

# 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.
- 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.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to **26 workweeks** of FMLA leave in a single 12-month period to care for the 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 #288(j)(6) for more information.

FMLA leave is **not paid leave**, but you may choose, or 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 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.

Ref.: 29 CFR §625.300

WHD420 REV 04/23

## Age discrimination

**Know your rights under Minnesota laws prohibiting age discrimination**

It is unlawful for an employer to:

- refuse to hire or employ a person on the basis of age;
- reduce in grade or position or demote a person on the basis of age;
- discharge or dismiss a person on the basis of age; or
- mandate retirement age if the employer has more than 20 employees [29 United States Code §630 (b)].

Employers terminating employees 65 or older because they can no longer meet job requirements must give 30 days notice of intention to terminate.

This poster contains only a summary of Minnesota law. For more information, contact the Minnesota Department of Labor and Industry. Phone: 651-284-5070

Ref.: Minnesota Statutes, Sec. 181.81(b)

# 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 employer 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 hour restrictions. Different rules apply to agricultural employees.

**TIP CREDIT** Employees of "food service" employees who meet certain conditions may claim a partial wage credit based on tips received by their employers. Employees 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. Employees may be assessed civil money penalties for each workday if repeated violation of the minimum wage of overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened

**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 litigate and/or recommend criminal prosecution. Employees may be assessed civil money penalties for each workday if repeated violation of the minimum wage of overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened

**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 (notably classified workers as "independent contractors" when they are actually employees) are not covered by 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 provisions and contracts classified independent contractors are not.
- Certain full-time students, student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WHD WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR 1-800-847-3424 www.dol.gov/eis/vvd/whd

# 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 test or for exercising their 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 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 job of the test. Examinees have several 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. Employees or job applicants may also bring their own court actions.

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

WHD WAGE AND HOUR DIVISION U.S. DEPARTMENT OF LABOR 1-800-847-3424 www.dol.gov/eis/vvd/whd

# UNEMPLOYED?

Have you lost your job or had your work hours reduced?

You have the right to apply for Unemployment Insurance benefits.

Apply online at: [www.uimn.org](http://www.uimn.org)

or by telephone:

651-296-3644 (Twin Cities)  
Toll free 1-877-898-9090 (Greater Minnesota)  
TTY users: 1-866-814-1252

This information is available in an alternative (accessible) format by calling 651-259-7223. DEED is an Equal Opportunity Employer/Provider. DEED-8027 / 8/00 / March 2002

Ref.: Minnesota Statutes, Sec. 269.068

# Minimum wage rates

Effective: Jan. 1, 2024

WAGE RATE	
<b>Large employer</b> – Any enterprise with annual gross revenues of \$500,000 or more	<b>\$10.85/hour</b>
<b>Small employer</b> – Any enterprise with annual gross revenues of less than \$500,000	<b>\$8.85/hour</b>

**Training wage** – May be paid to employees aged 18 and 19 the first 90 consecutive days of employment

**Youth wage** – May be paid to employees aged 17 or younger

**J-1 Visa** – May be paid to employees of hotels, motels, lodging establishments and resorts working under the authority of a summer work, travel Exchange Visitor (J) nonimmigrant visa. [dli.mn.gov/minwage](http://dli.mn.gov/minwage)

**OVERTIME** Time-and-one-half the employee's regular rate of pay

Small or state-covered employers	Large and federally covered employers
After <b>48</b> hours	After <b>40</b> hours

**SICK AND SAFE TIME** Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

**RETALIATION PROHIBITED** An employer may not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee reports a violation of any law or refuses to participate in an activity the employee knows is a violation of law.

**DEPARTMENT OF LABOR AND INDUSTRY**  
651-284-5075 • 800-342-5354 • [dli.laborstandards@state.mn.us](http://dli.laborstandards@state.mn.us) • [dli.mn.gov/minwage](http://dli.mn.gov/minwage)  
Posting required by law in a location where employees can easily see this notice. October 2023

Ref.: Minnesota Statutes, Sec. 177.31

# Pregnancy and parental leave

**PREGNANCY AND PARENTAL LEAVE** Employees may take up to 12 weeks of unpaid leave during pregnancy or upon the birth or adoption of their child. Employees are eligible for this leave regardless of the size of their employer and the amount of time for which they have worked for the employer.

