

# Your Employee Rights Under the Family and Medical Leave Act

**What is FMLA leave?**  
The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you, or
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #2810(j) for more information.  
FMLA leave is not paid leave, but you may choose to be required by your employer to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of work for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.



# EMERGENCY NUMBERS CALL 911

- POLICE: \_\_\_\_\_  
AMBULANCE: \_\_\_\_\_  
PHYSICIAN: \_\_\_\_\_  
HOSPITAL: \_\_\_\_\_  
FIRE DEPARTMENT: \_\_\_\_\_  
POISON CONTROL: \_\_\_\_\_  
OSHA: \_\_\_\_\_

## PAY DAY NOTICE

- PAY DAY IS ON:**
- MONDAY
  - TUESDAY
  - WEDNESDAY
  - THURSDAY
  - FRIDAY
  - SATURDAY
  - SUNDAY

## PAY SCHEDULE IS:

- WEEKLY
- BIWEEKLY
- SEMI MONTHLY
- MONTHLY

## PAYCHECKS ARE ISSUED ON THE:

AT \_\_\_\_\_ AND \_\_\_\_\_ OF THE MONTH

TIME: \_\_\_\_\_

# EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

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 polygraph tests of an employee or job applicant for hiring, promotion, discipline, or discharge, or for any other purpose. This prohibition applies to most employers, but not to federal, state, and local governments, or to certain other employers.

**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 testing (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.



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

**FILING A CLAIM** The Illinois Unemployment Insurance Act provides for the payment of benefits to eligible unemployed workers and for the collection of employer contributions from liable employers. It is designed to provide living expenses while new employment is sought. Claims should be filed as soon as possible after separation from employment.

If Your Benefit Year Begins:	Your Base Period Will Be:
Jan. 1 and March 31	Jan. 1 and Sept. 30 and the year before between Oct. 1 and Dec. 31
April 1 and June 30	Jan. 1 and Dec. 31
July 1 and Sept. 30	April 1 and Dec. 31 and this year between Jan. 1 and March 31
October 1 and December 31	July 1 and Dec. 31 and this year between Jan. 1 and June 30

Each employer shall deliver the pamphlet "What Every Worker Should Know About Unemployment Insurance" to each worker separated from employment for an expected duration of seven or more days. The pamphlet shall be delivered to the worker at the time of separation or, if delivery is impracticable, mailed within five days after the date of the separation to the worker's last known address. Pamphlets shall be supplied by the Illinois Department of Employment Security to each employer without cost.

A claimant may also be entitled to receive, in addition to the weekly benefit amount, an allowance for a non-working spouse or a dependent child or children. The allowance is a percentage of the average weekly wage of the claimant in his or her base period. The weekly benefit amount plus any allowance for a dependent make up the total amount payable.

If, during a calendar week an employee does not work fulltime because of lack of work, he or she may be eligible for partial benefits if the wages earned in that calendar week are less than his or her weekly benefit amount. For any such week, employers should provide employees with a statement of "low earnings," which should be taken to their Illinois Department of Employment Security office.

**REPORTING TIPS** Each employee who receives tips must report these tips to employers on a written statement or on Form UC-51, "Employee's Report of Tips," in duplicate. Employees can furnish this form on request. The report shall be submitted on the day the wages are paid, or not later than the next payday, and shall include the amount of tips received during the pay period.

**TAXATION OF BENEFITS** Unemployment insurance benefits are taxable if you are required to file a state or federal income tax return. You may choose to have federal and/or Illinois state income tax withheld from your weekly benefits. Since benefits are not subject to mandatory income tax withholding, if you do not choose to withhold, you may be required to make estimated tax payments using Internal Revenue Service Form 1040 ES and Illinois Department of Revenue Form IL 1040 ES.

For additional information, call these toll-free numbers:  
**Internal Revenue Service 1-800-829-1040.**  
**Illinois Department of Revenue 1-800-733-8866.**

This poster fulfills all posting requirements for the Illinois Department of Employment Security. EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE FOR ALL EMPLOYEES. Printed by the Authority of the State of Illinois Stock Number: 4427/BEN-57 (rev. 8/12)

# 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-sponsored 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**

# LABOR Victims' Economic Security and Safety Act (VESSA)

**REQUIRED NOTICE FOR EMPLOYERS**  
VESSA provides employees with the victims of domestic violence, sexual violence, gender violence, or other crimes of violence, and employers who have a family or household member who is a victim of such violence, with up to 15 paid workdays of leave per year. This time may be used if the employee or the employer's family or household member is:

- Experiencing an incident of domestic violence, sexual violence, gender violence, or other crime of violence;
- Seeking medical or other professional assistance in addressing the violence;
- Temporarily or permanently relocating;
- Seeking other actions to increase the safety of the victim from future domestic, sexual, or gender violence, or from the criminal justice or law enforcement system;
- Attending the funeral or obituary of a family member who was a victim of a crime of violence;
- Making arrangements for the care of a family member who is a victim of a crime of violence;
- Being a direct descendant by a crime of violence.

