

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 temporary 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(II)(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 with your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

For more information, visit www.laworks.net.

What does my employer need to do?

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

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

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

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing.

How do I request FMLA leave?

Generally, request FMLA leave by 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 you 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 emergency or other cause of leave.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave to 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 and Congress.

For more information, visit www.laworks.net.

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Where can I find more information?

Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

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 complaint process.**



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

Independent Contractor or Employee?

ATTENTION ALL EMPLOYEES, EMPLOYERS, INDEPENDENT CONTRACTORS AND SUBCONTRACTORS:

The law says that if you are an employee unless:

- You are free from direction and control in performing your job, AND
- You perform work that is not part of the usual work done by the business that hired you OR is not performed on the business's premises; AND
- You are customarily engaged in an independently established trade, occupation, profession or business.

Your employer cannot consider you to be an independent contractor unless all three of these facts apply to you work.

IT IS AGAINST THE LAW FOR AN EMPLOYER TO MISCLASSIFY EMPLOYEES AS INDEPENDENT CONTRACTORS OR PAY EMPLOYEES OFF THE BOOKS.

Employer Rights: If you are an employer, you are entitled to:

- Unemployment benefits, if unemployed through no fault of your own, able to work, and meet other eligibility requirements;
- Workers' Compensation benefits for on-the-job injuries.

Employees Rights: This notice must be posted in a conspicuous place, setting forth information to effectuate this purpose. R.S. 23:1171



An Equal Opportunity Employer Program. Auxiliary aids and services are available upon request to individuals with disabilities. 1-800-259-5154 (TDD)

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 in most non-farm jobs and at least 18 to work in non-farm jobs that are 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 restrictions. Different rules apply to agricultural employment.
TIP CREDIT Employees of "food enterprises" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers may pay tipped employees a cash wage of at least \$2.13 per hour if they claim to credit against that 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 on one year after the child's birth each time the employee needs to express breast milk. Employers must make such a break reasonable by providing a private space and free from intrusion from coworkers and the public, which may be used by the employee in the individual's normal course of work.
ENFORCEMENT The Department has authority to receive complaints and an equal amount of liquidated damages in instances of minimum wage, overtime, back wages, and the Department may litigate and seek or recommend criminal prosecution. Employers may be assessed civil money penalties for each violation of the minimum wage law that is willful or repeated. The law also prohibits retaining against or discharging workers who file a complaint or participate in an investigation or proceeding under the law.

ADDITIONAL INFORMATION
• Certain contractors and establishments are exempt from the minimum wage, and/or overtime provisions. Certain narrow exemptions also apply to the pump at work requirements.
• Minimum wage and overtime provisions do not apply to any new employees and any employees in the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
• Some employees of certain employers are exempt from the FLSA minimum wage and overtime provisions if they are employed in a business that is exempt from the FLSA. Some of these employees are: (1) certain railroad employees (unless exempt from the FLSA minimum wage and overtime provisions); and (2) certain full-time students, student learners, apprentices, and workers with disabilities who are paid more than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

Workers' Compensation

Reporting Injury: You should report to your employer any work-related accident, an injured employee or person claiming to be injured, or any person claiming to be injured through no fault of your own, able to work, and meet other eligibility requirements.

Occupational Disease or Death: In case of an occupational disease, all claims are barred unless the employee notifies his/her employer in writing within one year of the date the disease manifests itself.

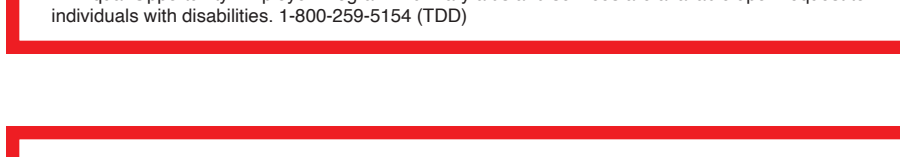
1. the disease manifests itself;
2. the employee is disabled as a result of the disease;
3. the employee works and has reasonable grounds to believe that the disease is occupationally related.