**When does the pregnancy and parental leave start?**

- The leave must be taken within 12 months of the birth or adoption.
- Employees must request the leave from their employer.
- Employees can choose when the leave will begin.
- Employers can adopt reasonable policies about when requests for leave must be made.

**FREQUENTLY ASKED QUESTIONS**

**Can my pregnancy and parental leave count against my paid leave?** Yes. If you have paid leave, including sick leave or paid vacation, the amount of parental leave can be reduced so the total leave (parental plus paid leave) is not more than 12 weeks.

**Can my pregnancy and parental leave count against FMLA leave?** Yes. You only have a right to 12 weeks of leave total for birth or adoption of a child and any pregnancy related leave even if you qualify for both FMLA and pregnancy or parental leave.

The federal Family Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of unpaid leave in connection with the birth or adoption of a child or for a serious health condition. You may be entitled to additional leave under FMLA for a non-pregnancy related serious health condition. If you have questions about FMLA, contact the U.S. Department of Labor at 612-370-3341 or [dol.gov/whd/fmla](http://dol.gov/whd/fmla).

**Does Minnesota offer paid family and medical leave?** Minnesota's paid family and medical leave law, which provides paid time off during or following a pregnancy, goes into effect Jan. 1, 2026. Find more information at [mn.gov/deed/paidleave](http://mn.gov/deed/paidleave).

**Does my employer have to continue my benefits during the leave?** Yes. Your employer-provided health insurance must be continued during pregnancy and parental leave. You may be asked to pay for this coverage.

**Do I get my job back when I return from leave?** Yes. You are entitled to employment in your former position or one with comparable duties, hours and pay. You are also entitled to the same benefits and seniority you had before the leave. You may return to part-time work during the leave without forfeiting the right to return to full-time work at the end of the leave. It is against the law for your employer to retaliate, or take negative action, against you for requesting or taking a leave.

**DEPARTMENT OF LABOR AND INDUSTRY**  
Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155  
651-284-5075 • 800-342-5354 • [dli.laborstandards@state.mn.us](http://dli.laborstandards@state.mn.us) • [dli.mn.gov](http://dli.mn.gov)

Notice: This flyer is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding parental leave laws. Version 07/23

# STATE AND FEDERAL LABOR LAW

**VETERANS BENEFITS AND SERVICES**

The Minnesota Department of Veterans Affairs (MDVA) serves Minnesota Veterans and their families.

Veterans and their families may be eligible for many benefits earned through their military service. Contact MDVA or your County Veterans Service Officer to learn more about these resources, programs and services:

- Adult Day Program
- Counseling for substance use disorder and mental health treatment
- Dental and vision assistance
- Educational, workforce and training resources
- Eligibility for unemployment insurance benefits under state and federal law
- Emergency assistance
- Ending Veteran homelessness and housing assistance
- Filing health and disability claims (VA and Social Security)
- Legal services
- Minnesota GI Bill for license or certification, apprenticeships or higher education
- Minnesota Veterans driver's licenses and identification cards
- Preventing Veteran suicide
- State Veterans Cemeteries
- State Veterans Domiciliary Program
- State Veterans Homes (skilled nursing facilities)
- Tax benefits
- VA healthcare enrollment
- Veteran Family assistance
- Women Veterans support

**FOR MORE INFORMATION**  
Visit [MinnesotaVeterans.org](http://MinnesotaVeterans.org)  
Call 1-888-LinkVet  
Connect with your County Veterans Service Officer at MACVSO.org

MINNESOTA DEPARTMENT OF VETERANS AFFAIRS  
Veterans LinkLine 1-888-LINKVET  
MINNESOTA DEPARTMENT OF VETERANS AFFAIRS  
Veterans Crisis Line DIAL 988 FOR PRESS

# Workers' compensation

If you are injured

- Report any injury to your supervisor as soon as possible, no matter how minor it may appear. You may lose the right to workers' compensation benefits if you do not make a timely report of the injury to your employer. The time limit may be as short as 14 days.
- Provide your employer with as much information as possible about your injury.
- Get any necessary medical treatment as soon as possible. If you are not covered by a certified medical care organization (CMCO), you may treat with a doctor of your choice. Your employer must notify you in writing if you are covered by a CMCO.
- Cooperate with all requests for information concerning your claim.
- The law allows the workers' compensation insurer to obtain medical information related to your work injury without your authorization, but they must send you written notification when they request the information. The insurer cannot obtain other medical records unless you sign a written authorization.
- Get written confirmation from your doctor about any authorization to be off work. The note should be as specific as possible.
- Medical care for your work injury, as long as it is reasonable and necessary.
- Wage-loss benefits for part of your lost income.
- Compensation for permanent damage to or loss of function of a body part.
- Vocational rehabilitation services if you cannot return to your pre-injury job or to your pre-injury employer due to your work injury.
- Benefits to your spouse and/or dependents if you die as a result of a work injury.

