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

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

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

government agency. Most federal employees are covered by

Title II of the FMLA, administered by the Office of Personnel

Follow your employer's normal policies for requesting leave.

· Give notice at least 30 days before your need for FMLA leave, or

during at least 20 workweeks in the current or previous calendar

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

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

leave intermittently in separate blocks of time, or on a reduced

schedule by working less hours each day or week. Read Fact Sheet

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:

lef.: 29 CFR §825.300

PROHIBITIONS

**EXEMPTIONS** 

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

Generally, to request FMLA leave you must:

How do I request FMLA leave?

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 provided to verify medical leave and may request certification of a qualifying

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 direct lawsuits regarding leave for their own 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 or Congress.

**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

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

**EXAMINEE** 

**ENFORCEMENT** 

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

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

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

employees of security service firms (armored car, alarm, and guard), and of

employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic

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

in the private sector, subject to restrictions, to certain prospective

for refusing to take a test or for exercising other rights under the Act.

private individuals engaged in national security-related activities.

pharmaceutical manufacturers, distributors and dispensers.

PREGNANCY AND PARENTAL LEAVE

When does the pregnancy and parental leave start?

Employees can choose when the leave will begin.

What can count against my pregnancy and parental

If you have paid leave, including sick leave or paid

reduced so the total leave (pregnancy and parental

pregnancy and parental leave. If you qualify for both

pregnancy or parental leave, you only have a right to

12 weeks of leave in total for childbirth or adoption of

may be entitled to additional leave under FMLA for a

non-pregnancy related serious health condition. If you

Department of Labor at 612-370-3341 or dol.gov/whd/

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

plus paid leave) is not more than 12 weeks. Leave taken for prenatal care may **not** count against

federal Family and Medical Leave Act (FMLA) and

a child and any other pregnancy-related leave. You

have questions about FMLA, contact the U.S.

vacation, pregnancy and parental leave can be

**FREQUENTLY ASKED QUESTIONS** 

Employees must request the leave from their employer.

The leave must be taken within 12 months of the birth or adoption.

Employers can adopt reasonable policies about when requests for leave

they have worked for the employer.

must be made.

mn.gov/deed/paidleave.

- If you are eligible for FMLA leave, your employer must · Allow you to take job-protected time off work for a qualifying
- 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 discharge or dismiss a person on the basis of age; or Your employer cannot interfere with your FMLA rights or threaten ■ mandate retirement age if the employer has more than 20 employees or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave [29 United States Code §630 (b)]. or cooperating with a WHD investigation

After becoming aware that your need for leave is for a reason that Employers terminating employees 65 or older because they can no longer meet may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer job requirements must give 30 days notice of intention to terminate. determines that you are eligible, your employer must notify you in

Where can I find more information?

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

About your FMLA rights and responsibilities, and

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



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

The Secretary of Labor may bring court actions to restrain violations and

assess civil penalties against violators. Employees or job applicants may

results disclosed to unauthorized persons

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

also bring their own court actions.

Does my employer have to continue my benefits

Yes. Employees on pregnancy and parental leave

are entitled to the same coverage and employer

Do I get my job back when I return from leave?

Yes. You are entitled to employment in your former

position or one with comparable duties, hours and pay.

You are also entitled to the same benefits and seniority

you had before the leave. You may return to part-time

against the law for your employer to retaliate, or take

You have the right to file a complaint with MNOSHA about

conducted. MNOSHA will not reveal your name to the

abatement dates issued to your employer by MNOSHA.

Your employer cannot discriminate against you for exercising

any of your rights under the Act. However, your employer

can discipline you for not following its safety and health

rules. If you feel your employer has discriminated against

you for exercising your rights under the Act, you have 30

Your employer must provide you with any exposure and

You have the right to participate in the development of

medical records it has about you upon request.

You have the right to see all citations, penalties and

days to file a complaint with MNOSHA.

standards by MNOSHA.

