

# 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.
- 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.

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 #2818(j) 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, and your employer determines that you are eligible, your employer must **notify** you in **writing**.

If you have 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](http://dol.gov/fmla) to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**

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

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



# UNEMPLOYMENT INSURANCE POSTER FOR EMPLOYEES

Your employer provides insurance to help protect you when you become unemployed through no fault of your own. Tennessee employers pay the full cost of unemployment insurance for their employees. Nothing is deducted from your pay to cover the cost of this insurance nor does any money come from State of Tennessee funds.

- To be eligible for benefits you must:
- Be separated from employment through no fault of your own.
  - Have qualifying wages in the base period.
  - Be able and available for work.
  - Search for work by making a minimum of four work search activities and documenting during weekly certification process. You may log in to [www.Jobs4tn.gov](http://www.Jobs4tn.gov) to search for work online.

Failure to do four work search activities will result in a loss of benefits unless you are job attached, a member of a hiring union, or attending training approved by the Commissioner.

If you become unemployed you may file for benefits at [www.Jobs4tn.gov](http://www.Jobs4tn.gov).

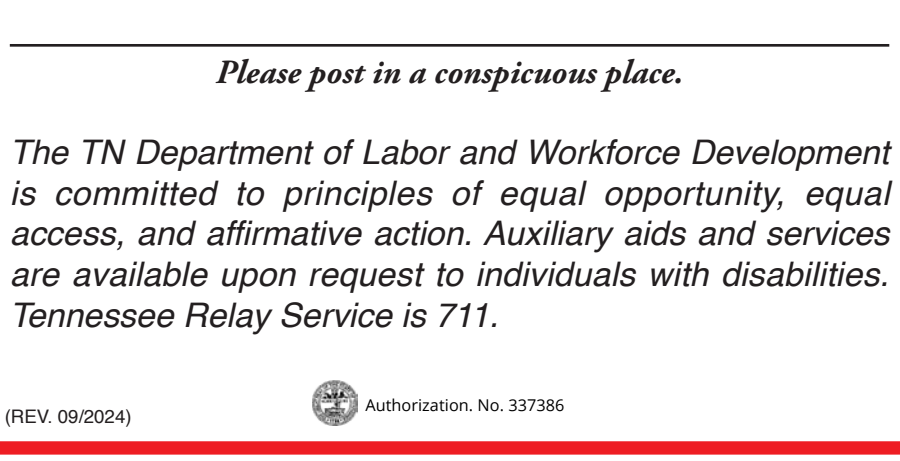
- Before beginning the claim filing process, you should have your:
- Social Security Number
  - Telephone Number
  - Address
  - Name of county of residence
  - Employment data for the last 18 months including employer name and address, and
  - Bank routing number and bank account number if you elect to receive benefits by direct deposit; otherwise, you will receive benefits on the Way2Go MasterCard.

**You must keep your address current with the Department of Labor and Workforce Development.**

Go to [www.Jobs4tn.gov](http://www.Jobs4tn.gov) to apply for unemployment benefits, to file a wage protest, to file an appeal of an agency decision, to view/update information, and to view and update your choice of type of unemployment benefit payment.

You may log in to [www.Jobs4tn.gov](http://www.Jobs4tn.gov) to register and search for work by using services offered by our Tennessee American Job Centers. The Tennessee Department of Labor and Workforce Development has staff available to help you find a job or pursue training opportunities.

You may go to the Department's website at [www.tn.gov/workforce/jobs-and-education/job-search/1/find-local-american-job-center.html](http://www.tn.gov/workforce/jobs-and-education/job-search/1/find-local-american-job-center.html) to find the location of the most convenient Tennessee American Job Center.



(REV. 09/2024) AUTHORIZATION NO. 337786

## 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 1½ 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 to agricultural employees.