**What the insurer must do**

- The insurer must investigate your claim promptly. If you have been disabled for more than three calendar-days, the insurer must begin payment of benefits or send you a denial of liability within 14 days after your employer knew you were off work or had lost wages because of your claimed injury.
- If the insurer accepts your claim for wage-loss benefits and you have been disabled for more than three calendar-days: The insurer will notify you and must start paying wage-loss benefits within 14 days noted above. The insurer must pay benefits on time. Wage-loss benefits are paid at the same intervals as your work paychecks.
- If the insurer denies your claim for wage-loss benefits and you have been disabled for more than three calendar-days: The insurer will send notice to you within 14 days. The notice must clearly explain the facts and reasons why they believe your injury or illness did not result from your work or why the claimed wage-loss benefits are not related to your injury.
- If you disagree with the denial, talk with the insurance claims adjuster who is handling your claim. If you are not satisfied and still disagree with the denial, call the Minnesota Department of Labor and Industry's Workers' Compensation Hotline at 1-800-342-5354.

**Fraud** Collecting workers' compensation benefits you are not entitled to is theft. Call 1-888-372-8366 to report workers' compensation fraud.

**Insurer name and contact information**

**DEPARTMENT OF LABOR AND INDUSTRY**  
(651) 284-5032 • 1-800-342-5354 • [dli.workcomp@state.mn.us](http://dli.workcomp@state.mn.us) • [www.dli.mn.gov](http://www.dli.mn.gov)  
Posting required by law in a location where employees can easily see this notice. August 2017

Ref.: Minnesota Statutes, Sec. 176.139

# Safety and health protection on the job

**Employees** The Minnesota Occupational Safety and Health Act (the Act) requires that your employer provide you with a workplace free of known hazards that can cause death, injury or illness. You also have the following workplace rights and responsibilities.

- You must follow all Minnesota OSHA (MNOSHA) standards and your employer's safety rules.
- Your employer must provide you with information about any hazardous chemicals, harmful physical agents and infectious agents you are exposed to at work.
- You have the right to discuss your workplace safety and health concerns with your employer or with MNOSHA.
- You have the right to refuse to perform a job duty if you believe the task or equipment will place you at immediate risk of death or serious physical injury. However, you must do any other task your employer assigns you to do. You cannot simply leave the workplace.
- You have the right to be notified and comment if your employer requests any variance from MNOSHA standard requirements.
- You have the right to speak to a MNOSHA investigator inspecting your workplace.
- You have the right to file a complaint with MNOSHA about safety and health hazards and request that an inspection be conducted. MNOSHA will not reveal your name to the employer.
- You have the right to see all citations, penalties and abatement dates issued to your employer by MNOSHA.
- Your employer cannot discriminate against you for exercising any of your rights under the Act. However, your employer can discipline you for not following its safety and health rules. If you feel your employer has discriminated against you for exercising your rights under the Act, you have 30 days to file a complaint with MNOSHA.
- Your employer must provide you with any exposure and medical records it has about you upon request.
- You have the right to participate in the development of standards by MNOSHA.

**Employers** You must provide your employees with a safe and healthful work environment free from any known hazards that can cause death, injury or illness and comply with all applicable MNOSHA standards. You also have the following rights and responsibilities.

- You must post a copy of this poster and other MNOSHA documents where other notices to employees are posted.
- You must report to MNOSHA within eight hours all accidents resulting in the death of an employee.
- You must report to MNOSHA within 24 hours all accidents resulting in any amputation, eye loss or inpatient hospitalization of any employee.
- You must allow MNOSHA investigators to conduct inspections, interview employees and review records.
- You must provide all necessary personal protective equipment and training at your expense.
- You have the right to participate in the development of standards by MNOSHA.

**Free safety and health assistance** Free assistance to identify and correct hazards is available to employers, without citation or penalty, through MNOSHA Workplace Safety Consultation at (651) 284-5060, 1-800-657-3776 or [osha.consultation@state.mn.us](mailto:osha.consultation@state.mn.us).

