

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(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
- You employ more than 50 employees within 75 miles of your work location.

Ref.: 29 CFR §625.300

Airline flight crew employees have different "hours of service" requirements.

- You work for a **covered employer** if one of the following applies:
- You work for a private employer that had at least 50 employees during at least 50 workweeks in the current or previous calendar year.
 - You work for an elementary or public or private secondary school.
 - You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leave.
- Give notice at least 30 days before your need for FMLA leave, or if advance notice is not possible, give notice as soon as possible.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

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

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

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.

- About 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 1-866-487-9243 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.

WHD logo and QR code for more information.

EMPLOYEE RIGHTS

EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.

PROHIBITIONS Employees are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising 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 (that, enforcement, etc.) that resulted in economic loss to the employer. The law does not prevent any provision of any State or local law of 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 violators 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.

WHD logo and QR code for more information.

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 declared hazardous by the Secretary of Labor. 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. Different rules apply in agricultural employment.
TIP CREDIT Employees of "food and beverage" establishments 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 tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.
PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employer to express breast milk.
ENFORCEMENT 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 penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened 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.

Certain occupations and establishments are exempt from the minimum wage, and/or overtime provisions. Certain narrow exemptions also apply to the pump at work requirements. Special provisions apply to workers in Guam, 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 incorrectly classify workers as "independent contractors" when they are 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 pay protections and correctly 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.

WHD logo and QR code for more information.

Effective Date	Minimum Hourly Wage Rate
January 1, 2016	\$9.00
January 1, 2023	\$10.50
January 1, 2024	\$12.00
January 1, 2025	\$13.50
January 1, 2026	\$15.00

Beginning January 1, 2027, the minimum wage will increase based on the cost-of-living increase as measured by the Consumer Price Index.

- Except as provided below, every employer of four or more persons at any one time shall pay its employees a minimum wage per hour as listed above.
- In the case of employees paid gratuities for services performed, the combined amount of hourly wage and gratuities given to the employee shall equal or exceed the current minimum wage. The hourly wage amount paid to the employee shall be at least \$2.13 per hour and the employer is responsible for making up the difference between the actual hourly wage and gratuities paid to the employee and the current minimum wage.
 - Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least 75% of the minimum wage rate.
 - An employer may pay a new employee younger than 20 who is not a seasonal or migrant worker, a training wage of at least 75% of the federal minimum wage for 90 days from the date the new employee was hired, subject to the terms and conditions described in Neb. Rev. Stat. §48-1203.01.

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

- Employer shall include to permit to work;
- Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;
 - Employee shall include any individual employed by any employer but shall not include:
 - Any individual employed in agriculture;
 - Any individual employed as a baby-sitter in or about a private home;
 - Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;
 - Any individual employed by the United States or by the state or any political subdivision thereof;
 - Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;
 - Apprentices and learners otherwise provided by law;
 - Veterans in training under supervision of the United States Department of Veterans Affairs;
 - A child in the employment of his or her parent or a parent in the employment of his or her child; or
 - Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;
- Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and
- Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

For further information regarding the Nebraska Wage and Hour Act, contact the Nebraska Department of Labor
PHONE 402-471-2239

NEBRASKA logo and QR code for more information.

Ref.: Nebraska Statutes, Sec. 48-1205 Updated: 11/22/2022

STATE OF NEBRASKA

EQUAL OPPORTUNITY COMMISSION

NOTICE TO Job Applicants, Employees, Employers, Labor Unions, Employment Agencies, Landlords, Tenants, Proprietors, Public:

DISCRIMINATION IN EMPLOYMENT HOUSING PUBLIC ACCOMMODATIONS IS PROHIBITED BY STATE LAW

Unlawful Employment Practices	Public Accommodations and Housing Discrimination	Protection From Retaliation
It is illegal for an employer to discriminate against you because of your Race, Color, Sex, Pregnancy, National Origin, Marital Status, Disability, Religion, and/or Age (40-years-old and over) . Discrimination may occur in such areas as Hiring, Promotions, Transfers, Lay-offs, Discipline and Termination, Compensation and Benefits, Training, Other Terms or Conditions of Employment, or Sexual Harassment . The Nebraska Equal Opportunity Commission is authorized to investigate allegations of discrimination under the Fair Employment Practices Act and the Equal Pay Act of Nebraska, both of which covers employers with 15 or more employees; and the Nebraska Age Discrimination in Employment Act, which covers employers with 20 or more employees. Labor Organizations, Employment Agencies, Apprenticeship and Training Programs are all covered by the law.	The Nebraska Fair Housing Act prohibits unlawful housing practices which includes discrimination because of Race, Color, Religion, National Origin, Sex, Disability and Familial Status in Purchases, Sales, Rentals, Loans, Publishing, Representation, Inquiry, Listings, Discharge, or Denial of Agents or Employees in obedience to the law, blockbusting and other such actions. Authority: Sections 20-301 through 20-344, R.R.S. Nebraska, 1943. The Nebraska Civil Rights Act of 1969— Public Accommodation prohibits discrimination because of Race, Color, Religion, Sex, National Origin, or Ancestry in Services, Privileges, Facilities, Advantages and Accommodations by all Public Places and Businesses offering the same. Private establishments, etc. must meet the exceptions as set out in the law. Authority: Sections 20-132 through 20-143, R.R.S. Nebraska, 1943.	The Laws enforced by the Nebraska Equal Opportunity Commission prohibit an employer, landlord, or others subject to the laws from engaging in any form of retaliation because you have filed a charge of discrimination, opposed a practice made illegal by these laws, or acted as a witness in any investigation or hearing conducted by the Commission. In addition, the Fair Employment Practices Act makes it illegal for an employer to engage in any retaliation because a person has opposed any illegal practice or refused to carry out any action that is illegal under the laws of the State of Nebraska or the United States.

