

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(II)(c) 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.

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 much of your FMLA rights and responsibilities, and how much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call 1-866-487-9248 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.

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 impact on the basis of race or ethnicity, or any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health condition. 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 §825.300

Age discrimination

Know your rights under Minnesota laws prohibiting age discrimination

It is unlawful for an employer to:

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

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

This poster contains only a summary of Minnesota law. For more information, contact the Minnesota Department of Labor and Industry. Minnesota Department of Human Rights

651-284-5075 • 1-800-342-5354 • dli.laborstandards@state.mn.us • www.dli.mn.gov

Posting required by law in a location where employees can easily see this notice. September 2017

Ref: Minnesota Statutes, Sec. 181.81(d)

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.

CHILDLABOR 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 16 and 17 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agriculture.

TIP CREDIT Employer of "bonafide 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 the claim is for credit against their minimum wage obligation. 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 if the employer's cash wage is less than \$2.13.

PUMP AT WORK The FLSA requires employers to provide reasonable breaks 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 place, other than a bathroom, in which to express milk and free time 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 back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate or seek injunctive relief. Employees may file a complaint with the Department or file a lawsuit in federal court. Penalties may also be assessed for violations of the FLSA child provisions of the law. 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 violator 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 jump at work requirements.
- Special provisions apply to workers in agriculture, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees (independent contractors) who are not "bonafide employees" are not covered by the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and certain classified independent contractors are not.
- 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.

Ref: 29 CFR §825.300

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 Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising their rights under the Act.

EXEMPTIONS Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and 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.

Ref: 29 CFR §825.300

UNEMPLOYED?

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

You have the right to apply for Unemployment Insurance benefits.

Apply online at: www.uimn.org

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

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

Ref: Minnesota Statutes, Sec. 269.068

Minimum wage and other requirements

Minimum wage effective Jan. 1, 2025

State minimum wage – Applies to all employers in Minnesota.	\$11.13/hour
Training wage – May be paid to employees under the age of 20 during the first 90 consecutive days of employment.	\$9.08/hour

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

State-only covered employers and employees After 48 hours in a workweek

Federally covered employers and employees After 40 hours in a workweek

WAGE THEFT Wage theft occurs when an employer fails to pay wages earned by its employees, including minimum wage, overtime or other required rates of pay.

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

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

RETALIATION PROHIBITED An employer must not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for exercising their rights under the law, including reporting a violation or participating in an investigation.

REPORT VIOLATIONS To report violations of the wage and other labor laws, contact the Labor Standards Division at dli.laborstandards@state.mn.us or 651-284-5075.

Ref: Minnesota Statutes, Sec. 177.31

STATE AND FEDERAL LABOR LAW

Ref: Minnesota Statutes, Sec. 176.139

Pregnancy and parental leave

PREGNANCY AND PARENTAL LEAVE

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

When does the pregnancy and parental leave start?

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

FREQUENTLY ASKED QUESTIONS

What can count against my pregnancy and parental leave?

If you have paid leave, including sick leave or paid vacation, pregnancy and parental leave can be reduced so the total leave (pregnancy and parental plus paid leave) is not more than 12 weeks. Leave taken for prenatal care may not count against pregnancy and parental leave. If you qualify for both federal Family and Medical Leave Act (FMLA) and pregnancy or parental leave, you only have a right to 12 weeks of leave in total for childbirth or adoption of a child and any other pregnancy-related leave. You may be entitled to additional leave under FMLA for a non-pregnancy related serious health condition. If you have questions about FMLA, contact the U.S. Department of Labor at 612-370-3341 or dol.gov/whd/fmla.

Does Minnesota offer paid family and medical leave?

Minnesota's paid family and medical leave law, which provides paid time off during or following a pregnancy, goes into effect Jan. 1, 2026. Find more information at mn.gov/deed/paidleave.

Ref: Minnesota Statutes, Sec. 269.068

Workers' compensation

If you are injured

- Report any injury to your supervisor as soon as possible, no matter how minor it may appear. You may lose the right to workers' compensation benefits if you do not make a timely report of the injury to your employer. The time limit may be as short as 14 days.
- Provide your employer with as much information as possible about your injury.
- Get any necessary medical treatment as soon as possible. If you are not covered by a certified managed care organization (CMCO), you may treat with a doctor of your choice. Your employer must notify you in writing if you are covered by a CMCO.
- Cooperate with all requests for information concerning your claim.

The law allows the workers' compensation insurer to obtain medical information related to your work injury without your authorization, but they must send you written notification when they request the information. The insurer cannot obtain other medical records unless you sign a written authorization.

Get written confirmation from your doctor about any authorization to be off work. The note should be as specific as possible.