Contact MNOSHA for a copy of the Act, for specific safety and health standards or to file a complaint about workplace hazards.

Employers, employees and members of the general public who wish to file a complaint regarding the MNOSHA program may write to the Federal OSHA Region 5 office at: U.S. Department of Labor, Occupational Safety and Health Administration, Chicago Regional Office, 230 S. Dearborn Street, Room 3244, Chicago, IL 60604.

**OSHA** DEPARTMENT OF LABOR AND INDUSTRY  
(651) 284-5050 • 1-877-470-6742 • [osha.compliance@state.mn.us](mailto:osha.compliance@state.mn.us) • [www.dli.mn.gov](http://www.dli.mn.gov)  
Posting required by law in a location where employees can easily see this notice. August 2017

Ref.: Minnesota Admin. Rules, Sec. 6212.0100

# EMERGENCY NUMBERS CALL 911

POLICE: \_\_\_\_\_

AMBULANCE: \_\_\_\_\_

FIRE: \_\_\_\_\_

HOSPITAL: \_\_\_\_\_

FIRE DEPARTMENT: \_\_\_\_\_

POISON CONTROL: \_\_\_\_\_

OSHA: \_\_\_\_\_

**PAY DAY NOTICE**

**PAY DAY IS ON:**

MONDAY  FRIDAY  
 TUESDAY  SATURDAY  
 WEDNESDAY  SUNDAY  
 THURSDAY

**PAY SCHEDULE IS:**

WEEKLY  SEMI-MONTHLY  
 BIWEEKLY  MONTHLY

**PAYCHECKS ARE ISSUED ON THE:** \_\_\_\_\_ AND \_\_\_\_\_ OF THE MONTH

AT: \_\_\_\_\_

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

# NOTICE

## Mandatory Workplace Communications

Minnesota Statutes § 181.531

Effective August 31, 2023, employers will no longer be able to require employees to attend employer-sponsored meetings, commonly known as "captivity audience 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 declines to receive or listen to communications from the employer or the agent, representative, or designee of the employer if the meeting or communication is to communicate the opinion of the employer about religious or political matters;
- As a means of inducing an employee to attend or participate in meetings or receive or listen to communications regarding the opinion of the employer about religious or political matters; or
- Because the employee makes a good-faith report, orally or in writing, of a violation or 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 which attendance or participation is strictly voluntary.

An aggrieved employee may bring a civil action to enforce the law no later than 90 days after the date of the alleged violation in the district court where the violation is alleged to have occurred or where the principal office of the employer is located.

This is a summary of the Minnesota Statutes § 181.531. This is not a complete text of the law.

# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination. You have the right to be free from discrimination against you at work or in your job, the EEOC law also covers:

- Who is Protected? Employees (current and former), including those who are temporary employees or contract workers.
- What Organizations are Covered? Most private employers with 15 or more employees. Federal government contractors with 50 or more employees. State and local government employees with 15 or more employees.
- What Types of Workplace Discrimination are Illegal? Race, color, religion, sex, sexual orientation, gender identity, national origin, age (40 and over), disability, and genetic information.
- What You Can Do if You Believe Discrimination Has Occurred? You can file a charge with the EEOC. You can also file a lawsuit in court.
- What Employment Practices can be Challenged as Discriminatory? Hiring, firing, promotion, demotion, transfer, reassignment, discipline, harassment, retaliation, and any other employment action.

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces federal laws that prohibit workplace discrimination against federal contractors and subcontractors. You have the right to be free from discrimination against you at work or in your job, the OFCCP law also covers:

- Who is Protected? Employees (current and former), including those who are temporary employees or contract workers.
- What Organizations are Covered? Federal contractors and subcontractors with 50 or more employees.
- What Types of Workplace Discrimination are Illegal? Race, color, religion, sex, sexual orientation, gender identity, national origin, age (40 and over), disability, and genetic information.
- What You Can Do if You Believe Discrimination Has Occurred? You can file a charge with the OFCCP. You can also file a lawsuit in court.
- What Employment Practices can be Challenged as Discriminatory? Hiring, firing, promotion, demotion, transfer, reassignment, discipline, harassment, retaliation, and any other employment action.

**PROHIBITED ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Ref.: Minnesota Admin. Rules, Sec. 6212.0100