You must provide your employees with a safe and healthful work environment free from any known hazards

safety and health hazards and request that an inspection be

negative action, against you for requesting or taking a

work during the leave without forfeiting the right to

return to full-time work at the end of the leave. It is

contribution as if they were not on leave.

during the leave?

leave.

DEPARTMENT OF LABOR AND INDUSTRY

The Minnesota Occupational Safety and Health Act (the Act) requires that your employer provide you with a

employer.

Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155

651-284-5075 • dli.laborstandards@state.mn.us • dli.mn.gov

Notice: This flyer is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding parental leave laws.

Safety and health protection on the job

**Employees** 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

Your employer must provide you with information about any

You have the right to discuss your workplace safety and

health concerns with your employer or with MNOSHA.

You have the right to be notified and comment if your

You have the right to speak to a MNOSHA investigator

employer requests any variance from MNOSHA standard

following rights and responsibilities.

documents where other notices to employees are posted.

You **must report to MNOSHA within 24 hours** all accidents

resulting in any amputation, eye loss or inpatient

hazardous chemicals, harmful physical agents and infectious

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

and your employer's safety rules.

agents you are exposed to at work.

workplace.

requirements.

inspecting your workplace.

resulting in the death of an employee.

hospitalization of any employee.

Free safety and health assistance

WH1420 REV 04/23

You have the right to apply for **Unemployment Insurance benefits.** 

651-296-3644 (Twin Cities)

Toll free 1-877-898-9090 (Greater Minnesota)

This information is available in an alternative (accessible) format by calling 651-259-7223. DEED is an Equal Opportunity Employer/Provider. DEED-50227 / 5,000 / March 2022



## 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

and mental health treatment

· Educational, workforce and training

Emergency assistance

and Social Security) Legal services

 Minnesota GI Bill for license or certification, apprenticeships or higher education

Minnesota Veteran driver's licenses and

 Preventing Veteran suicide • State Veterans Cemeteries

• State Veterans Domiciliary Program • State Veterans Homes (skilled nursing

Tax benefits

• Women Veteran support

## Visit MinnesotaVeteran.org







# **UNEMPLOYED?**

DEPARTMENT OF LABOR AND INDUSTRY

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

Age discrimination

**Know your rights** 

under Minnesota laws prohibiting age discrimination

It is unlawful for an employer to:

Minnesota Department of Labor and Industry

Phone: 651-284-5070

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;

This poster contains only a summary of Minnesota law. For more information, contact the:

Minnesota Department of Human Rights

Phone: 651-539-1100

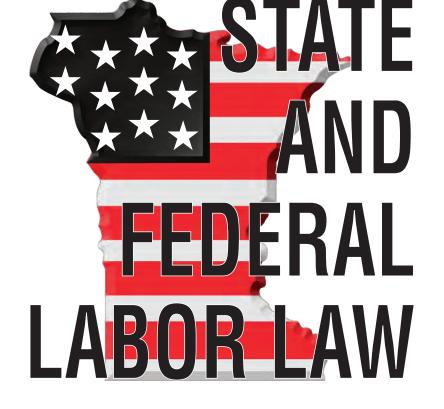
Have you lost your job or had your work hours reduced?

Apply online at: www.uimn.org

or by telephone:

TTY users: 1-866-814-1252

Ref.: Minnesota Statutes, Sec. 268.068



## **VETERANS BENEFITS AND SERVICES**

resources, programs and services:

Counseling for substance use disorder

Eligibility for unemployment insurance benefits under state and federal law

Ending Veteran homelessness and

· Filing health and disability claims (VA

• VA healthcare enrollment Veteran family assistance

FOR MORE INFORMATION

## Call 1-888-LinkVet Connect with your County Veterans Service Officer at MACVSO.org





# **EMERGENCY NUMBERS**

AMBULANCE:

POLICE:

inspections, interview employees and review records. 

August 2017

You have the right to participate in the development of standards by MNOSHA.

equipment and training at your expense.

