

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, and
- 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 #28(0)(a) 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.

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 WH1420 REV 04/23

UNEMPLOYMENT INSURANCE BENEFITS

NOTICE TO WORKERS

Your employer is subject to the Missouri Unemployment Security Law and pays tax contributions to cover unemployment insurance (UI) benefits in case you become unemployed through no fault of your own. **Nothing is deducted from your pay to cover its cost.**

WHEN TO APPLY FOR UI BENEFITS

- If you are unemployed, laid off or working less than full time;
- If you lose your job through no fault of your own or quit for a valid reason related to the work or the employer; and
- If you are able to work, available for work and actively seeking employment.

HOW TO APPLY FOR UI BENEFITS

- To apply, visit unemploy.labor.mo.gov to create a new user account and file your initial claim, or
- If you do not have Internet access, call a Regional Claims Center during normal business hours, Monday through Friday from 8 a.m. to 5 p.m.:
 - Jefferson City: 573-751-9040 Springfield: 417-885-6851
 - Kansas City: 816-889-3101 St. Louis: 314-340-4950
 - Outside Local Calling Area: 800-320-2519

If you believe someone is fraudulently collecting unemployment benefits, email ReportFraud@labormo.gov or call 573-751-4058, option 5.

PROPER WORKER CLASSIFICATION

Missouri law defines who is considered an employee or an independent contractor. Businesses that improperly treat workers as independent contractors have an unfair competitive advantage. Improperly classified workers miss out on unemployment benefits, workers' compensation coverage and employer tax contributions.

If you think you may be improperly classified or suspect a business of improperly classifying workers, visit labormo.gov/ufvthebooks or call 573-751-1095.

LEARN MORE AT LABOR.MO.GOV/EMPLOYED-WORKERS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF EMPLOYMENT SECURITY
P.O. Box 58 Jefferson City, MO 65102-0058 Fax: 573-751-9330 labormo.gov@labormo.gov

EMPLOYMENT: E-mail: call 573-751-9040 for assistance or for the location and understanding of the information in this document. (MURKIN) is an acronym. Date of 573-751-9040 press assistance or to indicate your preference to be informed on an occasion. Missouri Department of Labor and Industrial Relations is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities. IDOT77: 800-735-2966 Relay Missouri: 711 MOSES-8.11.20.11

Ref: Missouri Revised Statutes, Section 288.130

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 1 1/2 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 related to hazardous by the Secretary of Labor. Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions in agricultural employment.

TP CREDIT Employees of "bonded employers" 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 wage, the employer must pay 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. Employers must provide a break other than a bathroom break to express breast milk from view and free from intrusion from coworkers and the public, which may be used by the employee for any other purpose.

ENFORCEMENT The Department has authority to review complaints and an equal amount of liquidated damages in instances of minimum wage, overtime, and back wages. The Department may litigate or seek a civil penalty. Employers must provide a back pay to employees who are discriminated against on the basis of their 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. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violation is 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.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees (independent contractors) who 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 provisions.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WAGE AND HOUR DIVISION
1005 407 0400
www.dol.gov/eis/whd

\$12.30 MISSOURI MINIMUM WAGE

IN EFFECT FOR PRIVATE EMPLOYERS FOR 2024

Beginning January 1, 2024, the minimum wage rate for all private and non-exempt businesses will be based annually on the increase or decrease in the cost of living pursuant to the Consumer Price Index. Missouri Minimum Wage law does not apply to public employers, nor does it allow the state's minimum wage rate to be lower than the federal minimum wage rate.

at least \$6.15 per hour

TIPPED EMPLOYEES

Employers are required to pay tipped employees at least 50 percent of the minimum wage, \$6.15 per hour, plus any amount necessary to bring the employee's total compensation to a minimum of \$12.30 per hour.

at least 1.5 X rate

OVERTIME COMPENSATION

Overtime compensation must also be paid at a rate of at least one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.