**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 tip credit 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 private area, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee 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 seek injunctive relief. Employers may be assessed civil money penalties for each willful or repeated violation of 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 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 is determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some states and local governments have laws that provide more benefits than the FLSA.
- Some employees (commonly classified 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 provisions, while independent contractors are not.
- Certain full-time students, student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

## TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT WAGE REGULATIONS ACT

It is unlawful for any employer to employ, permit or suffer to work any person without first informing the employee of the amount of wages to be paid (T.C.A. §50-2-101). All wages or compensation of employees in private employment shall be due and payable not less frequently than once per month. Notice of regular paydays shall be posted by each employer in at least two conspicuous places.

**REGULAR PAYDAY IS POSTED AS FOLLOWS:** \_\_\_\_\_ (T.C.A. §50-2-103).

Each employee must have a 30-minute unpaid rest break or meal period if scheduled to work 6 hours consecutively, except adult employees in workplace environments that by the nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity (T.C.A. §50-2-103).

No employer shall discriminate between employees in the same establishment on the basis of sex by paying any employee salary or wage rates less than the employer pays to any employee of opposite sex for comparable skill, effort, and responsibility, and which are performed under similar working conditions (T.C.A. §50-2-202).

- CHILD LABOR ACT**
- Minors 14 and 15 years of age may not be employed (T.C.A. §50-5-104):
- During school hours;
  - Between 7:00 pm and 7:00 am if the next day is a school day;
  - Between 9:00 pm and 6:00 am if the next day is not a school day;
  - More than 3 hours a day on school days;
  - More than 18 hours a week during school weeks;
  - More than 8 hours a day on non-school days;
  - More than 40 hours a week during non-school weeks.
- "School hours" means that period of time during a school day when school is in session and students are required to attend class.
- Minors 16 and 17 years of age may not be employed (T.C.A. §50-5-105):
- During those hours when the minor is required to attend classes;
  - Between the hours of 10:00 pm and 6:00 am, Sunday through Thursday nights.
- "School days" means any day when normal classes are in session during regular school year in the school district.

**BREAK OR MEAL PERIOD (T.C.A. §50-5-115)**

A minor must have a 30-minute unpaid break or meal period if scheduled to work 6 hours consecutively. Such break shall not be scheduled during or before the first hour of scheduled work activity.

- OCCUPATIONS PROHIBITED FOR MINORS UNDER THE AGE OF 18 (T.C.A. §50-5-106)**
- (a) A minor may not be employed in connection with the following:
- Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components;
  - Motor vehicle driving occupations;
  - Coal mine occupations;
  - Logging occupations and occupations in the operation of any sawmill, lathe mill, shingle mill or cooperage-stock mill;
  - Occupations involved in the operation of power-driven woodworking machines;
  - Occupations involving exposure to radioactive substances and to ionizing radiations;
  - Occupations involved in the operation of elevator and other power-driven hoisting apparatus;
  - Occupations involved in the operation of power-driven metal-forming, punching and shearing machines;
  - Occupations in connection with mining elements other than coal;
  - Occupations involving slaughtering, meat-packing, processing or rendering;
  - Occupations involved in the operation of hazardous power-driven bakery machines;
  - Occupations involved in the operation of hazardous power-driven paper products machines;
  - Occupations involved in the manufacture of brick, tile and kindred products;
  - Occupations involved in the operation of circular saws, band saws and guillotine shears;
  - Occupations involved in wrecking, demolition and ship-breaking operations;
  - Occupations involved in roofing operations;
  - Occupations in excavation operations;
  - Occupations that the commissioner shall by regulation, pursuant to this part, declare to be hazardous or injurious to the life, health, safety and welfare of minors;
  - Occupations involving posing or modeling, alone or with others, while engaged in sexual conduct for the purpose of preparing a film, photograph, negative, slide or motion picture;
  - Occupations involved in youth peddling.
- (b)
- If a minor is fifteen (15) years of age or younger, the minor must not be employed in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed twenty-five percent (25%) of the total gross receipts of the place of employment or where a minor will be permitted to take orders for or serve intoxicating beverages, regardless of the amount of intoxicating beverages sold in the place of employment.
  - If a minor is sixteen (16) or seventeen (17) years of age, the minor may be employed in a place of employment where the average monthly gross receipts from the sale of intoxicating beverages exceed twenty-five percent (25%) of the total gross receipts of the place of employment if the minor is not permitted to take orders for or serve intoxicating beverages.

- DUTIES OF EMPLOYERS (T.C.A. §50-5-111)**
- Employers of minors shall:
- Maintain a separate file record for each minor employed which shall be kept at the minor's place of employment and shall include the following:
    - Employment application;
    - Copy of minor's birth certificate, driver's license, state issued ID, or passport;
    - Accurate daily time record for all minors;
    - Any records qualifying a minor for exemption under T.C.A. §50-5-107 (8)-(13).
  - Allow the department to inspect all premises where minors are or could be employed and the contents of the individual file records;
  - Post in a conspicuous place on the business premises a printed notice of the provisions of the Child Labor Act furnished by the department; and
  - Furnish the department with records relative to the employment of minors;
- If a minor is 16 or 17 years of age and is home schooled, the file must include documentation from the Director of the LEA, the home school, or church-related school that confirms the minor's enrollment and authorization to work (T.C.A. §50-5-105).

For information on state laws, contact the Tennessee Department of Labor and Workforce Development - Labor Standards Unit  
Toll Free (844) 224-5818 (REGULATIONS) [www.tn.gov/workforce](http://www.tn.gov/workforce)

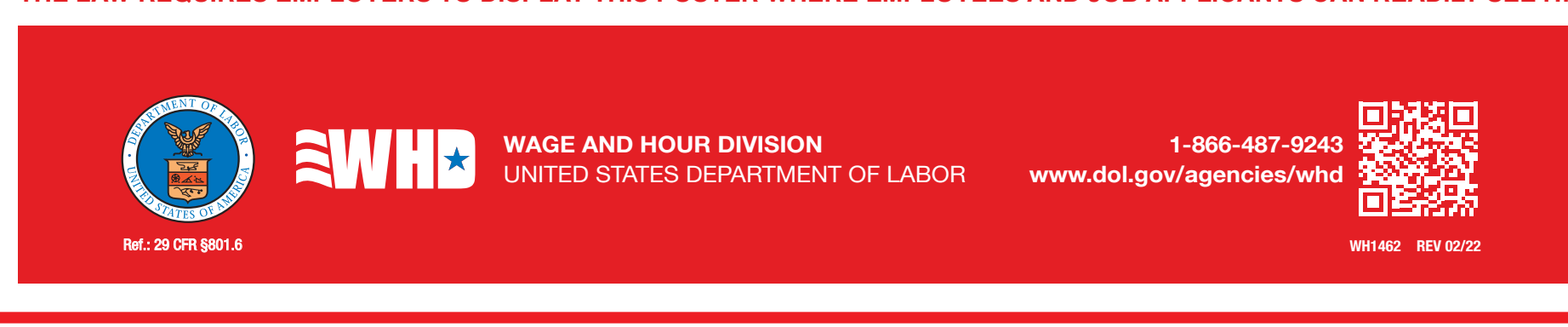
The TN Department of Labor and Workforce Development is committed to principals of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities. Callers with hearing impairments may use TTY/TDD 711.

Tennessee Department of Labor & Workforce Development; Authorization #337477; May 2024.

# 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 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 (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.
- The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.
- The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.
- EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.
- ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.



# TENNESSEE LAW PROHIBITS DISCRIMINATION IN EMPLOYMENT

IT IS ILLEGAL TO DISCRIMINATE AGAINST ANY PERSON BECAUSE OF RACE, COLOR, CREED, RELIGION, SEX, AGE, DISABILITY, OR NATIONAL ORIGIN IN RECRUITMENT, TRAINING, HIRING, DISCHARGE, PROMOTION, OR ANY CONDITION, TERM OR PRIVILEGE OF EMPLOYMENT.

If you feel that you have been discriminated against, contact the Tennessee Human Rights Commission.

**LA LEY DE TENNESSEE PROHIBE LA DISCRIMINACIÓN EN EL EMPLEO**

ES EN CONTRA DE LA LEY DISCRIMINAR EN CONTRA DE CUALQUIER PERSONA DEBIDO EN BASE A LA RAZA, COLOR, CREDO, RELIGIÓN, SEXO, EDAD, INCAPACIDAD U ORIGEN EN EL SELECCIÓN, ENTRENAMIENTO, EMPLEO, AL DESPEDIR, PROMOVER O CUALQUIER CONDICIÓN, TÉRMINO O PRIVILEGIO DE EMPLEO.

Si usted cree que ha sido víctima de discriminación, comuníquese con la Comisión de Derechos Humanos de Tennessee.

CONTACT US/PARA MAS INFORMACION:

**TENNESSEE HUMAN RIGHTS COMMISSION**

WILLIAM R. SNOODGRASS TENNESSEE TOWER  
312 ROSA L. PARKS AVENUE  
23RD FLOOR  
NASHVILLE, TENNESSEE 37243-1102

PHONE: (615) 741-5825 OR 1-800-251-3580  
ESPAÑOL: 1-866-856-1252  
[WWW.TN.GOV/HUMANRIGHTS](http://WWW.TN.GOV/HUMANRIGHTS)

Tennessee Human Rights Commission, Authorization no. 316148 Last Revised July 2014

# You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!

- You have the right to notify your employer or TOSHA about workplace hazards. You may ask TOSHA to keep your name confidential.
- You have the right to request a TOSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with TOSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the TOSHA Act or the Tennessee Hazardous Chemical Right-to-Know Act.
- You have a right to see TOSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have rights under the Tennessee Right to Know Law concerning hazardous chemicals in your work area. Your employer must provide training about health effects, protective measures, safe handling procedures, as well as information on interpreting labels and safety data sheets (SDS). You must be provided access to the safety data sheets and the workplace chemical list.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.

The Tennessee Occupational Safety and Health Act of 1972, T.C.A. §§50-3-101 et seq., assures safe and healthful working conditions for working men and women throughout the state. The Department of Labor and Workforce Development, Division of Occupational Safety and Health (TOSHA) has the primary responsibility for administering the TOSHA Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency or seek TOSHA advice, assistance or information, call 800-249-8510 or to your nearest TOSHA office. • Chattanooga (423) 634-6424 • Jackson (731) 423-5640 • Kingsport (423) 224-2042 • Knoxville (865) 594-6180 • Memphis (901) 543-7259 • Nashville (615) 741-2793. To file a complaint online or obtain information on Federal OSHA and other state programs, visit OSHA's website at [www.osha.gov](http://www.osha.gov). For additional information on TOSHA visit <http://tn.gov/workforce/section/tosha>.

Authorization No. 337330 (REV. 3/16)

# EMERGENCY NUMBERS CALL 911

POLICE: \_\_\_\_\_

AMBULANCE: \_\_\_\_\_

PHYSICIAN: \_\_\_\_\_

HOSPITAL: \_\_\_\_\_

FIRE DEPARTMENT: \_\_\_\_\_

POISON CONTROL: \_\_\_\_\_

OSHA: \_\_\_\_\_

# PAY DAY NOTICE

- PAY DAY IS ON:**
- MONDAY  FRIDAY
- TUESDAY  SATURDAY
- WEDNESDAY  SUNDAY
- THURSDAY

**PAY SCHEDULE IS:**

WEEKLY  SEMI MONTHLY

BIWEEKLY  MONTHLY

\_\_\_\_\_

AND \_\_\_\_\_ OF THE MONTH

AT: \_\_\_\_\_

TIME: \_\_\_\_\_

Ref. Tennessee Code, Sec. 50-6-111 (3)

# TENNESSEE WORKERS' COMPENSATION INSURANCE POSTING NOTICE

## How to Report Work-Related Injuries

What should be done if injured at work?

- |  |  |
|--|--|
| <p><b>Employee</b></p> <ol style="list-style-type: none"> <li>Immediately <b>report the injury</b> to the employer representative named below.</li> <li><b>Select a treating physician</b> from a panel provided by your employer.</li> <li>If you have questions or problems, <b>contact the employer representative</b> or the Bureau of Workers' Compensation.</li> </ol> | <p><b>Employer</b></p> <ol style="list-style-type: none"> <li>Complete your company's internal "Workplace Injury Form" and <b>notify your workers' compensation insurance company immediately</b>, even if you have concerns about the validity of the claim.</li> <li><b>Offer a panel of physicians</b> to the employee via Form C-42 available on the Bureau's website. In cases of emergency, call an ambulance and provide this form as soon as the injured employee has stabilized.</li> </ol> |
|--|--|
- Printed name and title of the employer representative to be notified in the event of a work-related injury
- Printed name of an alternative employer representative to be notified in the event of a work-related injury
- Telephone number of employer representative to notify in event of a work-related injury
- Address of employer representative to notify in event of a work-related injury

220 French Landing Dr. 1-B  
Nashville, TN 37243-2667  
**800-332-2667**  
615-532-4812 TDD: 800-332-2577  
[tn.gov/workerscomp](http://tn.gov/workerscomp)

Workers' Compensation law requires this notice to be posted in a conspicuous place at the work site at all times.

(REV. 4/18) Authorization No. 337545 RDA 10183  
Ref. Tennessee Code, Sec. 50-6-407

## Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces laws that prohibit workplace discrimination against men and women. It is illegal to discriminate on the basis of race, color, sex, religion, national origin, age, disability, or genetic information.

**What is Prohibited?**

- Employers cannot hire or fire based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot pay different wages or benefits to employees of different races, colors, sexes, religions, national origins, ages, disabilities, or genetic information.
- Employers cannot harass or create a hostile work environment based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in hiring, promotion, or other employment decisions based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in the terms, conditions, or privileges of employment based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in the way they assign jobs or duties based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in the way they provide training or other employment opportunities based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in the way they provide benefits or other employment opportunities based on race, color, sex, religion, national origin, age, disability, or genetic information.
- Employers cannot discriminate in the way they provide any other employment opportunities based on race, color, sex, religion, national origin, age, disability, or genetic information.

**What Organizations are Covered?**

- Most private employers.
- State and local government employers.
- Employers with 15 or more employees.
- Employers with 50 or more employees.
- Employers with 100 or more employees.
- Employers with 200 or more employees.
- Employers with 500 or more employees.
- Employers with 1,000 or more employees.
- Employers with 2,000 or more employees.
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- Employers with 5,000,000,000,000,000,000,000,000 or more employees.
- Employers with 10,000,000,000,000,000,000,000,000 or more employees.
- Employers with 25,000,000,000,000,000,000,000,000 or more employees.
- Employers with 50,000,000,000,000,000,000,000,000 or more employees.
- Employers with 100,000,000,000,000,000,000,000,000 or more employees.
- Employers with 250,000,000,000,000,000,000,000,000 or more employees.
- Employers with 500,000,000,000,000,000,000,000,000 or more employees.
- Employers with 1,000,000,000,000,000,000,000,000,000 or more employees.
- Employers with 2,500,000,000,000,000,000,000,000,000 or more employees.
- Employers with 5,000,000,000,000,000,000,000,000,000 or more employees.
- Employers with 10,000,000,000,000,000,000,000,000,000 or more employees.
- Employers with 25,000,000,000,000,000,000,000,000,000 or more employees.
- Employers with 50,000,000,000,000,000,000,000,000,000 or more employees.
- Employers with 100,000,000,000,000,000,000,000,