Ref: Minnesota Statutes, Sec. 176.139

VETERANS BENEFITS AND SERVICES

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

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

- Adult Day Program
- Counseling for substance use disorder and mental health treatment
- Dental and vision assistance
- Preventing Veteran suicide
- State Veterans Cemeteries
- State Veterans Domiciliary Program
- State Veterans Homes (skilled nursing facilities)
- Tax benefits
- VA healthcare enrollment
- Veteran family assistance
- Women Veterans support
- Minnesota GI Bill for license or certification, apprenticeships or higher education
- Minnesota Veterans driver's licenses and identification cards
- State Veterans Cemeteries
- State Veterans Domiciliary Program
- State Veterans Homes (skilled nursing facilities)
- Tax benefits
- VA healthcare enrollment
- Veteran family assistance
- Women Veterans support

FOR MORE INFORMATION

Visit MinnesotaVeterans.org
Call 1-888-LikVet
Connect with your County Veterans Service Officer at MACVSO.org

Ref: Minnesota Statutes, Sec. 176.139

Workers' compensation pays for

- Medical care for your work injury, as long as it is reasonable and necessary.
- Wage-loss benefits for part of your lost income.
- Compensation for permanent damage to or loss of function of a body part.
- Vocational rehabilitation services if you cannot return to your pre-injury job or to your pre-injury employer due to your work injury.
- Benefits to your spouse and/or dependents if you die as a result of a work injury.

What the insurer must do

- The insurer must investigate your claim promptly. If you have been disabled for more than three calendar-days, the insurer must begin payment of benefits or send you a denial of liability within 14 days after your employer knew you were off work or had lost wages because of your claimed injury.
- If the insurer accepts your claim for wage-loss benefits and you have been disabled for more than three calendar-days: The insurer will notify you and must start paying wage-loss benefits within 14 days noted above. The insurer must pay benefits on time. Wage-loss benefits are paid at the same intervals as your work paychecks.

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

Insurer name and contact information

Ref: Minnesota Statutes, Sec. 176.139

Safety and health protection on the job

Employees

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

- You must follow all Minnesota OSHA (MNOSHA) standards and your employer's safety rules.
- Your employer must provide you with information about any hazardous chemicals, harmful physical agents and infectious agents you are exposed to at work.
- You have the right to discuss your workplace safety and health concerns with your employer or with MNOSHA.
- You have the right to refuse to perform a job duty if you believe the task or equipment will place you at immediate risk of death or serious physical injury. However, you must do any other task your employer assigns you to do. You cannot simply leave the workplace.
- You have the right to be notified and comment if your employer requests any variance from MNOSHA standard requirements.
- You have the right to speak to a MNOSHA investigator inspecting your workplace.

Employers

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

- You must allow MNOSHA investigators to conduct inspections, interview employees and review records.
- You must provide all necessary personal protective equipment and training at your expense.
- You have the right to participate in the development of standards by MNOSHA.

Free safety and health assistance

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

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

Ref: Minnesota Statutes, Sec. 6212.0020

EMERGENCY NUMBERS CALL 911

POLICE: _____

AMBULANCE: _____

PHYSICIAN: _____

HOSPITAL: _____

FIRE DEPARTMENT: _____

POISON CONTROL: _____

OSHA: _____

PAY DAY NOTICE

PAY DAY IS ON:

MONDAY FRIDAY

TUESDAY SATURDAY

WEDNESDAY SUNDAY

THURSDAY

PAY SCHEDULE IS:

WEEKLY SEMI-MONTHLY

BIWEEKLY MONTHLY

PAYCHECKS ARE ISSUED ON THE: _____ AND _____ OF THE MONTH

AT: _____

TIME: _____

Ref: Minnesota Statutes, Sec. 6212.0020

Employer-sponsored meetings

Employer-sponsored meetings or communication

An employer or the employer's agent, representative or designee must not discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize or take any adverse employment action against an employee:

- because the employee declines to attend or participate in an employer-sponsored meeting or declines to receive or listen to communications from the employer or the agent, representative or designee of the employer if the meeting or communication is to communicate the opinion of the employer about religious or political matters;
- because the employee, or a person acting on behalf of the employee, makes a good-faith report, orally or in writing, of a violation or a suspected violation of this section;

Summary

This law does not prohibit or regulate employer speech. The law regulates when an employer may discipline or fire an employee who declines to attend meetings about religious or political matters.

To review this law in full, including definitions, notice requirements and additional information about remedies, see Minnesota Statutes §181.531. The Department of Labor and Industry does not enforce this law.

For more information about this law, contact an attorney.

Ref: Minnesota Statutes, Sec. 181.531