

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(a) for more information.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service 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.

About your FMLA rights and responsibilities, and

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

Where can I find more information?

Call 1-866-487-9249 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.



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 5 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 you can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason under FMLA.

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 adverse any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employers may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

Ref: 29 CFR §625.300 WH1420 REV 04/23

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
CHILD LABOR
TIP CREDIT
PUMP AT WORK
ENFORCEMENT
ADDITIONAL 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, or from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test 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.

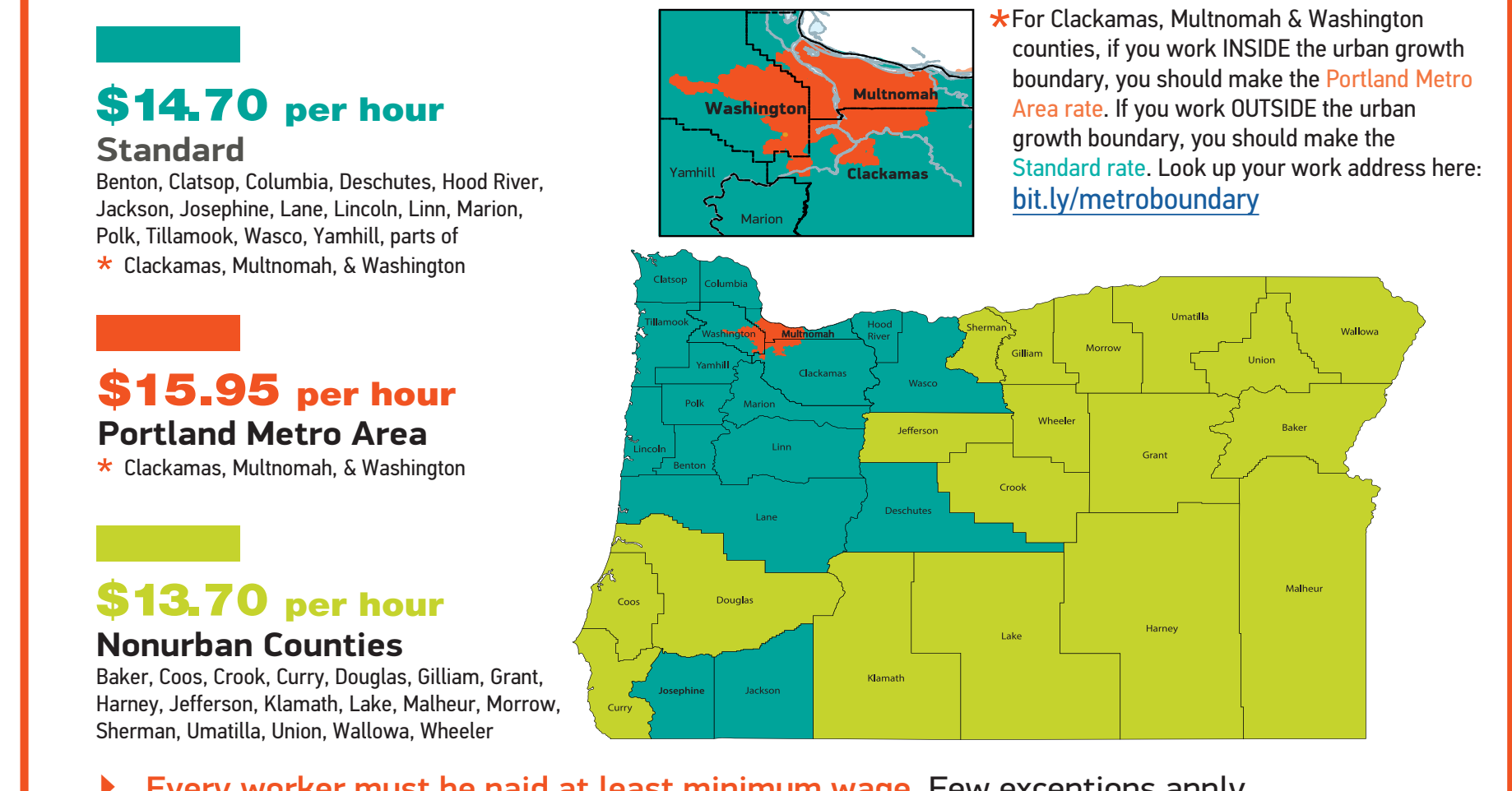
ENFORCEMENT The Secretary of Labor may bring court actions to restrain violators and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

MINIMUM WAGE

You must be paid at least minimum wage. The rate depends on where you work.