### 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.

**Employers** that can cause death, injury or illness and comply with all applicable MNOSHA standards. You also have the

You must **post a copy of this poster** and other MNOSHA **Vou must allow MNOSHA investigators to conduct** 

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

Employers, employees and members of the general public who wish to file a complaint regarding the MNOSHA program may write to the federal OSHA Region 5 office at:

U.S. Department of Labor, Occupational Safety and Health Administration, Chicago Regional Office, 230 S. Dearborn Street, Room 3244, Chicago, IL 60604.



(651) 284-5050 • 1-877-470-6742 • osha.compliance@state.mn.us • www.dli.mn.gov

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

Ref.: Minnesota Admin. Rules, Sec. 5210.0420

# **CALL 911**

PHYSICIAN: FIRE DEPARTMENT:

POISON CONTROL:

### **PAY DAY IS ON:** ☐ FRIDAY ■ MONDAY

**PAY DAY NOTICE** 

☐ TUESDAY ■ WEDNESDAY ☐ THURSDAY

■ WEEKLY

□ BIWEEKLY

**PAY SCHEDULE IS:** 

■ SATURDAY ☐ SUNDAY

■ SEMI MONTHLY ☐ MONTHLY

**PAYCHECKS ARE ISSUED ON THE:** 

# Know Your Rights: Workplace Discrimination is Illegal

letaliation is prohibited against a person who What Organizations are Covered? 1–800–669–6820 (TTY) 1–844–234–5122 (ASL video phone) E-Mail info@eeoc.gov

> **EMPLOYERS HOLDING FEDERAL** nmitments of companies doing business with job with, or are an employee of, a company with a

National Origin proceeding Interference, coercion, or threats related Challenged as Discriminatory?

What Types of Employmen

Asking About, Disclosing, or Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals

PROGRAMS OR ACTIVITIES ASSISTANCE Race, Color, National Origin, Sex

S. Department of Labor 0 Constitution Avenue, N.W.

## Employer-sponsored meetings

communication or designee must not discharge, discipline or

Employer-sponsored meetings 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

declines to receive or listen to communications from the employer or the agent, representative or designee of the employer if the meeting or the employer about religious or political matters; as a means of inducing an employee to attend

or participate in meetings or receive or listen to communications described in number 1 above: or 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.

An aggrieved employee may bring a civil action to

after the date of the alleged violation. The court may award all appropriate relief, including injunctive this law. relief, reinstatement, back pay and reestablishment

of any employee benefits, reasonable attorney fees For more information about this law, contact an

■ ■ ■ LABOR AND INDUSTRY

DEPARTMENT OF

651-284-5075 • 800-342-5354 • dli.laborstandards@state.mn.us • dli.mn.gov Notice: This is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for relate

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October 2024

# Minimum wage effective Jan. 1, 2025 **\$11.13**/hour **\$9.08**/hour

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

Certain occupations and establishments are exempt from the minimum wage, and/or overtime

 $Some \ state \ laws \ provide \ greater \ employee \ protections; \ employers \ must \ comply \ with \ both.$ 

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

Some employers incorrectly classify workers as "independent contractors" when they are

pay provisions. Certain narrow exemptions also apply to the pump at work requirements

workers who file a complaint or participate in any proceeding under the FLSA.

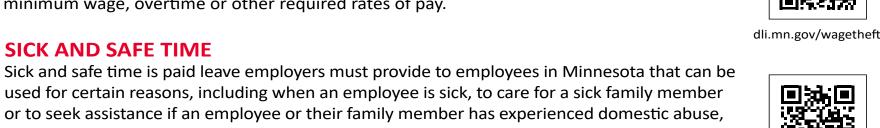
Special provisions apply to workers in American Samoa, the Comm

Mariana Islands, and the Commonwealth of Puerto Rico.

dli.mn.gov/minwage Federally covered employers and employees

After **40** hours in a workweek

Wage theft occurs when an employer fails to pay wages earned by its employees, including



An employee earns one hour of sick and safe time for every 30 hours worked and can earn a sickleave.mn.gov

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.

dli.mn.gov/laborlaw

October 2024

DEPARTMENT OF LABOR AND INDUSTRY

## If you are injured

Workers' compensation

Minimum wage posting required by law in a location where employees can easily see the posting.

**EMPLOYEE RIGHTS** 

UNDER THE FAIR LABOR STANDARDS ACT

**FEDERAL MINIMUM WAGE** 

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

Minimum wage and other requirements

State-only covered

employers and employees

After 48 hours in a workweek

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,

maximum of 48 hours each year unless the employer agrees to a higher amount.

An employer must not discharge, discipline, penalize, interfere with, threaten, restrain,

To report violations of these and other labor laws, contact the Labor Standards Division at

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

CHILD LABOR

**ENFORCEMENT** 

**OVERTIME** 

Overtime is the required

payment of time-and-one-half an

employee's regular rate of pay.

**SICK AND SAFE TIME** 

sexual assault or stalking.

**RETALIATION PROHIBITED** 

dli.laborstandards@state.mn.us or 651-284-5075.

REPORT VIOLATIONS

Ref.: Minnesota Statutes, Sec. 177.31

as short as 14 days.

covered by a CMCO.

function of a body part.

Collecting workers' compensation

benefits you are not entitled to is

workers' compensation fraud.

Ref.: Minnesota Statutes, Sec. 176.139

possible about your injury.

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 mawork 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

**State minimum wage** – Applies to all employers in Minnesota.

**Training wage** – May be paid to employees under the age of 20

during the first 90 consecutive days of employment.

minimum wage, overtime or other required rates of pay.

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

certain work hours restrictions. Different rules apply in agricultural employment

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

Report any injury to your supervisor as soon as possible, no Cooperate with all requests for information concerning matter how minor it may appear. You may lose the right to your claim. workers' compensation benefits if you do not make a timely The law allows the workers' compensation insurer to report of the injury to your employer. The time limit may be obtain medical information related to your work injury

> 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

without your authorization, but they must send you

### choice. Your employer must notify you in writing if you are authorization to be off work. The note should be as specific as possible.

Workers' compensation pays for Medical care for your work injury, as long as it is Vocational rehabilitation services if you cannot return to

reasonable and necessary. Wage-loss benefits for part of your lost income.

Compensation for permanent damage to or loss of

Provide your employer with as much information as

If you are not covered by a certified managed care

Get any necessary medical treatment as soon as possible.

organization (CMCO), you may treat with a doctor of your

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.

If the insurer denies your claim for wage-loss benefits and you have been disabled for more than three calendar-days: The insurer will send notice to you within 14 days. The notice must clearly explain the facts and reasons why they believe your injury or illness did not

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 If the insurer accepts your claim for wage-loss benefits and

benefits within the 14 days noted above. The insurer must

pay benefits on time. Wage-loss benefits are paid at the

you have been disabled for more than three calendar-days: The insurer will notify you and must start paying wage-loss

result from your work or why the claimed wage-loss benefits are not related to your injury. If you disagree with the denial, talk with the insurance claims adjuster who is handling your claim. If you are not satisfied and still disagree with the denial, call the Minnesota Department of Labor and Industry's Workers'

same intervals as your work paychecks. Compensation Hotline at 1-800-342-5354. Insurer name and contact information

theft. Call 1-888-372-8366 to report

DEPARTMENT OF LABOR AND INDUSTRY

(651) 284-5032 • 1-800-342-5354 • dli.workcomp@state.mn.us • www.dli.mn.gov Posting required by law in a location where employees can easily see this notice. August 2017

This section does not: An employer or the employer's agent, representative 1. prohibit communications of information the employer is required by law to communicate, but only to the extent of the lawful requirement; 2. limit the rights of an employer or its agent, representative or designee to conduct meetings

involving religious or political matters as long as attendance is wholly voluntary or to engage in communications as long as receipt or listening is communication is to communicate the opinion of 3. limit the rights of an employer or its agent, representative or designee from communicating to its employees any information, or requiring

employee attendance at meetings and other events, that is necessary for the employees to perform their lawfully required job duties. 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 enforce this section of the law no later than 90 days remedies, see Minnesota Statutes § 181.531. The Department of Labor and Industry does not enforce