

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.
- 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(0) 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.

The FMLA does not affect any federal or state law prohibiting discrimination or asserting 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 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.

Ref: 29 CFR §625.300 WH1420 REV 04/23

UNEMPLOYMENT INSURANCE BENEFITS NOTICE TO WORKERS

Your employer is subject to the Missouri Employment Security Law and pays tax contributions to cover unemployment insurance (UI) benefits in case you become unemployed through no fault of your own. **Nothing is deducted from your pay to cover its cost.**

WHEN TO APPLY FOR UI BENEFITS

- If you are unemployed, laid off or working less than full time;
- If you lose your job through no fault of your own or quit for a valid reason related to the work of the employer; and
- If you are able to work, available for work and actively seeking employment.

HOW TO APPLY FOR UI BENEFITS

- Apply, visit unemployment.labor.mo.gov to create a new user account and file your initial claim, or
- If you do not have Internet access, call a Regional Claims Center during normal business hours, Monday through Friday from 8 a.m. to 5 p.m.:
 - Jefferson City: 573-751-9040 Springfield: 417-885-6851
 - Kansas City: 816-889-3101 St. Louis: 314-340-4950
 - Outside Local Calling Area: 800-520-2519

If you believe someone is fraudulently collecting unemployment benefits, email ReportFraud@labor.mo.gov or call 573-751-4058, option 5.

PROPER WORKER CLASSIFICATION

Missouri law defines who is considered an employee or an independent contractor. Businesses that improperly treat workers as independent contractors have an unfair competitive advantage. Improperly classified workers miss out on unemployment benefits, workers' compensation coverage and employer tax contributions.

If you think you may be improperly classified or suspect a business of improperly classifying workers, visit labor.mo.gov/whfbooks or call 573-751-1095.

LEARN MORE AT LABOR.MO.GOV/EMPLOYED-WORKERS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

421 East Dunklin Street, P.O. Box 58, Jefferson City, MO 65102-0058 Fax: 573-751-9330 labor.mo.gov/claim-form

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 to work in most non-farm jobs and at least 18 to work in non-farm jobs related to the livestock industry. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions and special employment rules.

ADDITIONAL INFORMATION Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. Some state laws provide greater employee protections; employers must comply with both. Some employees (notably classified workers as "independent contractors" when they are actually employees under the FLSA) are important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay provisions. 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.

TIPT CREDIT Employees of "hotel employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers 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 wage, the employer must top up the employee.

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 breast milk. Employers must provide a break other than a bathroom break. Breaks must be taken from view and free from intrusion from coworkers and the public, which may be used by the employer for other purposes.

ENFORCEMENT The Department has authority to receive complaints and an equal amount of liquidated damages in instances of minimum wage, overtime, and back wages. The Department may litigate or seek civil penalties for violations. Employers must provide a copy of this poster to all employees and must have updated information on the minimum wage of overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened

\$13.75 MISSOURI MINIMUM WAGE

IN EFFECT FOR PRIVATE EMPLOYERS FOR 2025

Beginning January 1, 2025, the minimum wage rate for all private and non-exempt businesses will be based on the provisions set forth by Proposition A (2024) approved by voters on November 5, 2024. Missouri Minimum Wage law does not apply to public employers, nor does it allow the state's minimum wage rate to be lower than the federal minimum wage rate.

TIPPED EMPLOYEES

Employers are required to pay tipped employees at least 50 percent of the minimum wage, **\$6.875 per hour**, plus any amount necessary to bring the employee's total compensation to a minimum of \$13.75 per hour.

OVERTIME COMPENSATION

Overtime compensation must also be paid at a rate of at least one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.

EXCEPTIONS

All businesses are required to pay, at minimum, the \$13.75 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000. The law does not apply to certain exempt employees/employers defined in Section 290.500(3), RSMo, and employees/employers pertaining to agriculture in Section 290.507, RSMo, nor does it supersede more favorable laws or interfere with collective bargaining agreement rights.

EMPLOYEE RIGHTS

An employee not being paid the correct wages can file a minimum wage complaint at labor.mo.gov/DLS/MinimumWage and is entitled to pursue a private legal right of action to collect any wages due. An employer who unlawfully pays sub-minimum wages will be liable for the full amount of wages due (plus twice the amount left unpaid as liquidated damages) less any amount actually paid. The employer is also liable for costs and reasonable attorney fees as may be allowed by the court or jury.

LEARN MORE AT LABOR.MO.GOV/DLS/MINIMUMWAGE

DIVISION OF LABOR STANDARDS

421 East Dunklin Street, P.O. Box 449, Jefferson City, MO 65102-0449

573-751-3403, Fax: 573-751-3721, laborstandards@labor.mo.gov

If you have served on active duty in the Armed Forces of the United States and would like information about veterans' services and benefits, please complete the survey here: mxc.dps.mo.gov/MoVeteransInformation/Survey/DOLIR

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-735-2966 Relay Missouri: 711 LS-52 (01-25) AI

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against workers in hiring, firing, pay, job assignments, promotion, benefits, training, and other conditions of employment.

Who is Protected? Employees covered by federal law, including state and local governments or employers with 15 or more employees and applicants for membership in labor unions.

What Organizations are Covered? Most private employers, state and local governments (as employers), labor unions, and certain federal agencies.

What Types of Employment Discrimination are Illegal? EEOC has authority to investigate and bring a lawsuit on behalf of an individual who has been discriminated against on the basis of race, sex, religion, national origin, age, disability, or genetic information.

Employers Holding Federal Contracts or Subcontracts The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination provisions of federal contracts and subcontracts. Contractors and subcontractors who hold federal contracts or subcontracts are prohibited from discriminating against workers on the basis of race, sex, religion, national origin, age, or disability.

State, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 12812, as amended, prohibits employment discrimination on the basis of race, sex, color, religion, sex, sexual orientation, gender identity, and national origin.

Disability Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) prohibit discrimination on the basis of disability. Disability includes physical or mental impairments that substantially limit one or more major life activities.

Genetic Information The Genetic Information Nondiscrimination Act (GINA) prohibits employers from requesting, requiring, or purchasing genetic information about an employee or applicant.

Retaliation It is illegal for an employer to retaliate against an employee for exercising their rights under the law.

Whistleblowers The Whistleblower Protection Act (WPA) prohibits employers from retaliating against employees who report wrongdoing.

Age The Age Discrimination in Employment Act (ADEA) prohibits employers from discriminating against workers on the basis of age.

Religious Beliefs The Religious Freedom Restoration Act (RFRA) prohibits employers from discriminating against workers on the basis of their religious beliefs.

Sexual Harassment The Title IX of the Education Amendments of 1972, and the Title VII of the Civil Rights Act of 1964, as amended, prohibit sexual harassment in the workplace.

Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, and the ADA prohibit discrimination on the basis of disability. Disability includes physical or mental impairments that substantially limit one or more major life activities.

Programs for Activities The Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination provisions of federal contracts and subcontracts. Contractors and subcontractors who hold federal contracts or subcontracts are prohibited from discriminating against workers on the basis of race, sex, religion, national origin, age, or disability.

DISCRIMINATION

AN EMPLOYMENT VIOLATION IS PROHIBITED

MISSOURI COMMISSION ON HUMAN RIGHTS

421 East Dunklin Street, P.O. Box 1129, Jefferson City, MO 65102-1129

573-751-3325

Toll-free Discrimination Complaint Hotline: 877-781-4236

TDD/TTY: 800-735-2966

Relay Missouri: 711

TAKE ACTION FILE A COMPLAINT

If you believe you have been discriminated against in regard to employment, you may contact us about filing a complaint of discrimination using the information below.

Note: complaints must be filed within 180 days of the alleged discrimination.

CONTACT US

MISSOURI COMMISSION ON HUMAN RIGHTS

Email: mchr@labor.mo.gov

421 East Dunklin Street, P.O. Box 1129, Jefferson City, MO 65102-1129

573-751-3325

Toll-free Discrimination Complaint Hotline: 877-781-4236

TDD/TTY: 800-735-2966

Relay Missouri: 711

The Missouri Human Rights Act makes it illegal to discriminate in any aspect of employment because of an individual's race, color, religion, national origin, ancestry, sex, disability, or age (40 through 69).

