Your Employee Rights Under the **Family and Medical Leave Act**

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

- 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

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

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

Am I eligible to take FMLA leave?

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

You work for an elementary or public or private secondary school,

You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel

You do not have to share a medical diagnosis but must provide

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

State employees may be subject to certain limitations in pursuit of

by the law but are subject to the jurisdiction of the U.S. Office of

direct lawsuits regarding leave for their own serious health conditions

Most federal and certain congressional employees are also covered

You work for a private employer that had at least 50 employees

during at least 20 workweeks in the current or previous calendar

You work for a **covered employer** if **one** of the following applies:

your employer cannot retaliate against you for requesting FMLA leave How do I request FMLA leave? or cooperating with a WHD investigation After becoming aware that your need for leave is for a reason that Generally, to request FMLA leave you must: may qualify under the FMLA, your employer must confirm whether

you are eligible or not eligible for FMLA leave. If your employer Follow your employer's normal policies for requesting leave. determines that you are eligible, your employer must notify you in Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible About your FMLA rights and responsibilities, and

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 Where can I find more information? same reason when requesting additional leave.

Call 1-866-487-9243 or visit dol.gov/fmla to learn more. Your employer may request certification from a health care provided to verify medical leave and may request certification of a qualifying If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your

employer in court. Scan the QR code to learn about our WHD

If you are eligible for FMLA leave, your **employer** <u>must</u>:

shift and location, at the end of your leave

· Allow you to take job-protected time off work for a qualifying

on the same basis as if you had not taken leave, and

Continue your group health plan coverage while you are on leave

Allow you to return to the same job, or a virtually identical job with

How much of your requested leave, if any, will be FMLA-protected

the same pay, benefits and other working conditions, including

Your employer cannot interfere with your FMLA rights or threater

or punish you for exercising your rights under the law. For example,



WH1420 REV 04/23

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

Personnel Management or Congress.

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

lef.: 29 CFR §825.300

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 The Act permits polygraph (a kind of lie detector) tests to be administered

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.

in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The law does not preempt any provision of any State or local law or any

EXAMINEE

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. 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.



DIVISION OF WORKERS' COMPENSATION NOTICE REGARDING CERTAIN WORK-RELATED COMMUNICABLE **DISEASES AND ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS**

LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, EMERGENCY MEDICAL SERVICE EMPLOYEES, PARAMEDICS, AND CORRECTIONAL OFFICERS

In order to qualify for workers' compensation benefits, an employee who claims a possible work-related exposure to a reportable disease, including HIV infection, must be tested for the disease not later than the 10th day after the exposure and must provide their employer with documentation of the test and a sworn affidavit of the date and circumstances of the exposure. The test result must indicate the absence of the disease. The employee is not required to pay for the test.

Reportable diseases are those communicable diseases and health conditions required to be reported to the Texas Department of State Health Services. Exposure criteria and testing protocol must conform to Texas Department of State Health Services requirements.

ALL STATE EMPLOYEES

In order to qualify for workers' compensation benefits, a state employee who claims a possible work-related exposure to human immunodeficiency virus (HIV) infection, must be tested for HIV within 10 days after the exposure and must provide their employer with documentation of the test and a written statement of the date and circumstances of the exposure. The test result must indicate the absence of HIV infection. The employee is not required to pay for the test.

For additional information: Talk to your employer or call the Division of Workers' Compensation at 1-800-252-7031. Also, contact the Texas Department of State Health Services (DSHS) to ensure full compliance with the Health and Safety Code and DSHS rules.

Rule 110.108

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 workrelated 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.

This poster is available free from OSHA.

Contact OSHA. We can help.

83743

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.



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



EQUAL EMPLOYMENT OPPORTUNITY IS ... IGUALIDAD DE OPORTUNIDADES EN EL **EMPLEO ES...**

The Law in Texas

The law prohibits employers, employment agencies and labor unions from denying equal employment opportunities in

- hiring promotion
- discharge
- fringe benefits
- membership training other aspects of
- employment because of race, color, national origin, religion, sex, age, or disability. The Sex Protected Class includes Sexual Harassment. Gender Stereotyping, Pregnancy Discrimination, Gender

Identity, and Sexual

Orientation.

La ley prohíbe a los empleadores, agencias de empleo y sindicatos de negar la igualidad de oportunidades de empleo en

- ocupar
- ascensos
- pago
- entrenamiento

por causa de raza,

color, nacionalidad. incapacidad.

If you believe you have been discriminated against, contact the Texas Workforce Commission, Civil Rights Division

Si usted cree que ha sido discriminado, comuníquese con la Comisión Laboral de Texas, División de Derechos Civiles

Website: www.twc.texas.gov/jobseekers/howsubmit-employment-discrimination-complaint Email: EEOintake@twc.texas.gov

> 101 E. 15th Street, RM. 154; Austin, TX 78778

Toll Free (within Texas) 1-888-452-4778 TTY (512) 371-7473

Equal Opportunity Employer / Program Igualdad de Oportunidad de Empleo / Programa



SEMI-MONTHLY:

to be encountered by all employees, and that an employer provide such information, individually, to an employee upon separation from employment

To report suspected fraud, waste or abuse of the program call 800-252-3642.

ef.: Texas Labor Code, Title 2, Ch. 61

EMERGENCY NUMBERS CALL 911

POLICE: AMBULANCE: PHYSICIAN: **HOSPITAL:** FIRE DEPARTMENT: POISON CONTROL: OSHA:

Attention **Texas Employers** Re: Workers' Compensation Poster

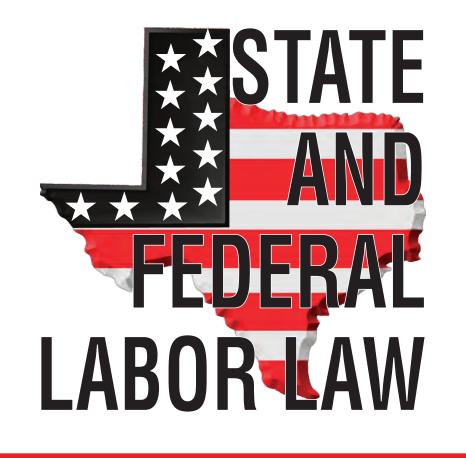
on your All-On-One™ poster. If you DO NOT carry workers' compensation insurance, please fill out employer to fill out the DWC-5 form, "EMPLOYER NOTICE OF NO

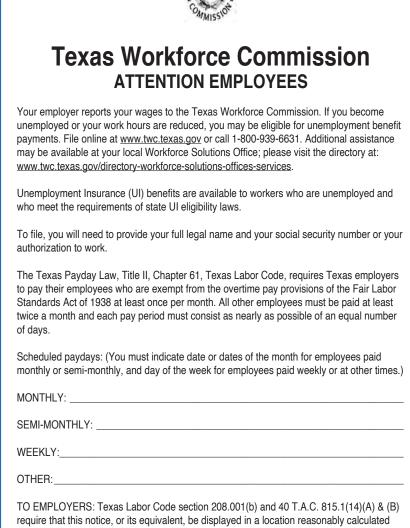
La Ley en Texas

- desocupar
- beneficios membrecia
- otros aspectos del empleo

religion, sexo, edad, o La clase protegida por sexo incluye acoso sexual, estereotipos de género, discriminación por embarazo, identidad de género y orientación sexual.

(512) 463-2642





Employers in the State of Texas are required to post a notice for their employees whether they DO or DO NOT carry workers' compensation If you DO carry workers' compensation insurance, please fill out Notice 6

Notice 5 on your All-On-One™ poster. It is your responsibility as an COVERAGE OR TERMINATION OF COVERAGE", by downloading it at www.complianceposter.com/free-labor-law-posters Please send this to the address listed at the top of form DWC-5

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

The law requires employers to display this poster where employees can readily see it.

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

certain work hours restrictions. Different rules apply in agricultural employment

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express

the minimum hourly wage, the employer must make up the difference

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

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit

of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an

based on tips received by their employees, Employers must pay tipped employees a cash wage

employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equa

breast milk for their nursing child for one year after the child's birth each time the employee needs

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. 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

from view and free from intrusion from coworkers and the public, which may be used by the

FEDERAL MINIMUM WAGE

INFORMATION

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 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.

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 Comm Mariana Islands, and the Commonwealth of Puerto Rico. $Some \ state \ laws \ provide \ greater \ employee \ protections; \ employers \ must \ comply \ with \ both.$ Some employers incorrectly classify 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

Certain full-time students, student learners, apprentices, and workers with disabilities may be

NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE **OFFICE OF INJURED EMPLOYEE COUNSEL**

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system.

You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432.

More information about OIEC and its Ombudsman Program is available at the agency's website (www.oiec.texas.gov).

OMBUDSMAN PROGRAM

What Is An Ombudsman? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them

If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation. Once a proceeding is scheduled an Ombudsman can: Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);



• Attend the proceeding with you and communicate on your behalf; and

Figure 28 TAC §276.5(c) - September 2022

NOTICE TO EMPLOYEES CONCERNING **WORKERS' COMPENSATION IN TEXAS**

COVERAGE: [Name of employer]

has workers' compensation insurance coverage from [name of commercial insurance company] work-related injury or occupational disease. This coverage is effective from [effective date of workers'

compensation insurance policy] _ ___. Any injuries or occupational diseases which occur on or after that date will be handled by [name of commercial insurance company] _. An employee or a person acting on the employee's behalf, must notify the employer of an injury or occupational disease not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an occupational

disease, unless the Texas Department of Insurance, Division of Workers' Compensation (Division)

determines that good cause existed for failure to provide timely notice. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance. **EMPLOYEE ASSISTANCE:** The Division provides free information about how to file a workers' compensation claim. Division staff will answer any questions you may have about workers' compensation and process any requests for dispute resolution of a claim. You can obtain this assistance by contacting your local Division field office or by calling 1-800-252-7031. The Office of Injured Employee Counsel (OIEC) also provides free assistance to injured employees and will explain your

by contacting an OIEC customer service representative in your local Division field office or by calling 1-866-EZE-OIEC (1-866-393-6432). **SAFETY VIOLATIONS HOTLINE:** The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation. Contact the

rights and responsibilities under the Workers' Compensation Act. You can obtain OIEC's assistance

Division at 1-800-452-9595. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

NOTICE TO EMPLOYEES CONCERNING

COVERAGE: [Name of employer]

Rule 110.101(e)(4)

Rule 110.101(e)(1)

have workers' compensation insurance coverage. As an employee of a non-covered employer, you are not eligible to receive workers' compensation benefits under the Texas Workers' Compensation Act. However, a non-covered (non-subscribing) employer can and may provide other benefits to injured employees. You should contact your employer regarding the availability of other benefits for a work-related injury or occupational disease. In addition, you may have rights under the common law of Texas should you have an on the job injury or occupational disease. Your employer is required to provide you with coverage information, in writing, when you are hired or whenever the employer becomes, or ceases to be, covered by workers' compensation insurance.

WORKERS' COMPENSATION IN TEXAS

SAFETY VIOLATIONS HOTLINE: The Division has a 24 hour toll-free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health or safety violation

Contact the Division at 1-800-452-9595. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

Reporting Workplace Violence Employees can report instances of workplace violence or suspicious activity by contacting the Department of Public Safety (DPS) through the iWatchTexas Community Reporting System at www.iwatchtx.org, or by calling 844-643-2251. Employees have the right to

Reportando La Violencia en el Trabajo Los empleados pueden denunciar casos de violencia en el trabajo o actividades sospechosas comunicándose con el Departamento de Seguridad Pública (DPS) a través del Sistema de Informes Comunitarios iWatchTexas en www.iwatchtx.org, o llamando al 844-643-2251. Los empleados tienen derecho a presentarle una queja al DPS de forma anónima.

W Know Your Rights: **Workplace Discrimination is Illegal**

make a report to DPS anonymously.

Ref.: Texas Labor Code, Title 3, Ch. 104A

or physical conduct)

EMPLOYERS HOLDING FEDERAL CONTRACTS

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by

PROGRAMS OR ACTIVITIES RECEIVING

FEDERAL FINANCIAL ASSISTANCE

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