*For Clackamas, Multnomah & Washington counties, if you work INSIDE the urban growth boundary, you should make the **Portland Metro Area** rate. If you work OUTSIDE the urban growth boundary, you should make the **Standard** rate. Look up your work address here: bit.ly/metroboundary



- Every worker must be paid at least minimum wage. Few exceptions apply.
- The minimum wage goes up every year. These rates are in effect from July 1, 2024 to June 30, 2025. The next minimum wage increase is on July 1, 2025.
- Using tips to cover minimum wage is illegal in Oregon.
- Deductions are allowed if legally required (like taxes) or if you agree in writing and the deduction is for your benefit. Your paycheck must show this information.
- If you make close to minimum wage, you may qualify for the Earned Income Tax Credit. Visit eitcoutreach.org

CONTACT US
If your employer isn't following the law or something feels wrong, give us a call. The Bureau of Labor and Industries is here to enforce these laws and protect you.

Call: 971-245-3844
Email: BOLI_help@boli.oregon.gov
Web: oregon.gov/boli
Se habla español.

OREGON LAWS
Protect You At Work
July 2024 - June 2025

OREGON FAMILY LEAVE

You can take time off for pregnancy disability, bereavement or to provide home care for your child under the Oregon Family Leave Act (OFLA).

- This time is protected, but often unpaid unless you have vacation, sick, or other paid leave available. However, while on OFLA leave, your employer must let you use any vacation, sick, or other paid leave you have accrued. OFLA leaves are separate from Paid Leave Oregon benefits.
- OFLA applies to employers with 25 or more employees.
- To be eligible, you must have worked an average of 25 hours per week for 180 days. A separation from employment or removal from the schedule for up to 180 days does not count against eligibility. (During a public health emergency, eligibility starts at just 30 days working 25 or more hours per week.)
- You can take up to 12 weeks of time off per year for:
 - Providing care to your child related to an illness, injury or conditions that requires home care or when your child's school or child care provider is closed as a result of a public health emergency.
 - Your employer must keep giving you the same health insurance benefits as when you are working. When you come back you must be returned to your former job or a similar position if your old job no longer exists.
 - Military family leave (up to 14 days) is also available if your spouse is a service member who has been called to active duty or is on leave from active duty.

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Workplace Accommodations Notice

This notice is for equal opportunity employers and does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, veteran status, sexual orientation, gender identity, gender expression or any other classification protected by law.

(Name of employer) will make reasonable accommodations for physical or mental disabilities of an applicant or employee as well as known limitations related to pregnancy, childbirth or a related medical condition, such as lactation, unless the accommodation would cause an undue hardship. Among other possibilities, reasonable accommodations could include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor;
- A reasonable period of leave; or
- Modification of work schedules or job assignments.

Employees and job applicants have a right to be free from unlawful discrimination and retaliation. This includes discrimination because of pregnancy, childbirth and related medical conditions. For this reason, (Name of employer) will not:

- Deny employment opportunities on the basis of a need for reasonable accommodation;
- Deny reasonable accommodation for known limitations, unless the accommodation would cause an undue hardship;
- Take an adverse employment action, discriminate or retaliate because the applicant or employee has inquired about, requested or used a reasonable accommodation;
- Require an applicant or an employee to accept an accommodation that is unnecessary;
- Require an employee to take family leave or any other leave, if the employee can make reasonable accommodation instead.

To request an accommodation or to discuss concerns or questions about this notice, please contact any one of our supervisors or (Name of person to contact) in the human resources department. You may also contact: (Name of alternate contact) (Telephone number) (Address) (City, State and ZIP Code)

Rev. February 2023 Alternate format available on request

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 workplace discrimination based on race, sex, national origin, religion, and disability. These laws apply to most employers with 15 or more employees, state and local governments, and federal contractors. EEOC handles complaints and investigates charges of discrimination. It can help you file a lawsuit in court if necessary. Contact EEOC at 1-800-649-3000 for free help. Visit www.eeoc.gov for more information.

What are Protected Characteristics? Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin, Disability

What are Protected Activities? Filing a charge or complaint with EEOC, participating in an EEOC investigation, providing information to EEOC, testifying or assisting in an EEOC investigation, or exercising any other rights under the law.

