

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 or 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 service member.

How do I request FMLA leave?

Generally, 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 if 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.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or disparate any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

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 workplace.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management.

Ref: 29 CFR §625.300

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 Employees 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 testing in the private sector, subject to restrictions, to certain private employees of security service firms (armed, cash, 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 offense (theft, embezzlement, etc.) that resulted in economic loss to the employer.

EXAMINE RIGHTS When 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.



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 employer must not employ a child under 18 in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 16 and 17 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions that generally apply to agricultural occupations.

TIP CREDIT Employer of "food employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employees must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a 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 milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department has authority to receive complaints and an equal amount of liquidated damages in instances of minimum wage, overtime, and child labor violations. The Department may litigate or seek civil penalties. Employees must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.



VERMONT DEPARTMENT OF LABOR

Employer's Liability and Workers' Compensation NOTICE TO EMPLOYEES

This employer has complied with the provisions of Title 21 of the Vermont Statutes, Annotated §687, by obtaining Workers' Compensation Insurance coverage through:

(Insurance Carrier)

Workers' compensation benefits for lost time, medical expenses, disability or death because of a work-related injury are available through the above named company.

- An injured employee MUST immediately notify his/her employer of an injury.
- The employer MUST file an Employee Claim and Employer's First Report of Injury (Form 1) with the Vermont Department of Labor within 72 hours of the notice of an injury that requires medical attention or results in time lost from work. The employer must also provide a copy of the Form 1 to the injured worker and to the insurance carrier.
- If the employer fails to file a First Report, an employee may file a Notice of Injury and Claim for Compensation (Form 5) with the Vermont Department of Labor within six months of the date of injury.
- Information concerning injured worker rights and benefits is available on the department's Workers' Compensation website at <http://www.labor.vermont.gov> by calling (802) 828-2286.

Equal Opportunity is the Law. The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711(TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).



Vermont's Earned Sick Time Act

Notice of Employee Rights

HOW IS SICK TIME EARNED? An employee will earn one hour of earned sick time for every 32 hours of actual work, including overtime. An employee will be entitled to use up to 40 hours in 2019 and subsequent years.

WHEN DOES ACCRUAL BEGIN? An employee begins accruing sick leave on January 1st, 2017, or on the first day of employment, whichever comes later.

IS THERE AN EXCEPTION FOR SMALL BUSINESSES? A small business that employs five or fewer full-time employees will not be subject to the Act until January 1st, 2018.

WHEN WILL PAID SICK TIME BE AVAILABLE TO USE? An employee may elect to allow the use of earned sick time as it accrues, or may impose a waiting period of up to one year after January 1st, 2017 or the first day of employment, whichever comes later.

ARE ALL EMPLOYEES ENTITLED TO SICK TIME? Not all employees are subject to the protections of the Act. There are limited exemptions for certain types of employees, as well as for certain seasonal and part-time employees. For a complete list, go to: <http://legislature.vermont.gov/statutes/section/21.005.00481>

FOR MORE INFORMATION, or to report suspected violations of the Act, contact the Vermont Department of Labor at 1-802-828-0267



Employment Protections for Victims of Crime

Notice of Employee Rights

WHAT IS THE LAW? Under Vermont law, alleged victims are protected from harassment or other discrimination by employers based on their status as an alleged victim with job-protected, unpaid leave to attend certain legal proceedings relating to a relevant crime.

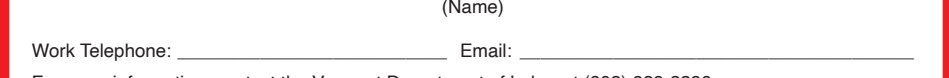
EMPLOYEE RIGHTS Employees who are alleged victims have the right to take unpaid leave to attend:

- Criminal proceedings, where the employee is an alleged victim and has a legal right or obligation to appear at the proceedings.
- Relief from abuse hearings and restraining orders.
- Proceedings in which the employee is a defendant or witness.
- Hearings concerning an order of protection or a restraining order.

WHO IS AN ALLEGED VICTIM? A person who is:

- Alleged to have committed a crime.
- Physically, emotionally, or financially injured.
- A direct result of the commission or attempted commission of a crime.
- A direct result of the commission or attempted commission of an act of domestic violence.
- Influenced by a law enforcement with a jurisdiction over a jurisdiction.
- The family member of an alleged victim who is a witness, relief from abuse hearing, or restraining order.
- A victim of a crime or a result of a crime or an act of domestic violence.

POSTING OF SAFETY RECORDS NOTICE TO EMPLOYEES Under Vermont law (21 V.S.A. §691a) all Vermont employers must advise their employees of where they may review the employer's record of workplace safety and health information. This information shall be available for review by any employee and by the Commissioner of Labor, but this information shall not otherwise be public information.



whistleblower

Healthcare Whistleblower's Protection Act

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

- You reported a violation of the law by your employer to any person, entity, or public body.
- You reported a medical error or improper quality of patient care by your employer to any person, entity, or public body.
- You reported something that risks someone's health or safety.
- You have objected or refused to participate in any activity, policy, or practice of your employer that you reasonably believe is a violation of a law or constitutes improper quality of care, or that will endanger your life or
- You have been involved in an investigation or hearing held by the government.

FOR MORE INFORMATION, call the Vermont Department of Labor at 802-828-4203. Auxiliary aids and services are available upon request to individuals with disabilities. Interpreting services are available to persons with limited English proficiency.



STATE AND FEDERAL LABOR LAW

UNEMPLOYMENT INSURANCE

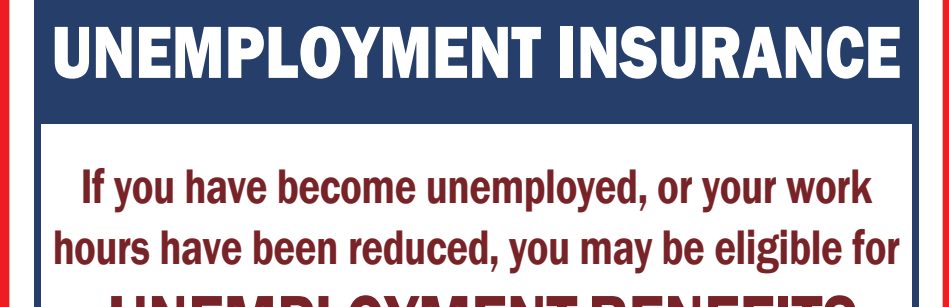
If you have become unemployed, or your work hours have been reduced, you may be eligible for UNEMPLOYMENT BENEFITS

Call the Vermont Department of Labor 1-877-214-3330 (toll free) TTY/Relay Service at 711 TDD services at 1-800-650-4152

If you are forced to leave your job as a result of domestic violence, sexual violence, or stalking, you may be eligible for benefits under the Domestic and Sexual Violence Survivor's Transitional Employment Program. When speaking with a representative at the toll-free number listed above, please ask to speak with the Domestic Violence Program Manager.

For free professional help in finding a job, an internship, or job training opportunities, visit a Department of Labor Career Resource Center near you.

To find your local Center, visit labor.vermont.gov or call 888-807-7072



Safety and Health Protection on the Job

The Vermont Occupational Safety and Health Code (Title 21 V.S.A. Chapter 3, Sub-Sections 4 and 5, and the rules adopted (thereunder) provides job safety and health protection for workers.

The purpose of the law is to assure safe and healthful working conditions throughout the State.

- You have the right to notify your employer or VOSH about workplace hazards. You may ask VOSH to keep your name confidential.
- You have the right to request a VOSH inspection if you believe that there are unsafe and unhealthful conditions in your workplace.
- You or your representative may participate in the inspection.
- You can file a complaint with VOSH within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the Vermont Occupational Safety and Health Act.
- You have a right to see VOSH citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- The Statute provides that employees may not be discharged or discriminated against in any way for filing safety or health complaints or otherwise exercising their rights under the Code.
- The Statute also provides that employees who are discriminated against may bring a private action in Superior Court for appropriate relief including reinstatement, triple wages, damages, costs and reasonable attorney's fees.

The Occupational Safety and Health Act of 1970 (OSH Act), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. To obtain more information on OSHA federal programs, call 1-800-321-OSHA or visit OSHA's website at www.osha.gov.

The Vermont Occupational Safety and Health Administration (VOSH), in the Vermont Department of Labor, has the primary responsibility for administering the OSH Act in Vermont. To file a complaint, report an emergency, or seek VOSH advice or assistance call 1-800-287-2765.

Further information, including copies of the Code and of specific safety and health standards, may be obtained by contacting: Project WorkSAFE, Department of Labor, 5 Green Mountain Drive, P.O. Box 488, Montpelier, Vermont 05601-0488, Telephone (888) SAFE-YES, Toll-free at 1-888-723-3937.

ASSISTANCE AND INFORMATION: The plan provides that employers and employees may request free voluntary compliance consultation or training assistance, which is provided by non-enforcement Project WorkSAFE personnel.

1-800-287-2765
www.labor.vermont.gov



CHILD LABOR POSTER

NON-AGRICULTURAL EMPLOYMENT: Children Age 14 and 15 MAY NOT work in any of the hazardous occupations above and may not work in communications or public utilities jobs, construction work, driving motor vehicles, heavy machinery, driver, manufacturing and mining occupations, power-driven machinery or hoisting apparatus other than typical office machines, processing occupations, public messenger jobs, transporting of persons or property, workrooms where products are manufactured, mined or processed, or warehousing or storage.

Children Age 14 and 15 MAY work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

- No more than 3 hours on a school day or 18 hours in a school week; 8 hours on a non-school day or 40 hours in a non-school week. Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

Examples of permitted jobs include office, grocery store, retail stores, restaurant, movie theater, baseball park, amusement park, or gasoline service station.

Children Age 16 - 18 An employee must be at least 16 years old to work in most non-farm jobs. No person less than 18 years old may work in any occupation declared hazardous by the Secretary of the FLSA or the Commissioner of the Vermont Department of Labor. The following occupations have been declared hazardous (see child labor rules for additional information):

- Hazardous Occupations** Manufacturing and storing of explosives, driving a motor vehicle and being an outside helper on a motor vehicle; coal mining, logging and sawmilling, power-driven woodworking machines, exposure to radioactive substances, power-driven hoisting apparatus, power-driven metal-forming, punching, and shearing machines, mining, other than coal mining, meat packing or processing (including the use of power-driven machines), power-driven machinery in bakeries, machines, power-driven paper-product machines, manufacturing brick, tile, and related products, power-driven circular saws, band saws, and guillotine shears, wrecking, demolition, and shrapnel operations, roofing operations, or excavation operations. There are some exemptions for apprentice/student-leader programs in some of these hazardous occupations.

A person must be at least 18 to work in any of the hazardous non-farm jobs listed above in the agricultural employment:

- Once a person turns 16 years old, he or she can do any job in agriculture.
- A youth 14 or 15 years old can work in agriculture, on any farm, but only in non-hazardous jobs.
- A youth 12 or 13 years of age can only work in agriculture on a farm if a parent has given written permission or if a parent is working on the same farm as his or her child, and only in non-hazardous jobs.
- If the youth is younger than 12, he or she can only work in agriculture on a farm if the farm is not required to pay the Federal minimum wage. Under the FLSA, "small" farms are exempt from the minimum wage requirements. "Small" farm means any farm that did not use more than 500 "man-days" of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. "Man-day" means any day during which an employee works at least one hour. If the farm is "small" workers under 12 years of age can only be employed with a parent's permission and only in non-hazardous jobs.

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Parental Leave, Family Leave, and Short-Term Family Leave

Vermont's Parental Leave Law covers employees with 10 or more workers who work an average of 30 hours per week over the course of a year. Vermont's Family Leave Law covers employees with 15 or more workers who work an average of 30 hours per week over the course of a year.

A worker who has worked for a covered employer for an average of 30 hours a week for a year is entitled to leave under these laws. During any 12-month period, a worker is entitled to up to 12 weeks of unpaid leave:

- Parental Leave for the pregnancy and/or after childbirth, or, within a year following the initial placement of a child 16 years of age or younger with the worker for the purpose of adoption;
- Family Leave for the serious illness of the worker, the worker's child, stepchild, ward, foster child or child of a civil union, partner, spouse, or parent of the worker's spouse, and, in addition to the leave provided in 21 V.S.A. Sec. 472, a worker is entitled to short-term family leave of up to 4 hours in any 30 day period (but not more than 24 hours in any 12 month period) of unpaid leave.