**NOTICE AND CERTIFICATION** Employers must provide the employee with at least 72 hours prior notice, unless providing advance notice is not practicable. If an employer is unable to provide advance notice, an employee must provide notice when an employer is able to do so, within a reasonable period of time after the employee's certification may be provided by a sworn statement of the employee and upon obtaining such other documentation the employer may request.

**LEAVE PERMITTED** Employers must provide the employee with up to 15 paid workdays of leave per year, which may be used in any of the following ways:

- 1 to 10 workdays
- 11 to 20 workdays
- 21 to 30 workdays

**ACCOMMODATIONS** VESSA prohibits employers from discriminating against employees who request accommodations to address the needs of the victim. Accommodations include, but are not limited to, reassignment to the job structure, modification of work schedule or work location, reassignment, or removal from the work site.

**DISCRIMINATION AND RETALIATION** VESSA prohibits employers from discriminating, retaliating, or otherwise treating an employee in a job applicant unfavorably. If an individual is discriminated or retaliated against because of a crime of domestic violence, sexual violence, or gender violence, or other crime of violence, the individual may be entitled to a civil remedy.

**CONFIDENTIALITY** Employers must maintain the confidentiality of all information pertaining to the use of VESSA leave, unless the employee's intention to take VESSA leave, and certification provided by the employee.



# EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE \$7.25 PER HOUR** BEGINNING JULY 24, 2009

**OVERTIME PAY** At least 1 1/2 times the regular rate of pay for all hours worked over 40 in a workweek.

**CHILD LABOR** Employees 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. Youth and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour 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 employer'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.

**PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk, 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.

**ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may initiate and recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Highest civil money penalties may be assessed for each child labor violation that results in a death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees incorrectly classified workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certifications issued by the Department of Labor.

# Minimum Wage & Overtime Unpaid Wages Paid Leave

**SETS MINIMUM WAGE FOR EMPLOYEES**  
Effective Jan. 1, 2024  
**\$14.00 PER HOUR**

Applies to employees with 4+ work employees. Domestic workers are covered even if the employer only has 1 work employee. Domestic workers are not covered by the Minimum Wage Law and some workers may be paid less than the within 30 calendar days unless an employer policy allows for additional time to submit.

**Overtime**  
Most hourly employees and some salaried employees are covered by the overtime law and must be compensated at time and one-half their regular pay for hours worked over 40 in a workweek.

**Unpaid Wages**  
Employees must receive their final compensation, including earned wages, vacation pay, commissions and bonuses on their regularly scheduled payday. Unpaid wages are not allowed except as specified by law.

**Paid Leave**  
**Workers earn up to five (5) days of paid leave from work a year.**  
**Use:** Workers can use paid leave for any reason of their choosing. Employers may not require workers to provide a basis for their time off request.  
**Accrual:** Workers earn 1 hour of paid leave for every 40 hours they work.  
**Carryover:** Workers rollover all unused accrued paid leave at the end of the year.  
**Retaliation is prohibited:** If your employer takes adverse action when you exercise your right under the law, penalties may apply.

**Meal & Rest Periods**  
**ONE DAY REST IN SEVEN ACT**  
Provides employees with 24 consecutive hours of rest within every seven (7) consecutive day period.

**Equal Pay Act**  
Requires employers to pay equal wages to men and women doing the same or substantially similar work, unless such wage differences are based upon a seniority system, a merit system, or factors other than gender.

**Violent Crime Victims' Leave**  
Provides employees who are victims of domestic violence or sexual violence, or other crimes of violence, or who have family members who are victims with up to 12 weeks of unpaid leave during a 12-month period.

**Child Labor**  
**WORKERS UNDER AGE 16**  
Children under the age of 14 may not work in most jobs, except under limited conditions. 14 and 15-year-olds may work if the following requirements are met.

**For more information or to file a complaint, contact the Department at:**  
224 South 2nd St., Suite 405, Springfield, IL 62701 (217) 782-4200  
160 N. LaSalle, St. Suite C-1300, Chicago, IL 60601 (312) 793-2800  
2309 W. Meigs Street, Suite 315, Morton, IL 62550 (618) 993-7000  
For a complete text of the laws, visit our website: www.labor.illinois.gov