

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 serious 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** for on a reduced schedule by working less hours each day or week. Read Fact Sheet #2816(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 2500 hours of work for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

The FMLA does not apply to federal contractors or subcontractors. State employees are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from 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 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 testing.

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 discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

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WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 labor.wv.gov Fax: (304)558-3797

WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code §21-5-9.

§21-5-9 REQUIRES THE EMPLOYER TO:
Pay employees wages at least twice a month, with no more than 15 days between payments.
Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with a bank convenient to the place of employment for employees to have immediate access to their wages.
§21-5-9 PREVENTS THE EMPLOYER FROM:
Selling goods or supplies to employees at prices higher than the current market value.
Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid for union dues, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical insurance).
Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted, and state that 75% of the employee's net wages are exempt from assignment.
Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.

FAIR HOUSING

Your Basic Right—Right Now!
If you feel you have been discriminated against in the rental, sale or mortgage financing of housing because of:

- Race
- Color
- Disability
- Religion
- Ancestry
- Sex
- National Origin
- Blindness
- Familial Status (Children)

Visit, Call or Write to the WV Human Rights Commission at:

WV Human Rights Commission Room 108 A 1321 Plaza East Charleston, WV 25301-1400
Phone: 304-558-2616 Toll Free: 888-676-5546 Fax: 304-558-0085 Website: hrc.wv.gov

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.

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.

See any OSHA citations issued to you or your employer.

Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.



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

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1900 Kanawha Boulevard East - State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 labor.wv.gov

MINIMUM WAGE REQUIREMENTS

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5-C.

Required Minimum Wage Rate

- Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

Required Minimum Training Wage Rate

- An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2013, a training wage of at least \$6.40 per hour for the first 90 days of employment.

Permissible Minimum Wage Credit for Tipped Employees

- Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour.

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.

You may also have 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.

NOTICE

THE WEST VIRGINIA HUMAN RIGHTS ACT Prohibits Discrimination in Employment and Places of Public Accommodations Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability

THE WEST VIRGINIA FAIR HOUSING ACT Prohibits Discrimination in Housing Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability, or Familial Status

THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions

For Further Information or to File a Complaint, Visit, Call or Write to the WV Human Rights Commission at:

WV Human Rights Commission Room 108 A 1321 Plaza East Charleston, WV 25301-1400
Phone: 304-558-2616 Toll Free: 888-676-5546 Fax: 304-558-0085 Website: hrc.wv.gov