- COMPLAINTS: The Nebraska EOC will investigate every complaint in an impartial manner, without cost to you and without publicity. If there is reasonable cause to believe that the law was violated, the Nebraska EOC will hold a conciliation conference. In case of failure to settle or resolve a charge by conference, mediation, conciliation, arbitration or persuasion, a public hearing or litigation may occur.
- EMPLOYERS, EMPLOYMENT AGENCIES, UNIONS, LANDLORDS, LENDERS, REAL ESTATE OFFICES, PROPRIETORS, PUBLIC, ETC.: You may call on the Nebraska EOC for information on procedures, advice on policy problems, literature, reading lists, films, speakers service, and aid in educational programming.

For Information or Assistance, Please Write, Call, or Come to:

Main Office	Branch Office	Branch Office
Equal Opportunity Commission 301 Centennial Mall South, 5 th Floor P.O. Box 94934 Lincoln, Nebraska 68509-4934 Telephone (402) 471-2024 1-800-642-6112	Panhandle Office Complex 4500 Avenue "I" P.O. Box 1500 Scottsbluff, Nebraska 69363-1500 Telephone (308) 632-1340 1-800-830-8633	1313 Farnam on-the-Mall Omaha, Nebraska 68102-1836 Telephone (402) 595-2028 1-800-382-1820 www.neoc.ne.gov

THIS NOTICE MUST BE POSTED in conspicuous, well lighted places – e.g., hiring offices, employee bulletin boards, employment agency waiting rooms, union hall – which are frequented by employees, job seekers, or applicants for union membership. Firms and organizations that have more than one such office, plant or posting place, should request extra copies of this notice. For information on exceptions write to Nebraska EOC. This document satisfies the requirements for posting pursuant to the laws administered by the N.E.O.C.

This Commission Investigates Unlawful Discrimination Complaints Filed Anywhere In The State Of Nebraska: At No Cost To The Person Making The Complaint

Ref.: Nebraska Statutes, Sec. 20, Sec. 48, 48-1220 POST 607

Job Safety and Health IT'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.
- 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.

This poster is available free from OSHA.

Contact OSHA. We can help.

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

EMERGENCY PHONE NUMBERS

PHYSICIAN
HOSPITAL
AMBULANCE
FIRE DEPARTMENT
POLICE
HAZARDOUS MATERIALS

Provided By:
NEBRASKA DEPARTMENT OF LABOR
dol.nebraska.gov

STATE AND FEDERAL LABOR LAW

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit employers from discriminating against workers on the basis of race, color, sex, religion, national origin, age, disability, and genetic information.

Who is Protected?

- Employees covered under federal, state, and local laws.
- Employees covered by state or local laws.
- Employees covered by federal, state, or local laws.
- Employees covered by federal, state, or local laws.

What Types of Employment Discrimination are Illegal?

- Hiring
- Discharge
- Compensation
- Benefits
- Terms and conditions of employment
- Harassment
- Retaliation

What Employment Practices can be Challenged as Discriminatory?

- Discrimination on the basis of race, color, sex, religion, national origin, age, disability, and genetic information.
- Discrimination on the basis of sex, including pregnancy, childbirth, or related medical conditions.
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What Can You Do if You Believe Discrimination has Occurred?

- File a charge with the EEOC.
- File a charge with the EEOC.
- File a charge with the EEOC.
- File a charge with the EEOC.

Protected Veterans Status

The Vietnam Era Veterans' Readjustment Benefits Act (VEVRAA) prohibits employment discrimination against veterans and active-duty military personnel. It also prohibits employment discrimination against veterans and active-duty military personnel.

Retaliation

Retaliation is prohibited against a person who has filed a charge of discrimination, participated in an investigation, or testified in a proceeding under the law.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action requirements of federal contracts and subcontracts with the Federal Government. If you are applying for a job with an employer who holds a federal contract or subcontract, you may be required to complete a federal contractor questionnaire.

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 11478, an amended, prohibits employment discrimination by federal contractors and subcontractors on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equal opportunity of all sources of employment.

Disability

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against individuals with disabilities in programs and activities that receive federal financial assistance. This includes employment by federal contractors and subcontractors.

Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against individuals with disabilities in programs and activities that receive federal financial assistance. This includes employment by federal contractors and subcontractors.

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: