

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 employers.

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.
- 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.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

What does my employer need to do?

If you are eligible for FMLA leave, your employer must:

- Allow you to take job-protected time off work for a qualifying reason.
- Continue your group health plan coverage while you are on or leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your right under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

How do I request FMLA leave?

Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave.
- Give notice at least 30 days before your need for FMLA leave, or
- Advance notice is not possible, give notice as soon as possible.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional 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 service 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.

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination. These laws include Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA).

Workplace discrimination can occur in many ways, including:

- Employment decisions based on race, color, religion, sex, national origin, age, or disability.
- Harassment based on race, color, religion, sex, national origin, age, or disability.
- Retaliation against employees who have filed a complaint or participated in an investigation.

Employees who believe they have been discriminated against should contact the EEOC for more information.

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: An employer must pay at least 1.5 times the regular rate of pay for all hours worked over 40 in a workweek.

TIP CREDIT: An employer must not take more than 8% of an employee's tips to offset the minimum wage. Tips must be given to the employee and not to a third party.

PUMP AT WORK: The FLSA requires employers to provide reasonable break for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee works. The break time must be used for the purpose of expressing breast milk and cannot be used for other purposes.

ENFORCEMENT: The Department has authority to enforce back wages and an equal amount of liquidated damages in cases of repeated violations. The Department may also bring civil actions for back wages and liquidated damages.

ADDITIONAL INFORMATION: Certain occupations and establishments are exempt from the minimum wage and overtime pay provisions.

FOR DATES OF INJURY ON AND AFTER JANUARY 1, 2020 WORKERS' COMPENSATION

Workers' Compensation Board Regional Offices

AGUSTA
442 Civic Center Drive, Suite 225
Agusta, ME 04330-1156
207-287-2209 • 1-800-400-6854

LEWISTON
30 Millstone Way
Lewiston, ME 04203-6111
207-753-7700 • 1-800-400-6857

BANGOR
396 Griffin Road, Suite 105
Bangor, ME 04401
207-941-4500 • 1-800-400-6856

PORTLAND
1027 Forest Avenue, Suite 111
Portland, ME 04103
207-622-0840 • 1-800-400-6858

CARIBOU
43 Hatch Drive, Suite 110
Caribou, ME 04736-2147
207-638-6428 • 1-800-400-6855

Visit our website at: www.maine.gov/workers
TTY: 211

Notice to Employees: Your employer is required to provide workers' compensation insurance for its employees. Workers' compensation insurance provides benefits to employees who are injured at work.

Intepreters Available: When calling for assistance, please say the word "interpreter" or your language in English and an interpreter will be called for you.

Minimum Wage

Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.

Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.

This poster is available online at no charge and may be copied.

Minimum Wage is \$14.15 per hour effective January 1, 2024

Exemptions from Overtime
Maine's overtime laws incorporate by reference the salary requirements under the Fair Labor Standards Act (FLSA). The new minimum salary requirement will be \$816.35 per week as of January 1, 2024. Salary is only one factor in determining whether a worker is exempt from overtime under federal or state law.

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 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 lie detector test.

EXEMPTIONS: Federal, state and local governments are not affected by the Act. The law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

ENFORCEMENT: The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators.

NOTICE Mandatory Workplace Communications

Maine 26 M.R.S.A. § 600-B

Effective October 25, 2023, employers will no longer be able to require employees to attend employer-sponsored meetings. An employer may not discharge, discipline, penalize or take any adverse employment action against an employee:

- Who declines to attend or participate in an employer-sponsored meeting, or any portion of such meeting, that communicates the opinion of the employer about religious or political matters;
- Who declines to receive or listen to a communication regarding the opinion of the employer about religious or political matters; or
- Because the employee made a good faith report, orally or in writing, of a violation of a suspected violation of this law.

The law does not prohibit an employer from communicating information that is required by law to the extent of the lawful requirements or prohibit an employer from offering meetings or other communications about religious or political matters if such attendance or participation is strictly voluntary.

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Statements to Employees
Every employer shall give to each employee with the date of payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

STATE AND FEDERAL LABOR LAW

The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services are available to people with disabilities upon request.

Video Display Terminals
The Maine Video Display Terminal (VDOT) Law gives certain rights to people who use computers for work.

Child Labor Laws
Child Labor Laws of the State of Maine provide protection for people under the age of 18 both agricultural and non-agricultural jobs. The Maine Department of Labor administers the laws, which all employers must follow.

Whistleblower's Protection Act

Protection of Employees Who Report or Refuse to Commit Illegal Acts

This poster describes some important parts of the law. A copy of the actual law or formal interpretation may be obtained from the Department of Labor, Bureau of Labor Standards by calling 207-622-7900. The laws are also on the Bureau's website.

This poster is available online at no charge and may be copied.

It is illegal for your boss to fire you, threaten you, retaliate against you or treat you differently because:

- You reported a violation of the law;
- You are a healthcare worker and you reported a medical error;
- You have refused to do something that will endanger your life or someone else's life and you have asked your employer to correct it;
- You have been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

- You tell your boss about the problem and allow a reasonable time for it to be corrected;
- You have good reason to believe that your boss will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act in your workplace, contact:
(This information should be filed in by the employer)

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.

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.

Video Display Terminals

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Work Hours and Overtime
Employees must not be required to work more than 40 hours in a week, including holiday, vacation or workweeks. If more than 40 hours in a week should be worked in a week, the employee must be paid for the extra hours.

Recordkeeping
All employers must keep accurate payroll records for workers under the law. Records must show what time the worker began each day, how he worked, and what time the worker ended each day.

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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:

AND _____ OF THE MONTH

AT: _____
TIME: _____

Maine Employment Security Law

This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It does not have the force of law. For more information, call 1-800-593-7668 toll free.

Full- and Part-Time Workers

How to file a claim for unemployment benefits
All new and reactivated claims for unemployment benefits are filed either online or by phone. There is no delay in filing your claim once you are out of work. Claims cannot be backdated.

Basic eligibility requirements
Earnings during the base period. The "base period" is a one-year period that includes four calendar quarters. To establish a claim, an individual must have earned two times the annual average weekly wage in Maine in each of two different calendar quarters and one time in the third calendar quarter, weekly wage in Maine in the whole base period. Most cases the Department of Labor has your wage information on file. If it is not on file, the Department will take steps to obtain it.

Separation: If you were laid off from your job due to a layoff or other additional investigation is required. If you are separated from your job but for reasons other than lack of work, you will be scheduled for a fact-finding interview. A determination will then be made regarding your eligibility for benefits.

Weekly requirements: Weekly eligibility requirements include being able to work and being available for work, actively and actively seeking work, and accepting suitable work offers or referring to suitable job opportunities from the unemployment office.

Allowance: If you are not on the Unemployment Security Law states every employer shall post and maintain such notices to its workers.

THE MAINE HUMAN RIGHTS ACT PROHIBITS SEX DISCRIMINATION

SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- UNWELCOME SEXUAL ADVANCES
- SUGGESTIVE OR LEWD REMARKS
- KISSES
- REQUESTS FOR SEXUAL FAVORS
- RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:

MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051
PHONE (207) 624-6290 FAX (207) 624-7279 TTY: MAINE.ORG
www.maine.gov/mhrc

OR CONTACT YOUR PERSONNEL DEPARTMENT: _____
DEPARTMENT/AGENCY CONTACT: _____