Unemployment Compensation Benefit Rate Table

Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate	Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate	Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate
135	22,300.00-22,449.99	238.00	6,136.00	270	42,550.00-42,699.99	450.00	11,700.00				
136	22,450.00-22,599.99	238.00	6,188.00	271	42,700.00-42,849.99	452.00	11,752.00				
137	22,600.00-22,749.99	238.00	6,240.00	272	42,850.00-42,999.99	454.00	11,804.00				
138	22,750.00-22,899.99	241.00	6,266.00	273	43,000.00-43,149.99	455.00	11,856.00				
139	22,900.00-22,949.99	243.00	6,318.00	274	43,150.00-43,299.99	457.00	11,882.00				
140	22,950.00-23,199.99	244.00	6,344.00	275	43,300.00-43,449.99	458.00	11,908.00				
141	23,200.00-23,349.99	245.00	6,370.00	276	43,450.00-43,599.99	460.00	11,960.00				
142	23,350.00-23,499.99	247.00	6,422.00	277	43,600.00-43,749.99	461.00	11,986.00				
143	23,500.00-23,649.99	249.00	6,474.00	278	43,750.00-43,899.99	463.00	12,038.00				
144	23,650.00-23,799.99	250.00	6,500.00	279	43,900.00-44,049.99	464.00	12,064.00				
145	23,800.00-23,949.99	252.00	6,552.00	280	44,050.00-44,199.99	466.00	12,116.00				
146	23,950.00-24,099.99	254.00	6,604.00	281	44,200.00-44,349.99	468.00	12,168.00				
147	24,100.00-24,249.99	256.00	6,656.00	282	44,350.00-44,499.99	470.00	12,220.00				
148	24,250.00-24,399.99	257.00	6,682.00	283	44,500.00-44,649.99	471.00	12,246.00				
149	24,400.00-24,549.99	258.00	6,708.00	284	44,650.00-44,799.99	473.00	12,298.00				
150	24,550.00-24,699.99	260.00	6,760.00	285	44,800.00-44,949.99	474.00	12,324.00				
151	24,700.00-24,849.99	262.00	6,812.00	286	44,950.00-45,099.99	476.00	12,376.00				
152	24,850.00-24,999.99	263.00	6,838.00	287	45,100.00-45,249.99	477.00	12,402.00				
153	25,000.00-25,149.99	265.00	6,890.00	288	45,250.00-45,399.99	479.00	12,454.00				
154	25,150.00-25,299.99	266.00	6,916.00	289	45,400.00-45,549.99	480.00	12,480.00				
155	25,300.00-25,449.99	268.00	6,968.00	290	45,550.00-45,699.99	482.00	12,532.00				
156	25,450.00-25,599.99	269.00	6,994.00	291	45,700.00-45,849.99	484.00	12,584.00				
157	25,600.00-25,749.99	271.00	7,046.00	292	45,850.00-45,999.99	485.00	12,610.00				
158	25,750.00-25,899.99	273.00	7,098.00	293	46,000.00-46,149.99	487.00	12,662.00				
159	25,900.00-26,049.99	274.00	7,124.00	294	46,150.00-46,299.99	488.00	12,688.00				
160	26,050.00-26,199.99	276.00	7,176.00	295	46,300.00-46,449.99	490.00	12,740.00				
161	26,200.00-26,349.99	277.00	7,202.00	296	46,450.00-46,599.99	492.00	12,792.00				
162	26,350.00-26,499.99	279.00	7,254.00	297	46,600.00-46,749.99	493.00	12,818.00				
163	26,500.00-26,649.99	281.00	7,306.00	298	46,750.00-46,899.99	494.00	12,844.00				
164	26,650.00-26,799.99	282.00	7,332.00	299	46,900.00-47,049.99	496.00	12,896.00				
165	26,800.00-26,849.99	284.00	7,384.00	300	47,050.00-47,199.99	498.00	12,948.00				
166	26,950.00-27,099.99	285.00	7,410.00	301	47,200.00-47,349.99	500.00	13,000.00				
167	27,100.00-27,249.99	287.00	7,462.00	302	47,350.00-47,499.99	501.00	13,026.00				
168	27,250.00-27,399.99	289.00	7,514.00	303	47,500.00-47,649.99	503.00	13,078.00				
169	27,400.00-27,549.99	290.00	7,540.00	304	47,650.00-47,799.99	504.00	13,104.00				
170	27,550.00-27,699.99	292.00	7,592.00	305	47,800.00-47,949.99	505.00	13,130.00				
171	27,700.00-27,849.99	293.00	7,618.00	306	47,950.00-48,099.99	507.00	13,182.00				
172	27,850.00-27,999.99	295.00	7,670.00	307	48,100.00-48,249.99	509.00	13,234.00				
173	27,900.00-28,049.99	296.00	7,696.00	308	48,250.00-48,399.99	510.00	13,260.00				
174	28,100.00-28,299.99	298.00	7,748.00	309	48,400.00-48,549.99	512.00	13,312.00				
175	28,300.00-28,449.99	300.00	7,800.00	310	48,550.00-48,699.99	514.00	13,364.00				
176	28,450.00-28,599.99	301.00	7,826.00	311	48,700.00-48,849.99	515.00	13,390.00				
177	28,600.00-28,749.99	303.00	7,878.00	312	48,850.00-48,999.99	517.00	13,442.00				
178	28,750.00-28,899.99	304.00	7,904.00	313	49,000.00-49,149.99	519.00	13,494.00				
179	28,900.00-29,049.99	306.00	7,956.00	314	49,150.00-49,299.99	520.00	13,520.00				
180	29,050.00-29,199.99	308.00	8,008.00	315	49,300.00-49,449.99	521.00	13,546.00				
181	29,200.00-29,349.99	309.00	8,034.00	316	49,450.00-49,599.99	523.00	13,598.00				
182	29,350.00-29,499.99	311.00	8,086.00	317	49,600.00-49,749.99	525.00	13,650.00				
183	29,500.00-29,649.99	312.00	8,112.00	318	49,750.00-49,899.99	526.00	13,676.00				
184	29,650.00-29,799.99	314.00	8,164.00	319	49,900.00-50,049.99	528.00	13,728.00				
185	29,800.00-29,949.99	315.00	8,190.00	320	50,050.00-50,199.99	530.00	13,780.00				
186	29,950.00-30,099.99	317.00	8,242.00	321	50,200.00-50,349.99	531.00	13,806.00				
187	30,100.00-30,249.99	319.00	8,294.00	322	50,350.00-50,499.99	533.00	13,858.00				
188	30,250.00-30,399.99	320.00	8,320.00	323	50,500.00-50,649.99	534.00	13,884.00				
189	30,400.00-30,549.99	322.00	8,372.00	324	50,650.00-50,799.99	536.00	13,936.00				
190	30,550.00-30,699.99	323.00	8,398.00	325	50,800.00-50,949.99	537.00	13,962.00				
191	30,700.00-30,849.99	325.00	8,450.00	326	50,950.00-51,099.99	539.00	14,014.00				
192	30,850.00-30,999.99	327.00	8,502.00	327	51,100.00-51,249.99	541.00	14,066.00				
193	31,000.00-31,149.99	328.00	8,528.00	328	51,250.00-51,399.99	542.00	14,092.00				
194	31,150.00-31,299.99	330.00	8,580.00	329	51,400.00-51,549.99	544.00	14,144.00				
195	31,300.00-31,449.99	331.00	8,606.00	330	51,550.00-51,699.99	546.00	14,196.00				
196	31,450.00-31,599.99	333.00	8,658.00	331	51,700.00-51,849.99	547.00	14,222.00				
197	31,600.00-31,749.99	335.00	8,710.00	332	51,850.00-51,999.99	549.00	14,274.00				
198	31,750.00-31,899.99	336.00	8,736.00	333	52,000.00-52,149.99	550.00	14,300.00				
199	31,900.00-32,049.99	338.00	8,788.00	334	52,150.00-52,299.99	551.00	14,326.00				
200	32,050.00-32,199.99	339.00	8,814.00	335	52,300.00-52,449.99	553.00	14,378.00				
201	32,200.00-32,349.99	341.00	8,866.00	336	52,450.00-52,599.99	555.00	14,430.00				
202	32,350.00-32,499.99	342.00	8,892.00	337	52,600.00-52,749.99	557.00	14,482.00				
203	32,500.00-32,649.99	344.00	8,944.00	338	52,750.00-52,899.99	558.00	14,508.00				
204	32,650.00-32,799.9										