

# 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.
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is in a military service.

An eligible employee who is the spouse, child, parent or next of kin of a covered service member 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 service member.

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(06) 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?

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.

## 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 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 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.

## 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.

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.

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## WORKERS' COMPENSATION NOTICE

Employer: \_\_\_\_\_

has complied with the provisions of the Workers' Compensation Act (§34A-2-101, Utah Code Annotated), the Utah Occupational Disease Act (§34A-3-101, Utah Code Annotated), and the rules of the Labor Commission by insuring the liability to pay the compensation and other benefits provided by said Acts through:

Insurance Company: \_\_\_\_\_

Policy Number: \_\_\_\_\_

Address for the above insurance company: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Check here if the employer has been authorized by the Division of Industrial Accidents to self-insure and directly pay workers' compensation benefits.

WORKERS' COMPENSATION  
Workers' Compensation is insurance which pays medical expenses and helps offset lost wages for employees with work-related injuries or illnesses. If you have an on-the-job injury or occupational disease, it may pay for: hospital and medical bills, time lost from work, permanent loss of body function, prosthetic devices, and burial and dependent benefits in case of death.

HOW TO REPORT AN ACCIDENT  
1. Report the injury, no matter how slight, immediately to your supervisor. You may lose your rights if your injury is not reported within 180 days of the injury or work-related illness.

2. Ask your employer where you should go for treatment. If your employer has a first-aid room or company designated doctor, go there promptly for treatment. If not, go to a doctor of your choice.

3. Tell the doctor HOW, WHEN and WHERE the accident happened. The doctor will fill out a physician's initial report form. A copy of the report is given to you and copies of the report are sent to the insurance company and the Labor Commission within seven (7) days of your doctor visit.

4. Your employer shall fill out the employer's first report of injury form. A copy of this report is sent to the insurance company within seven (7) days of the accident. The insurance company will report the injury to the Labor Commission.

HOW TO START COMPENSATION  
1. Ask your employer which insurance company pays workers' compensation benefits for the company.

2. Ask your employer to report the accident to the insurance company and give you the claim number.

3. Call the insurance company and ask them to start your workers' compensation benefits. The insurance company will require the employer's report, the physician's report, and may ask you to fill out a request for compensation. Cooperate with the adjuster's investigation of the injury.

4. Ask your doctor to send medical reports to the insurance company, including the work status statement.

REHABILITATION  
If you cannot return to work, you may be eligible for a rehabilitation program. Contact the insurance company listed above or the Utah State Office of Rehabilitation.

FRAUD STATEMENT: "Any person who knowingly presents false or fraudulent underwriting information, files or causes to be filed a false or fraudulent claim for disability compensation or medical benefits, or submits a false or fraudulent report or billing for health care fees or other professional services is guilty of a crime and may be subject to fines and confinement in state prison."

UTAH LABOR COMMISSION  
Industrial Accidents Division  
160 East 300 South, 3rd Floor P.O. Box  
146610 Salt Lake City, Utah 84114-6610  
Office: (801)-530-6800 Fax: (801)-530-6804 Toll Free: (800)-530-5090  
[www.laborcommission.utah.gov](http://www.laborcommission.utah.gov)

If you want copy of an *Employee's Guide to Workers' Compensation* booklet or have questions, contact the Labor Commission or go to the webpage at [www.laborcommission.utah.gov](http://www.laborcommission.utah.gov).

Note: This notice must be posted and kept continuously in public and conspicuous places in the office, shop or place of business of the employer as per §34A-2-204 and §34A-2-104.5, Utah Code Annotated.

Ref.: UCS 34A-2:204 Rev 10/2011

## 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. 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  
Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employees 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 employee'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. Employees 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 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 initiate 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 violations are 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 state laws provide greater employee protections; employers must comply with both.  
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• Some employers incorrectly classify workers as "independent contractors" when they are actually employees. The FLSA 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.

WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

Ref.: 29 CFR 816.4 WH1068 REV 04/23

## Utah Labor Commission... Achieving Safety in Utah's Workplaces and Fairness in Employment and Housing

The Utah Labor Commission is the regulatory agency responsible for preserving the balance established by the legislature for protecting the health, safety, and economic well-being of employees and employers. It is a multi-division state agency directed by a Commissioner who is appointed by the Governor. The Commissioner oversees the various functions of the divisions with the Commission.

Antidiscrimination & Labor Division (UALD)

An employer may not refuse to hire, promote, discharge, demote, or terminate any person, or to retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified, because of:

- > Race
- > Sex
- > National origin
- > Age (over 40)
- > Color
- > Pregnancy, childbirth, or pregnancy-related conditions
- > Disability
- > Religion
- > Sexual orientation
- > Gender identity

An employer may not compel an employee to engage in religiously objectionable expression, unless accommodating the employee would cause an undue burden to the employer. UALD enforces laws prohibiting discrimination.