EXCEPTIONS

All businesses are required to pay, at minimum, the \$12.30 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000. The law does not apply to certain exempt employees/employers defined in Section 290.500(3), RSMo, and employees/employers pertaining to agriculture in Section 290.507, RSMo, nor does it supersede more favorable laws or interfere with collective bargaining agreement rights.

EMPLOYEE RIGHTS

An employee not being paid the correct wages can file a minimum wage complaint at labor.mo.gov/DLS/MinimumWage and is entitled to pursue a private legal right of action to collect any wages due. An employer who unlawfully pays sub-minimum wages will be liable for the full amount of wages due (plus twice the amount left unpaid as liquidated damages) less any amount actually paid. The employer is also liable for costs and reasonable attorney fees as may be allowed by the court or jury.

LEARN MORE AT LABOR.MO.GOV/DLS/MINIMUMWAGE

DIVISION OF LABOR STANDARDS
421 East Dunklin Street
P.O. Box 449
Jefferson City, MO 65102-0449
573-751-3403
Fax: 573-751-3721
laborstandards@labor.mo.gov

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-735-2966 Relay Missouri: 711
LS-52 (11-23) AI

Job Safety and Health IT'S THE LAW!

OSHA Occupational Safety and Health Administration
U.S. Department of Labor

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

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against workers in hiring, firing, pay, job assignments, promotion, benefits, and other terms and conditions of employment. The EEOC has the authority to investigate complaints, mediate, conciliate, and litigate on behalf of workers.

Who is Protected?

- Employees covered by federal, including state and local government, laws.
- Employees covered by state and local laws.
- Employees covered by federal, state, and local laws.

What Organizations are Covered?

- Most private employers.
- State and local governments (as employers).
- Employees of state and local governments.
- Employees of federal government contractors.

What Types of Employment Discrimination are Illegal?

- Sexual harassment.
- Retaliation.
- Age.
- Disability.
- Genetic information.
- Religion.
- Marital status.
- Political affiliation.
- National origin.
- Sexual orientation and gender identity.
- Appearance.
- Offspring of a person with a disability.
- Association with a person with a disability.
- Relationship with a person with a disability.
- Witnessing an act of discrimination.
- Witnessing a threat of discrimination.
- Witnessing a hostile work environment.
- Witnessing a discriminatory act.
- Witnessing a discriminatory policy.
- Witnessing a discriminatory practice.
- Witnessing a discriminatory procedure.
- Witnessing a discriminatory process.
- Witnessing a discriminatory system.
- Witnessing a discriminatory structure.
- Witnessing a discriminatory culture.
- Witnessing a discriminatory climate.
- Witnessing a discriminatory atmosphere.
- Witnessing a discriminatory environment.
- Witnessing a discriminatory setting.
- Witnessing a discriminatory context.
- Witnessing a discriminatory background.
- Witnessing a discriminatory foreground.
- Witnessing a discriminatory midground.
- Witnessing a discriminatory background.
- Witnessing a discriminatory foreground.
- Witnessing a discriminatory midground.

What Employment Practices can be Challenged or Prohibited?

- Hiring, firing, promotion, demotion, transfer, reassignment, suspension, discipline, or other terms and conditions of employment.
- Compensation, benefits, and other terms and conditions of employment.
- Job assignments, duties, and responsibilities.
- Training, apprenticeship, and other terms and conditions of employment.
- Harassment, including sexual harassment.
- Retaliation against workers who exercise their rights under the law.
- Discrimination based on race, color, sex, religion, national origin, ancestry, sex, disability, or age (40 through 69).
- Discrimination based on genetic information.
- Discrimination based on marital status.
- Discrimination based on political affiliation.
- Discrimination based on national origin.
- Discrimination based on sex.
- Discrimination based on sexual orientation and gender identity.
- Discrimination based on appearance.
- Discrimination based on offspring of a person with a disability.
- Discrimination based on relationship with a person with a disability.
- Discrimination based on witnessing an act of discrimination.
- Discrimination based on witnessing a threat of discrimination.
- Discrimination based on witnessing a hostile work environment.
- Discrimination based on witnessing a discriminatory act.
- Discrimination based on witnessing a discriminatory policy.
- Discrimination based on witnessing a discriminatory practice.
- Discrimination based on witnessing a discriminatory procedure.
- Discrimination based on witnessing a discriminatory process.
- Discrimination based on witnessing a discriminatory system.
- Discrimination based on witnessing a discriminatory structure.
- Discrimination based on witnessing a discriminatory culture.
- Discrimination based on witnessing a discriminatory climate.
- Discrimination based on witnessing a discriminatory atmosphere.
- Discrimination based on witnessing a discriminatory environment.
- Discrimination based on witnessing a discriminatory setting.
- Discrimination based on witnessing a discriminatory context.
- Discrimination based on witnessing a discriminatory background.
- Discrimination based on witnessing a discriminatory foreground.
- Discrimination based on witnessing a discriminatory midground.