An employment agency includes any person or agency, public or private, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

THE MISSOURI HUMAN RIGHTS ACT APPLIES TO:

- Private employers with six or more employees.
- All employment agencies.
- All apprenticeship or training programs.
- All state and local government agencies.
- All labor organizations.

DISCRIMINATORY PRACTICES PROHIBITED BY THE MISSOURI HUMAN RIGHTS ACT INCLUDE:

- Hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements, recruitment, testing, use of company facilities, training, and apprenticeship programs; fringe benefits, pay, retirement plans, or disability leave; or other terms and conditions of employment.
- Harassment on the basis of race, color, religion, national origin, ancestry, sex, disability, or age.
- Retaliating against an individual for filing a complaint of discrimination, participating in a discrimination investigation or hearing, or opposing discriminatory practices.
- Discriminating in any aspect of employment against an individual because of the individual's association with a person in one of the protected categories.

MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS

State regulation 8 CSR 60-3.010 requires this notice be posted in all places of business or establishments that are subject to the Missouri Human Rights Act.

STATE FEDERAL LABOR LAW

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 Act does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph in kind of lie detector tests to be administered in the private sector, subject to restrictions, to certain persuasive 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 results in economic loss to the employer. The law does not prevent 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 secure 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.

Job Safety and Health IT'S THE LAW!

Occupational Safety and Health Administration

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.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHA-supported consultation programs in every state.

Contact OSHA. We can help.

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

EMERGENCY NUMBERS CALL 911

POLICE: _____

AMBULANCE: _____

PHYSICIAN: _____

HOSPITAL: _____

FIRE DEPARTMENT: _____

POISON CONTROL: _____

OSHA: _____

PAY DAY NOTICE

PAY DAY IS ON:

- MONDAY
- TUESDAY
- WEDNESDAY
- THURSDAY
- FRIDAY
- SATURDAY
- SUNDAY

PAY SCHEDULE IS:

- WEEKLY
- BIWEEKLY
- SEMI MONTHLY
- MONTHLY

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

AT: _____

TIME: _____

DIVISION OF WORKERS' COMPENSATION

Missouri Division of Workers' Compensation (DWC) administers programs for workers who have been injured on the job or exposed to an occupational disease arising out of and in the course of employment. The Division's Administrative Law Judges have the authority to approve settlements or issue awards after a hearing relating to an injured employee's entitlement to benefits.

Steps to Take When Injured on the Job

- Notify your employer immediately (written notice must be provided within 30 days of the accident/ or 30 days after the diagnosis of any occupational disease or repetitive trauma) by contacting your employer representative.
- Ask your employer to provide medical treatment (your employer/insurer is responsible for providing medical treatment and paying the medical fees and charges unless you choose to treat with another doctor at your own expense without your employer/insurer's approval).
- Get more information about the benefits available under the Workers' Compensation Program or about the steps you may take to get the benefits you need. Visit www.labor.mo.gov/DWC or call 800-775-COMP.

Medical Care for Injured Employees

The employer or insurer is required to provide medical treatment and care that is reasonably required to cure and relieve the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. There is no deductible, and all costs are paid by the employer or the workers' compensation insurance company. If you receive a bill, contact your employer or the insurance company immediately. The employer/insurer has the right to choose the healthcare provider or treating physician. You may select a different healthcare provider or treating physician, but if you do so, it may be at your own expense.

Payment for Lost Wages:

- If a doctor says you are unable to work due to your injuries or recovery from a surgery, you may be entitled to temporary total disability (TTD) benefits. If a doctor says that you can perform light or modified duty work and your employer offers you that work, you may not be eligible for TTD benefits. TTD benefits should be continued until the doctor says you can return to work, or when your treatment is concluded because your condition has reached "maximum medical improvement," whichever occurs first.
- If you return to light or modified duty at less than full pay, you may be entitled to temporary partial disability benefits. If the injury or illness results in a permanent disability, you may be entitled to receive either permanent partial or permanent total disability benefits.