Wage Claim Unit: UALD enforces Utah's labor laws regarding:

- > Payment of wages
- > Employment of minors
- > Minimum wage
- > Protection against retaliation for asserting rights protected by these laws

Utah Labor Commission  
160 East 300 South, 3rd Floor | Salt Lake City, Utah 84114-6600  
(801) 530-6800 | [www.laborcommission.utah.gov](http://www.laborcommission.utah.gov)

Ref.: Utah Code Title 34A, Ch. 59106

UTAH LABOR COMMISSION  
Utah Antidiscrimination and Labor Division

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## Pregnancy and Related Conditions under the Utah Antidiscrimination Act

The Utah Antidiscrimination Act requires employers to provide reasonable accommodations for employees related to pregnancy, childbirth, breastfeeding, or related conditions, upon an employee's request.

Further, the Act prohibits an employer from terminating an employee, or denying an employment opportunity, instead of providing reasonable accommodation.

However, an employer is not required to provide reasonable accommodation if it can demonstrate that doing so would create an undue hardship on its operations.

UTAH CODE § 34A-5-106(1)(g) (2016)

To learn more about your rights, please visit:

<https://laborcommission.utah.gov/divisions/utah-antidiscrimination-and-labor-uald/employment-discrimination/>

or email the Utah Antidiscrimination & Labor Division at [discrimination@utah.gov](mailto:discrimination@utah.gov)

UTAH LABOR COMMISSION

UTAH LABOR COMMISSION

## EMERGENCY NUMBERS CALL 911

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

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

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

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

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

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

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

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: \_\_\_\_\_

## UTAH DEPARTMENT OF WORKFORCE SERVICES

### UNEMPLOYMENT INSURANCE NOTICE TO WORKERS

Your work is covered under the provisions of the Utah Employment Security Act for unemployment insurance purposes, unless specifically exempted by the Act.

Unemployment insurance specifically provides payments to qualified workers who are unemployed through no fault of their own and are able, available, and seeking full-time work. It is not public assistance, Social Security, or a disability payment. Benefits are based upon their previous earnings—not on economic need. The funds to pay unemployment benefits are paid by your employer. No deductions are made from your wages.

FILING FOR UNEMPLOYMENT INSURANCE BENEFITS  
To receive unemployment benefits, you may file your claim online at [jobs.utah.gov](http://jobs.utah.gov), select "Assistance," then click "Check Eligibility" under "Unemployment Insurance," and then choose "File New or Reopen Claims." No benefits will be paid for weeks prior to the week in which you file your claim. You should, therefore, file immediately after becoming unemployed or when your work hours are reduced to less than full time.

FILING AFTER RECEIVING WORKER'S COMPENSATION BENEFITS  
If you are separated from employment due to a work-related illness or injury for which you have received Worker's Compensation, your rights to unemployment benefits may be preserved for up to THREE YEARS from the date of your injury. In order to use wages earned prior to such an injury or illness, you must file a claim for unemployment benefits within 90 DAYS of your doctor's release to full time work.

SEPARATION INFORMATION  
At the time you are separated from your job, you should request information as to the reasons for your separation. You do not need a separation notice to file a claim. Both you and your employer will be requested to provide statements explaining the reason for your separation.

WAGES DETERMINE BENEFIT AMOUNT  
The amount of your unemployment benefits will be determined from your wages in covered employment. "Wages" are all payments for personal services performed such as salaries, commissions, bonuses, tips, and the cash value of goods and services received for services performed. Tips received but not reported to your employer generally cannot be used to determine your unemployment benefits.

SELF-EMPLOYMENT  
If you are classified as "self-employed" (independent contractor), you may want to discuss this with your employer and have your status reviewed with DWS. Work performed in "self-employment" cannot be used for unemployment benefits. You are "self-employed" if your work is performed without direction and control and you are in your own established business. This generally means you are properly licensed in business, perform similar services for others, maintain proper accounting records and business reports, pay self-employment taxes, and provide for insurance.

ONLINE SERVICES  
Access our web site [jobs.utah.gov](http://jobs.utah.gov) to search for jobs, find out about available programs, and obtain economic information.

NO FEE EMPLOYMENT SERVICES  
DWS services are available on our web site at [jobs.utah.gov](http://jobs.utah.gov) or by going to any of our Employment Centers listed below. Employment services include job referrals, career counseling, workshops, employer recruitment, Veterans' services, labor market information, and job training/internships. Supportive services include food stamps, financial assistance, medical assistance, childcare assistance, unemployment assistance, emergency assistance, referrals to community, and other resources. Our Job Connection Rooms provide Internet access along with Information Specialists to assist you in accessing services and resources. Fax and copy machines are also available.

STATE EMPLOYMENT CENTERS - Contact us at: 801-526-WORK (9675)

Beaver	875 North Main	Nephi	625 North Main
Blanding	544 North 100 East	Ogden	480 27th Street
Brighton City	138 West 990 South	Panguitch	665 North Main
Cedar City	176 East 200 North	Park City	1910 Prospector Ave., Ste. 100
Clearfield	1290 East 1450 South	Price	475 West Price River Dr. #300
Delta	44 South 150 East	Provo	1550 North 200 West
Emery County Hwy 29	550 West Hwy 29	Rushville	115 East 100 South
Heber City	69 North 600 West, Ste. C	Roosevelt	140 West 425 South