STATE AND FEDERAL LABOR LAW

The Missouri Human Rights Act makes it illegal to discriminate in any aspect of employment because of an individual's race, color, religion, national origin, ancestry, sex, disability, or age (40 through 69).

An employment agency includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

THE MISSOURI HUMAN RIGHTS ACT APPLIES TO:

- Private employers with six or more employees.
- All employment agencies.
- All apprenticeship or training programs.
- All state and local government agencies.
- All labor organizations.

DISCRIMINATORY PRACTICES PROHIBITED BY THE MISSOURI HUMAN RIGHTS ACT INCLUDE:

- Hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements, recruitment, testing, use of company facilities, training, and apprenticeship programs; fringe benefits, pay, retirement plans, or disability leave; or other terms and conditions of employment.
- Harassment on the basis of race, color, religion, national origin, ancestry, sex, disability, or age.
- Retaliating against an individual for filing a complaint of discrimination, participating in a discrimination investigation or hearing, or opposing discriminatory practices.
- Discriminating in any aspect of employment against an individual because of the individual's association with a person in one of the protected categories.

MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
State regulation 8 CSR 60-3.010 requires this notice be posted in all places of business or establishments that are subject to the Missouri Human Rights Act.

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 Act permits polygraph in 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 results in economic loss to the employer. The law does not prevent 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 secure civil penalties for violations. 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.

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: _____

MISSOURI COMMISSION ON HUMAN RIGHTS

DISCRIMINATION

IN EMPLOYMENT IS PROHIBITED

TAKE ACTION FILE A COMPLAINT

If you believe you have been discriminated against in regard to employment, you may contact us about filing a complaint of discrimination using the information below.

Note: complaints must be filed within 180 days of the alleged discrimination.

CONTACT US

MISSOURI COMMISSION ON HUMAN RIGHTS
Email: mchr@labor.mo.gov
421 East Dunklin Street
P.O. Box 1129
Jefferson City, MO 65102-1129
573-751-3325
Toll-free Discrimination Complaint Hotline: 877-781-4236
TDD/TTY: 800-735-2966
Relay Missouri: 711

The statutory purpose of the Missouri Commission on Human Rights is to prevent and eliminate discrimination based on protected categories under the Missouri Human Rights Act (Act) in employment, housing, and places of public accommodations through education and the enforcement of the Act.

The Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
State regulation 8 CSR 60-3.010 requires this notice be posted in all places of business or establishments that are subject to the Missouri Human Rights Act.

DIVISION OF WORKERS' COMPENSATION

Missouri Department of Workers' Compensation
P.O. Box 58, Jefferson City, MO 65102
573-751-4231

Insurance Company, Third Party Administrator, Service Company, or Designated Individual If Self-Insured

Name: _____
Address: _____
City: _____
State: _____
Zip: _____
Phone: _____

Employee Information

The Missouri Division of Workers' Compensation (DWC) administers programs for workers who have been injured on the job or exposed to an occupational disease arising out of and in the course of employment. The Division's Administrative Law Judges have the authority to approve settlements or issue awards after a hearing relating to an injured employee's entitlement to benefits.