Short-Term Family Leave: to participate in preschool or school activities directly related to the academic advancement of the worker's child, stepchild, foster child or ward who lives with the worker; to attend or to accompany the worker's child, stepchild, foster child or ward who lives with the worker or the worker's parent, spouse or parent - in or out of state - to receive medical or dental appointments; to accompany the worker's parent, spouse, or parent-in-law to other appointments for professional services related to their care and well-being; to respond to a medical emergency involving the worker's child, stepchild, foster child or ward who lives with the worker or the employee's parent, spouse or parent-in-law.

The worker must give reasonable written notice of intent to take family or parental leave, including the anticipated dates the leave will start and end. The employer may not require notice more than 6 weeks prior to birth or adoption. If serious illness is claimed, the employer may require certification from a physician. For short-term family leave, a worker must give notice as early as possible, at least seven days before the leave is to be taken unless waiting seven days could have a significant adverse impact on the employee's family member. A worker may choose to use sick leave, or vacation leave, or any other accrued paid leave time during the leave, up to six weeks. The employer may not require the worker to do so. Use of paid leave does not extend the overall leave time to which the worker is entitled. The employer must continue to provide all worker benefits unchanged during the leave.

Period, but may require the worker to contribute to the cost of the existing rate of worker contribution. Upon return from leave, a worker must be offered the job held previously or a comparable one at equal pay, benefits, seniority, and other terms and conditions.

Exceptions: A worker is not entitled to leave under the Parental and Family Leave Act if the employer can prove by clear and convincing evidence that:

- Layout during the period of leave the employee's job would have been terminated or the worker would have been laid off for reasons unrelated to the leave; or
- Unique Services: the worker performed unique services and hiring a permanent replacement during the leave, after giving the worker notice of intent to do so, was the employer's only available method to prevent substantial and disruptive economic injury.

This law sets a minimum standard for parental and family leave rights. It does not prevent an employer from offering a more generous leave policy and does not reduce an employer's obligation under a collective bargaining agreement or existing program that provides greater leave rights than the law requires.

EMPLOYEES ARE PROTECTED FROM RETALIATION OF ANY KIND IN CONNECTION WITH THE ENFORCEMENT OF THIS LAW.

A worker aggrieved by a violation of this law may:

- bring a private lawsuit for punitive relief, economic damages including prospective lost wages for a period not to exceed one year, attorney fees and court costs;
- file a state worker's compensation claim with the Vermont Human Rights Commission at 828-2480. These agencies may investigate your complaint and bring action in court to enforce this law.

To obtain copies of this poster, call the Vermont Department of Labor at 828-0267 or visit our website at <http://www.labor.vermont.gov>

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NOTICE Worker's Compensation Reinstatement Rights

VERMONT LAW REQUIRES POSTING OF THIS NOTICE

21 VSA §643b Reinstatement; seniority and benefits protected

This law provides that an employer who regularly employs ten or more people (at least 10 of whom work more than 15 hours a week) has an obligation to rehire a worker who has suffered a work related injury provided that the following conditions are met:

- The worker recovers from the injury within two (2) years of the onset of disability; and
- The worker keeps the employer informed of his or her interest in reinstatement and his or her current mailing address; and
- The worker had an expectation of continuing work had the injury not occurred; and
- The worker is physically capable of performing either his or her prior job, if available, or an alternative suitable position.

Reinstatement must be with all benefits earned up to the date of injury, including both seniority and accrued leave. Obviously, such benefits need not accrue during the period of actual disability.

Please note that the right to reinstatement applies only to the first available suitable job. Thus, the employer is not obligated either to create an "extra" position for a returning worker or to layoff a current employee in order to comply with this law.

You should have questions regarding the above, please contact the Vermont Department of Labor, Workers' Compensation and Safety Division at 802-828-2286 or our website: www.labor.vermont.gov

FOR FURTHER INFORMATION CONTACT: Vermont Department of Labor, P.O. Box 488, Montpelier, Vermont 05601-0488, Telephone: (802) 828-2286, TDD: (800) 650-4152, Fax: (802) 828-2195