Survivor Benefits:

If a work-related injury causes an employee's death, the surviving dependents may receive weekly death benefits paid at 66 2/3% of the deceased employee's average weekly wage along with funeral expenses up to \$5,000 from the employer/insurer. For additional information relating to survivor's benefits, including college scholarship opportunities for surviving children, please visit www.labor.mo.gov/DWC.

Additional Benefits for Occupational Diseases Due to Toxic Exposure - Permanent Total Disability and/or Death: For information relating to additional benefits available, please refer to the Division's website at www.labor.mo.gov/DWC/ Injured Workers/benefits, available.

Make sure your data is turned on and scan the QR Code with your smartphone's camera to go to the Division of Workers' Compensation's Website for more information. If you are not redirected, you may need to update your smartphone's operating system or download a QR Code reader app.

Workers' Compensation Law Roles and Responsibilities for Employers and Employees

EMPLOYER INFORMATION

With some exceptions, all employers with five or more employees, and construction industry employees with one or more employees, are required to insure their workers' compensation liability, either by purchasing a policy or obtaining self-insurance authority. Workers' compensation insurance provides benefits to workers injured on the job. Employers also are required to post this notice in the workplace for employees to view. This poster is required by section 287.127, RSMo, and is available to employers and insurers, free of charge by contacting the Division at 800-775-Comp.

Steps to Take When an Injury Occurs

- Be sure first aid is administered and the employee is taken to a physician or hospital for further medical care, if necessary.
- Report the injury to the insurance company or Third Party Administrator (TPA) within five days of the date of injury or within five days of the date on which the injury was reported to the employer by the employee, whichever is later. For additional information relating to survivor's benefits, including college scholarship opportunities for surviving children, please visit www.labor.mo.gov/DWC/.
- Pay medical bills related to the work injury for treatment reasonably required to cure and relieve the employee of the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. The employer has the right to choose the healthcare provider or treating physician, but if the employee does so, it may be at their own expense.
- For more liability and insurance information relating to the Workers' Compensation Program, visit www.labor.mo.gov/DWC/ or call 800-775-COMP.

Workers' Safety

Developing and implementing a comprehensive safety and health program can reduce occupational injuries and help lower workers' compensation costs. Insurance carriers in the state of Missouri must provide safety assistance at the request of the insured employer. The Missouri Department of Labor evaluates these services and provides additional assistance through its Missouri Workers' Safety Program. For additional information about these programs or for a registry of independent consultants who are certified in the state of Missouri to provide safety assistance, visit www.labor.mo.gov/DWC/.

Fraud/Noncompliance

Employee Fraud - knowingly making a claim for workers' compensation benefits to which an employee knows he/she is not entitled or knowingly presenting multiple claims for the same occurrence with intent to defraud is a class E felony, punishable by a fine of up to \$10,000, or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Fraud - knowingly misrepresenting an employee's job classification or any other fact to obtain insurance at less than the proper rate is a class A misdemeanor. A subsequent violation is a class E felony. An employer who knowingly makes a false or fraudulent statement regarding an employee's entitlement to benefits to discourage the worker from making a legitimate claim or who knowingly makes a false or fraudulent material statement of material representation to deny benefits to a worker is guilty of a class A misdemeanor punishable by a fine of up to \$10,000. A subsequent violation is a class D felony.

Insurer Fraud - knowingly and intentionally refusing to comply with workers' compensation obligations to which an insurance company or self-insurer knows an employee is entitled is a class E felony, punishable by a fine of up to \$10,000 or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Noncompliance - knowingly failing to insure workers' compensation liability under the law is a class A misdemeanor punishable by a fine of up to three times the annual premium the employer would have paid had it been insured or up to \$50,000, whichever is greater. A subsequent violation is a class E felony. An employer who willfully fails to post the notice of workers' compensation at the workplace is guilty of a class A misdemeanor punishable by a fine of \$50 to \$1,000 or by imprisonment or both fine and imprisonment.

MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS

Missouri Division of Workers' Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 800-735-2966 Relay Missouri: 711 WC-106 (07-10) AI