS FOR MINORS 16 AND 17 YEARS OF AGE**

No person 16 or 17 who is required to attend school shall be employed:

- Before 7 a.m. on any day that school is in session or 6 a.m. if the person was not employed after 8 p.m. the previous night
- After 11 p.m. on any night preceding a day that school is in session.

**PROHIBITED OCCUPATIONS FOR MINORS UNDER 16 YEARS OF AGE**

- All manufacturing; mining; processing; public messenger service
- Work in freezers and meat coolers and all preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking)
- Transportation; storage; communications; public utilities; construction; repair
- Work in boiler or engine rooms; maintenance or repair of machinery
- Outside window washing from window sills or scaffolding and/or ladders
- Cooking and baking; operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, food choppers, cutters, bakery type mixers
- Loading or unloading goods to and from trucks
- All warehouse work except office and clerical
- Work in connection with cars and trucks involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

**PROHIBITED OCCUPATIONS FOR MINORS 14 THROUGH 17 YEARS OF AGE**

- Occupations involving slaughtering, meat-packing, processing or rendering
- Power-driven bakery machines
- Occupations involved in the manufacture of brick, tile and kindred products
- Occupations involved in the manufacture of chemicals
- Manufacturing or storage occupations involving explosives
- Occupations involving exposure to radioactive substances and to ionizing radiations
- Power-driven paper products machines
- Power-driven metal forming, punching and shearing machines
- Occupations involved in the operation of power-driven circular saws, band saws and guillotine shears
- Power-driven woodworking machines
- Coal mines
- Occupations in connection with mining, other than coal
- Logging and sawmilling
- Motor vehicle occupations
- Maritime and longshoreman occupations
- Railroads
- Excavation operations
- Power-driven and hoisting apparatus
- Roofing operations
- Wrecking, demolition, and shipbreaking.

**MINORS UNDER 16 YEARS OF AGE MAY NOT ENGAGE IN DOOR-TO-DOOR EMPLOYMENT UNLESS**

The for-profit employer is REGISTERED with the Ohio Department of Commerce. DOOR-TO-DOOR SALES EMPLOYERS SHALL:

- Be in compliance with all applicable Ohio and Federal laws relating to the employment of minors
- Provide at least one supervisor who is over the age of eighteen, for each six minor employees
- Have been and be in compliance with Ohio's Motor Vehicle Financial Responsibility, Workers' Compensation, Unemployment Compensation, and all other applicable laws
- Require all minors to work at least in pairs
- Not employ any minor who does not have an appropriate Age and Schooling Certificate
- Provide each minor employee with a photo identification card
- Not employ any minor in any door-to-door sales activity during school hours except where specifically permitted
- Not employ minors under 16 in door-to-door sales activity before 7 a.m. or after 7 p.m.
- Not employ minors 16 and 17 years of age in door-to-door sales activity before 7 a.m. or after 8 p.m.

**\*For Exceptions to Coverage See Chapter 4109.06**

This is a summary of ORC 4109. This summary does not include all of the requirements for minor labor laws. Persons should refer to 4109 for specific requirements applicable to them. This information can be accessed through the Ohio Department of Commerce website at [www.com.ohio.gov](http://www.com.ohio.gov).

**POST IN A CONSPICUOUS PLACE**

For further information about Minor Labor laws, please contact: The Ohio Department of Commerce, Division of Industrial Compliance & Labor, 6606 Tussing Road, Reynoldsburg, Ohio 43068. Phone: 614-644-2239. TTY/TDD: 800-750-0750. An Equal Opportunity Employer and Service Provider.

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REV. 09/13/2016

**OH**

## DEPARTMENT OF JOB AND FAMILY SERVICES

### Notice to Employees

THIS EMPLOYER PROVIDES UNEMPLOYMENT INSURANCE COVERAGE FOR EMPLOYEES

Employees who become unemployed (or are working less than full-time) may be eligible for unemployment insurance benefits.

Apply by phone at 1-877-644-6862 (OHIO Q&A) or online at [unemployment.ohio.gov](http://unemployment.ohio.gov)

Be prepared to provide the following information when applying:

Social Security number  
Driver's license or State ID number  
Names, Social Security numbers, and dates of birth of all dependent children  
Employer's identification number (pay stubs or W-2 form)  
Name and address of all other employers whom you worked during the past 18 months

**APPLY FOR WORK AT YOUR NEAREST OHIO MEANS JOBS CENTER**

Mike DeWine  
Governor

JFS 5341

This institution is an equal opportunity provider and employer.  
A proud partner of the American Job Center network.

Kimberly Hall  
Director

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REV. 04/2019

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## Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

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

**DISABILITY**  
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination 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.

**AGE**  
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

**SEX (WAGES)**  
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work. In jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**  
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history);

### Equal Employment Opportunity is THE LAW

and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**  
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**  
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-696-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories

In the U.S. Government or Federal Government section, Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

**Employers Holding Federal Contracts or Subcontracts**  
Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**  
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**INDIVIDUALS WITH DISABILITIES**  
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination 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. 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.

**DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS**  
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently

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REV. 11/2009

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## 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 employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as 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.

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](http://www.dol.gov/whd)

WH1462

REV. 04/2016



## Job Safety and Health

# IT'S THE LAW!

**All workers have the right to:**

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

**Employers must:**

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

This poster is available free from OSHA.

**Contact OSHA. We can help.**

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

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