Steps to Take When Injured on the Job

- Notify your employer immediately (written notice must be provided within 30 days of the accident/ or 30 days after the diagnosis of any occupational disease or repetitive trauma) by contacting:
 - employer representative
 - phone number
- Ask your employer to provide medical treatment (your employer/insurer is responsible for providing medical treatment and paying the medical fees and charges unless you choose to treat with another doctor at your own expense without your employer/insurer's approval).
- Get more information about the benefits available under the Workers' Compensation Program or about the steps you may take to get the benefits you need. Visit www.labor.mo.gov/DWC or call 800-778-COMP.

Medical Care for Injured Employees

Medical Care: The employer or insurer is required to provide medical treatment and care that is reasonably required to cure and relieve the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. There is no deductible, and all costs are paid by the employer or the workers' compensation insurance company. If you receive a bill, contact your employer or the insurance company immediately. The employer/insurer has the right to choose the healthcare provider or treating physician. You may select a different healthcare provider or treating physician, but if you do so, it may be at your own expense.

Payment for Lost Wages:

- If a doctor says you are unable to work due to your injuries or recovery from a surgery, you may be entitled to temporary total disability (TTD) benefits. If a doctor says that you can perform light or modified duty work and your employer offers you that work, you may not be eligible for TTD benefits. TTD benefits should be continued until the doctor says you can return to work, or when your treatment is concluded because your condition has reached "maximum medical improvement," whichever occurs first.
- If you return to light or modified duty at less than full pay, you may be entitled to temporary partial disability benefits. If the injury or illness results in a permanent disability, you may be entitled to receive either permanent partial or permanent total disability benefits.

Survivor Benefits:

If a work-related injury causes an employee's death, the surviving dependents may receive weekly death benefits paid at 66 2/3% of the deceased employee's average weekly wage along with funeral expenses up to \$5,000 from the employer/insurer. For additional information relating to survivor's benefits, including college scholarship opportunities for surviving children, please visit www.labor.mo.gov/DWC.

Additional Benefits for Occupational Diseases Due to Toxic Exposure - Permanent Total Disability and/or Death: For information relating to additional benefits available, please refer to the Division's website at www.labor.mo.gov/DWC/ Injured Workers/benefits, available.

Workers' Safety

Developing and implementing a comprehensive safety and health program can reduce occupational injuries and help lower workers' compensation costs. Insurance carriers in the state of Missouri must provide safety assistance at the request of the insured employer. The Missouri Department of Labor evaluates these services and provides additional assistance through its Missouri Workers' Safety Program. For additional information relating to workers' safety, please visit www.labor.mo.gov or for a registry of independent consultants who are certified in the state of Missouri to provide safety assistance.

Fraud/Noncompliance

Employee Fraud - knowingly making a claim for workers' compensation benefits to which an employee knows he/she is not entitled or knowingly presenting multiple claims for the same occurrence with intent to defraud is a class E felony, punishable by a fine of up to \$10,000, or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Fraud - knowingly misrepresenting an employee's job classification or any other fact to obtain insurance at less than the proper rate is a class A misdemeanor. A subsequent violation is a class E felony. An employer who knowingly makes a false or fraudulent statement regarding an employee's entitlement to benefits to discourage the worker from making a legitimate claim or who knowingly makes a false or fraudulent material statement of material representation to deny benefits to a worker is guilty of a class A misdemeanor punishable by a fine of up to \$10,000. A subsequent violation is a class D felony.

Insurer Fraud - knowingly and intentionally refusing to comply with workers' compensation obligations to which an insurance company or self-insurer knows an employee is entitled is a class E felony, punishable by a fine of up to \$10,000 or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Noncompliance - knowingly failing to insure workers' compensation liability under the law is a class A misdemeanor punishable by a fine of up to three times the annual premium the employer would have paid had it been insured or up to \$50,000, whichever is greater. A subsequent violation is a class E felony. An employer who willfully fails to post the notice of workers' compensation at the workplace is guilty of a class A misdemeanor punishable by a fine of \$50 to \$1,000 or by imprisonment or both fine and imprisonment.

Missouri Division of Workers' Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 800-735-2966 Relay Missouri: 711
WC-106 (07-10) AI
Ref: Missouri Revised Statutes, Section 287.127