What Employment Practices can be Challenged as Discriminatory? Hiring, Firing, Promotions, Demotions, Transfers, Changes in Job Duties, Pay, Benefits, Work Schedules, Leave, and other terms and conditions of employment.

CAPTIVE AUDIENCES

Religion, Politics, Labor Unions & Captive Audiences

You have a right to not attend or participate in employer-sponsored meetings or communication that is primarily about your employer's opinion on labor unions or religious or political matters. This includes meetings or religious gathering for or not including a union.

Employers are prohibited from taking adverse action against an employee who has decided to attend a captive audience meeting or made a good faith report of a violation of this protection.

Exceptions apply to employers who are religious or political organizations.

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SICK TIME

All Oregon workers get protected sick time. If you work for an employer with 10 or more employees (6 or more if they have a location in Portland), you get paid sick time.

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BREAKS & MEALS + OVERTIME & PAYCHECKS

Your employer is required to give you breaks where you have no work responsibilities. There are specific rules about overtime pay and paychecks.

BREAKS & MEALS
For each 8-hour shift you get these breaks free from work responsibilities:

- Two 10-minute paid rest breaks (15 minutes if you are under 18)
- One 30-minute unpaid meal break generally during the two hours after your third hour of work
- You also get reasonable breaks as needed to express milk (and a private space that is not a bathroom to pump) until your child reaches 18 months of age
- Your shift is longer or shorter than 8 hours, refer to the chart here or visit oregon.gov/boli/workers/Pages/meals-and-breaks.aspx for more information.

OVERTIME & PAYCHECKS
You must receive overtime pay at 1.5 times your regular pay rate for hours you work over 40 in a workweek (over 95 if you only work in agriculture - over 48 beginning January 1, 2025). Exceptions are limited.

Regular paydays are required by law. You must receive a paycheck at least every 35 days. Your employer must provide you with a detailed paycheck.

If you are fired or prematurely laid off, you must get your last paycheck by the end of the next business day.

If you quit with at least 48 hours' notice, you must get your last paycheck on your last day of employment. If you do not give 48 hours' notice, you must get your last paycheck within 5 business days of the next payday, whichever is first.

IT'S THE LAW!

1-800-922-2689 osha.oregon.gov

Display this poster where all your workers can see it!

OREGON ADMINISTRATIVE RULE 437-001-0275(2)(a)

FOR MORE INFORMATION, copies of the Oregon Safe Employment Act, specific safety and health standards, or assistance, call:
Salem Central Office: 503-378-3272
Bend: 541-388-6066
Eugene: 541-686-7562
Medford: 541-776-6030
Pendleton: 541-276-9175
Portland: 503-229-5910
Salem: 503-378-3274

File a complaint with OSHA

Know your retaliation rights

Know your whistleblower rights

440-1507 (03/24/COM) Ref: OAR 437-001-0275

Know your rights

You have the right to notify your employer, Oregon OSHA, or both about workplace hazards. You may ask Oregon OSHA to keep your name confidential.

You have the right to refuse to perform a hazardous task that would expose you to a imminent danger or serious physical harm and there is no reasonable alternative.

You have the right to request an Oregon OSHA inspection if you believe there are unsafe or unhealthy conditions in your workplace. You or your representative may participate in the inspection.

You have the right to report a work-related injury or illness, without being retaliated or discriminated against.

You have the right to see Oregon OSHA citations issued to your employer. Your employer must post the citations at the workplace. Your employer cannot correct workplace hazards by the date indicated on the citation, and must certify that these hazards have been reduced or eliminated.

You have the right to your work-related exposure records covered under Oregon OSHA's rules. This includes any OSHA medical records and personal sampling records.

You have the right to request your workplace injury and illness log, known as the "OSHA 300 log" and "OSHA 300A summary."

You have the right to know about hazardous substances used in your workplace.

You have the right to file a complaint with the Oregon Bureau of Labor and Industries (BOLI) within one year, or with federal OSHA within 30 days, of discrimination by your employer for making safety and health complaints or for exercising your rights under the Oregon Safe Employment Act.

The Oregon Safe Employment Act of 1973 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the state. The Oregon Occupational Safety and Health Division (Oregon OSHA) of the Department of Consumer and Business Services has the primary responsibility for administering the act. This includes having the right to refuse work that would expose you to serious physical harm or imminent danger.

Oregon OSHA adopts occupational safety and health standards, and its trained safety and health compliance officers conduct workplace inspections to ensure compliance with the Oregon Safe Employment Act.

Anyone who wants to register a complaint about the administration of the Oregon Safe Employment Act can do so by contacting:
U.S. Department of Labor
OSHA Region 10
20425 72nd Ave South, Suite 150A
Kent, WA 98032-2388
206-757-6700

Oregon OSHA has a staff of trained safety and health professionals available to work with businesses in all industries to improve workplace safety and health. **Consultations and training opportunities are available at no charge to Oregon businesses by calling any of the phone numbers listed.**

This free poster is available from Oregon OSHA — It's the law!

PREDICTABLE SCHEDULING

This law applies only to retail, hospitality, and food service employees that employ at least 500 workers worldwide. Temporary or leased workers and exempt salaried workers are not covered by this law.

Your workplace is covered by this law, your employer must give you a work schedule in writing at least 14 calendar days in advance. It must be posted and easily visible and include all work shifts (on-call shifts). You may decline shifts that are not included in the written work schedule.

You have the right to rest between shifts. Unless you request or agree to it, you can't be scheduled to work during the first 10 hours after the previous calendar day's work or on-call shift (Or the first 10 hours following the end of work that spans two calendar days). If you are scheduled for a back to back shift within 10 hours, your employer must pay time-and-a-half your regular pay rate.

Your employer must pay you additional compensation if they change your schedule less than 14 days ahead of the start of the schedule. If you request to work additional shifts or make changes, this extra pay is not required. Other exceptions include changes of less than 30 minutes, disciplinary suspensions, staff shortages, if you agree to be on the voluntary standby list, and a few others. Learn more: oregon.gov/boli/workers/Pages/predictable-scheduling.aspx

You must get an extra hour of pay at your regular rate plus wages earned if your employer adds more than 30 minutes of work to your shift, changes the date, start time, or end time of your shift with no loss of hours, or schedules you for an extra work or on-call shift.

You must get one-half of your regular rate of pay, per hour, for each scheduled hour that you do not work if your employer subtracts hours from your shift before or after you report for duty, changes the date or start time of your shift resulting in a loss of hours, cancels your shift, or does not ask you to work when you are scheduled for an on-call shift.

You have the right to provide input into your schedule. You may identify limitations or changes in your availability including child care needs. You may request not to be scheduled for work shifts during certain times or at certain locations. Your employer is not required to grant your requests, but they may not retaliate against you for making them.

When you're hired: Your employer must give you a written description of your work schedule that includes the average number of hours you can expect to work and how you will be expected to work on on-call shifts.

Voluntary standby list: Your employer must give you information about their voluntary standby list, which is an opt-in list to help of people willing to work additional hours due to unanticipated customer needs or unexpected absences.

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SEXUAL HARASSMENT + DOMESTIC VIOLENCE PROTECTIONS

Oregon laws protect your right to work free from harassment. They also require your employer to provide supports if you are a victim of domestic violence.

SEXUAL HARASSMENT
You have the right to a workplace free from harassment, discrimination, and sexual violence. Your employer must have a policy to reduce and prevent these violations and make it available to employees within the workplace.

Sexual harassment can take the unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature (verbal, physical, or visual), that is directed toward an individual. It can also include unwelcome sexual conduct that occurs through digital or electronic communication.

It can also include conduct that is not sexual but is gender-related. Sexual harassment can be targeted toward both the same or a different sex or gender.

Discrimination because of race, color, sex, sexual orientation, national origin, religion, marital status, uniformed service, disability, or age is illegal.

DOMESTIC VIOLENCE PROTECTIONS
If you experience domestic violence, harassment, sexual assault, bias crime, or stalking (or if you are a parent or guardian of a child), your employer must make reasonable changes to support your safety.

These changes might include a transfer, reassignment, modified schedule, unpaid leave, changed work schedule, other changes work station, installed lock, new safety protocol, or other arrangement after threatened or actual violence.

You can also take protected leave to find legal or law enforcement assistance, get medical treatment for injuries or mental health support, move or change your living situation, and more.

Your employer must keep all documents and information confidential. You will not be fired, suspended, or discriminated against in any way because you are a victim.

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