Filing Notice: In case of injury or death caused by a work-related accident, an injured employee or any person claiming to be injured through no fault of your own, able to work, and meet other eligibility requirements, must file a formal claim with the Office of Workers' Compensation Administration within one year after the accident if payments have not been made or within one year after the last payment of weekly benefits.

Information: If you desire any information regarding your rights and entitlement to benefits as prescribed by law, you may call or write the Office of Workers' Compensation Administration, Post Office Box 9400, Baton Rouge, Louisiana 70824 or telephone (225) 342-7520.

Notice must be given by delivering it or sending it by certified mail or return receipt requested to: R.S. 23:1302

Review May 2003



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Unemployment Insurance

Notice to Workers: Your employer is subject to the Louisiana Employment Security Law and is required to post this notice in a conspicuous place. Your employer has contributed to the Louisiana Trust Fund from which benefits are paid. No amount of contributions to the Trust Fund is deductible from your earnings.

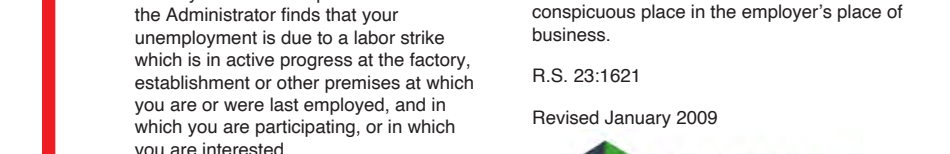
Total Unemployment: You may be eligible to receive unemployment insurance benefits provided:

1. You are unemployed;
2. You have registered for work;
3. You are able to work, available for work, and actively conducting a search for work;
4. You have been paid wages by employers subject to the Louisiana Employment Security Law during your base period in an amount sufficient to qualify you under the law.

Disqualification: You may be disqualified from drawing benefits on your claim if:

1. You have left work voluntarily without good cause attributable to a substantial change made to the employment by the employer;
2. You have been discharged for misconduct connected with your work;
3. You fall without good cause to (a) accept an available suitable work, (b) accept an unemployment insurance law of any other state or (c) receive unemployment benefits from another state or territory;
4. You have been discharged for the use of illegal drugs.

Review January 2009



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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 take a lie detector test, and from discriminating, or discriminating against an employee or prospective employee for refusing to take a test for exercising other 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.



WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

Pregnancy Rights of Employees

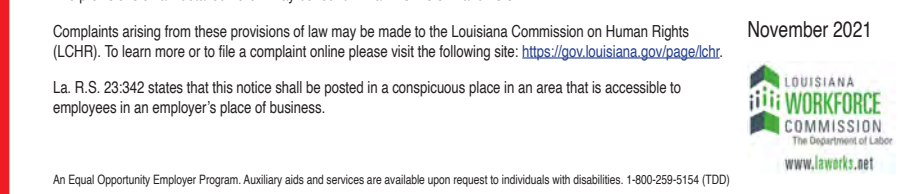
Non-Discrimination: Louisiana employees who employ more than twenty-five employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year are prohibited from discriminating against an applicant for employment or an employee with medical needs causing limitations arising from pregnancy, childbirth, and related medical conditions.

Reasonable Accommodations: Louisiana employers have a general duty to reasonably accommodate an employee's physical limitations caused by her pregnancy, unless the employer can demonstrate that the accommodation would pose an undue hardship on the operation of its business. "Reasonable accommodation" may include but is not limited to:

- Making existing facilities readily accessible to and usable by an applicant or employee with covered limitations;
- Providing scheduled and more frequent or longer compensated break periods;
- Providing more frequent bathroom breaks;
- Providing a private place, other than a bathroom stall, for the purpose of expressing breast milk;
- Modifying work or drink policy;
- Providing seating or allowing the employee to sit more frequently if the job requires the employee to stand;
- Assistance with manual labor and limits on lifting;
- Temporarily transferring the employee to a less strenuous or hazardous work position, if qualified;
- Providing job restructuring or light duty, if available;
- Acquiring or modifying equipment or devices necessary for performing essential job functions; or
- Modifying work schedules.

Employer Obligations: In addressing an employee's pregnancy, childbirth, or related medical condition, Louisiana employers may not:

- Refuse to promote her;
- Refuse to select her for a training program leading to promotion, provided she is able to complete the training program at least three months prior to the anticipated date of pregnancy for her pregnancy;
- Discharge her from employment or from a training program leading to promotion;
- Discriminate against her in compensation or in terms, conditions, or privileges of employment;
- Deny the same benefits and privileges of employment given other non-pregnant persons, including the taking of disability or sick leave made available to temporarily disabled employees;
- Deny leave to her for a reasonable amount of time;
- Refuse to transfer her to a less strenuous or hazardous position, if so requested and if a policy, practice, or collective bargaining agreement is in place authorizing such a transfer.



REVISÉ JANVIER 2009

Sickle Cell Trait Discrimination

Prohibition of sickle cell trait discrimination; exemptions

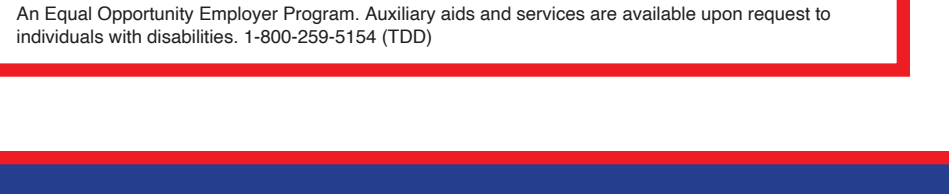
A. It is unlawful for an employer to engage in any of the following practices:

1. Fail to refuse to hire, or to discharge, any individual or otherwise discriminate against any individual because of his/her sickle cell trait, because such individual has sickle cell trait.
2. Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee, because such individual has sickle cell trait.
3. Reduce the wage rate of any employee in order to comply with the provisions hereof.

B. It is unlawful for an employer agency to fail to refer or refuse to refer for employment, or otherwise to discriminate against, any individual because such individual has sickle cell trait.

C. It is unlawful for a labor organization to engage in any of the following practices:

1. Exclude or expel from its membership, or otherwise discriminate against, any individual because of sickle cell trait.
2. Limit, segregate, or classify its members, or classify or fail to refer or refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as a member, or as an applicant for membership, solely because such individual has sickle cell trait.



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Age Discrimination

The prohibitions herein listed shall be limited to individuals who are at least forty years of age.

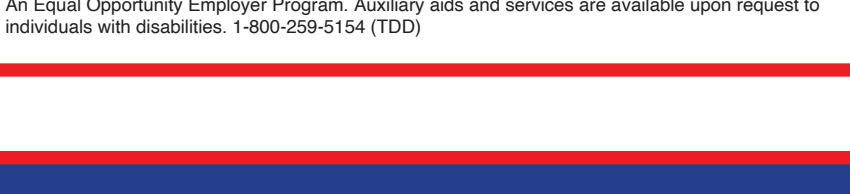
A. It is unlawful for an employer to engage in any of the following practices:

1. Fail or refuse to hire, or to discharge, any individual or otherwise discriminate against any individual with respect to his compensation, or his terms, conditions, or privileges of employment because of his/her age.
2. Limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee because of his/her age.
3. Reduce the wage rate of any employee in order to comply with the requirements hereof.

B. It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his/her age, or to classify or refer for employment any individual on the basis of his/her age.

C. It is unlawful for a labor organization to engage in any of the following practices:

1. Exclude or expel from its membership, or otherwise discriminate against, any individual because of his/her age.
2. Limit, segregate, or classify its members, or classify or fail to refer or refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as a member, or as an applicant for membership, solely because such individual has sickle cell trait.



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STATE AND FEDERAL LABOR LAW

Out-of-State Motor Vehicles

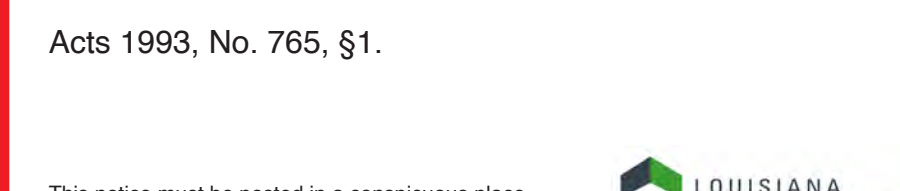
Duties of employees and employers

A. Any person who is a resident of a state which requires registration of the motor vehicle or motor vehicles of a person who is employed in that state within thirty days of such employment, and who is employed in and maintains a residence in Louisiana and who operates one or more vehicles on the public streets and roads in Louisiana shall apply for a certificate of registration for each of those vehicles within thirty days of the date on which the person was employed in Louisiana.

B. Each employer in this state shall notify each person employed by that employer of the requirement of Subsection A of this Section. The notice shall be by direct communication at the time of employment and by posting a notice in a prominent location at the place of employment.

C. The provisions of this Section shall not be applicable to members actively serving in the armed forces of the United States.

Acts 1993, No. 765, §1.



REVISÉ JANVIER 2004

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Earned Income Credit EIC2024

Notice to Employees of Federal Earned Income Tax Credit (EIC)

- \$49,084 (\$56,004 married filing jointly) with one qualifying child
- \$18,591 (\$25,511 married filing jointly) with no qualifying children

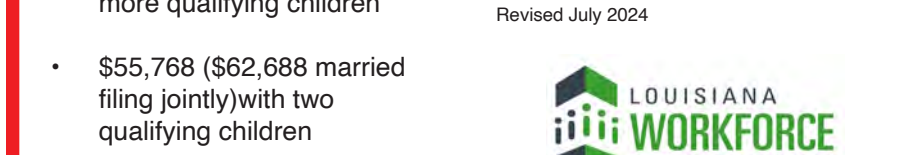
If you make \$60,000* or less, your employer should notify you at the time of hiring of the potential availability of Earned Income Tax Credits. Earned Income Tax Credits are reductions in federal income tax liability for which you may be eligible if you meet certain requirements.

Additional information and forms for these programs can be obtained from your employer or the Internal Revenue Service.

Visit the IRS on the Web at www.irs.gov or call toll-free at 1-800-829-1040.

Every employer who shall keep conscientiously posted in or about the premises whenever any worker is employed, a printed copy or abstract of those labor laws which the Secretary may designate, in a form to be furnished by the Secretary.

Revised July 2004



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Job Safety and Health OSHA'S THE LAW!

- All workers have the right to:**
- A safe workplace.
 - Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
 - Receive information and training on job hazards, including all hazardous substances in your workplace.
 - Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
 - Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
 - File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-sponsored consultation programs in every state.**

Contact OSHA. We can help.

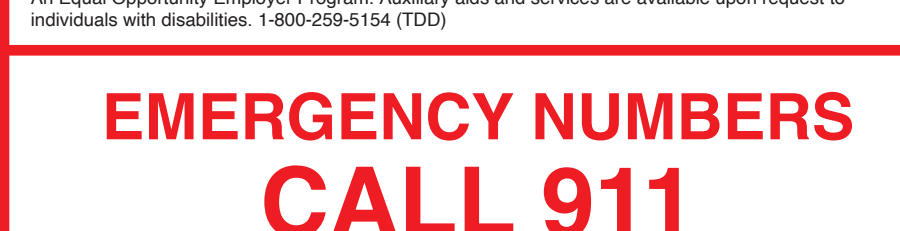
1-800-321-OSHA (6742) TTY 1-877-889-5627 www.osha.gov

Timely Payment of Wages

Your employer has a duty to inform you at the time of your hire what your wage rate will be, how often you will be paid and how you will be paid, and of any subsequent changes thereto.

If your employer should, for reasons within his control, fail to pay you according to that agreement, you must first lodge a complaint with him.

If no action is taken to resolve your complaint, you may report the violation to the Louisiana Workforce Commission.



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Know Your Rights: Workplace Discrimination is Illegal

EMERGENCY NUMBERS CALL 911

POLICE:

AMBULANCE:

PHYSICIAN:

HOSPITAL:

FIRE DEPARTMENT:

POISON CONTROL:

OSHA: