

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 (2024)(M) 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 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.

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 supersede 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.

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 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 (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 tests. 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.

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

Know Your Rights

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

The Ohio Civil Rights Act, protect applicants and employees of private employers, state, county and local governments, educational institutions, labor organizations, employment agencies and personnel placement services from unlawful discriminatory employment practices.

Race and Color
Ohio law prohibits discrimination on the basis of race or color in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any facially neutral employment policy or practice that results in a discriminatory impact on the basis of race or color is a prohibited form of discrimination unless such policy or practice is job-related and based upon business necessity.

National Origin and Ancestry
Ohio law prohibits discrimination on the basis of national origin or ancestry in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, any policy or practice limiting or prohibiting the use of any language in the workplace is a prohibited form of discrimination unless such limitation or prohibition is job-related and based upon business necessity.

Sex, Including Pregnancy, Sexual Orientation, and Gender Identity
Ohio law prohibits discrimination on the basis of sex or pregnancy in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

Women affected by pregnancy, childbirth or related medical condition must be afforded leave for a reasonable period of time and may not be discharged under a policy providing insufficient or no leave.

The U.S. Supreme Court, in the case of *Bostock v. Clayton City, Georgia, U.S. 140 S. Ct. 1731 (2020)*, as well as other federal court cases, have extended sex discrimination to include prohibition of employment discrimination on the basis of sexual orientation and gender identity.

Religion
Ohio law prohibits discrimination on the basis of religion in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

In addition, applicants and employees must be provided with a reasonable accommodation for religious beliefs and practices, except when the accommodation imposes an undue hardship.

ENFORCEMENT
For more information or assistance in filing a complaint, please call toll free: 1-888-278-7101, TTY (614) 752-2391 or visit our website at: www.cwr.ohio.gov

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Attention Ohio Employers Re: Workers' Compensation

Ohio law requires every employer with one or more employees to obtain workers' compensation coverage. To obtain coverage you must complete the Application for Ohio Workers' Compensation Coverage (U-3). This can be obtained by contacting the Ohio Bureau of Workers' Compensation at 1-800-644-6292 or visiting bwc.ohio.gov.

It is your responsibility as an Ohio employer to post the mandatory Workers' Compensation poster.

NOTICE TO EMPLOYEES

THIS EMPLOYER PROVIDES UNEMPLOYMENT INSURANCE COVERAGE FOR EMPLOYEES

Employees who become unemployed (or are working less than full-time) may be eligible for unemployment insurance benefits.

Apply by phone at 1-877-644-6562 (OHIOJOB) or online at <http://unemployment.ohio.gov>

Be prepared to provide the following information when applying:

- Social Security number
- Driver's license or State ID number
- Names, Social Security numbers, and dates of birth of all dependent children
- Employer's identification notice (pay stubs or W2 form)
- Name and address of all other employers for whom work was performed during the past 18 months

APPLY FOR WORK AT YOUR NEAREST OHIO MEANS JOBS CENTER

Mike DeWine Governor, Ohio Department of Job and Family Services, Mart Damschroder Director

This institution is an equal opportunity provider and employer. A print partner of the American Job Center network. Auxiliary aids and services are available upon request to individuals with disabilities.

STATE AND FEDERAL LABOR LAW

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

PAYCHECKS ARE ISSUED ON THE:

_____ AND _____ OF THE MONTH

AT: _____

TIME: _____

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 16 and 17 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 employment.

TIP CREDIT Employees of "food employees" who meet certain conditions 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 credit against that 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 pay the missing amount.

PUMP AT WORK The FLSA requires employers to provide reasonable 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 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 seek civil penalties for violations. 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 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 state laws provide greater employee protections; employers must comply with both. Some employees (commonly called "independent contractors") when they are actually employees are entitled to the FLSA's minimum wage and overtime pay provisions and, conversely, classified 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.

MINOR LABOR LAWS

OHIO REVISED CODE CHAPTER 4109 "MINOR" MEANS ANY PERSON LESS THAN 18 YEARS OF AGE

WORKING PERMITS: Every minor 14 through 17 years of age must have a working permit unless otherwise stated in Chapter 4109.

WAGE AGREEMENT: No employer shall give employment to a minor without agreeing with him/her as to the wages or compensation he/she shall receive for each day, week, month, year or per piece for work performed.

REST PERIOD: No employer shall employ a minor more than 5 consecutive hours without a rest period of at least 30 minutes.

LIST OF MINORS EMPLOYED: Employer shall keep a list of minors employed at each establishment and a list must be posted in a conspicuous place to which all minor employees have access.

TIME RECORDS: Every employer shall keep a time book or other written record showing actual starting and stopping time of each work and rest period. These records must be kept for two (2) years.

RESTRICTIONS ON WORKING HOURS FOR MINORS 14 and 15 YEARS OF AGE
No person under 16 shall be employed:
1. During school hours except where specifically permitted by Chapter 4109
2. Before 7 a.m. or after 9 p.m. from June 1st to September 1st or during any school holiday of 5 school days or more; or after 7 p.m. at any other time
3. For more than 3 hours a day in any school day
4. For more than 18 hours in any school week
5. For more than 8 hours in any day when school is not in session
6. For more than 40 hours in any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.

RESTRICTIONS ON WORKING HOURS FOR MINORS 16 and 17 YEARS OF AGE
No person 16 or 17 who is required to attend school shall be employed:
1. Before 7 a.m. on any day that school is in session or 6 a.m. if the person was not employed after 8 p.m. the previous night
2. After 11 p.m. on any night preceding a day that school is in session.

PROHIBITED OCCUPATIONS FOR MINORS UNDER 16 YEARS OF AGE
1. Manufacturing, mining, processing, public messenger service rendering
2. Work in freezers and meat coolers and all preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking)
3. Transportation; storage; communications; public utilities; construction; repair
4. Work in boiler or engine rooms; maintenance or repair of machinery
5. Outside window washing from window sills or scaffolding and/or ladders
6. Cooking and baking; operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, food choppers, cutters, bakery machines
7. Loading or unloading goods to and from trucks
8. All warehouse work except office and clerical
9. Work in connection with cars and trucks involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

PROHIBITED OCCUPATIONS FOR MINORS 14 through 17 YEARS OF AGE
1. Occupations involving slaughtering, meat-packing, processing or rendering
2. Power-driven bakery machines
3. Occupations involved in the manufacture of brick, tile and kindred products
4. Occupations involved in the manufacture of chemicals
5. Manufacturing or storage occupations involving explosives
6. Occupations involving exposure to radioactive substances and to ionizing radiations
7. Power-driven paper products machines
8. Power-driven metal forming, punching and shearing machines
9. Occupations involved in the operation of power-driven circular saws, band saws and gullotine shears
10. Power-driven woodworking machines
11. Coal mines
12. Occupations in connection with mining, other than coal
13. Logging and sawmilling
14. Motor vehicle occupations
15. Maritime and longshoreman occupations
16. Railroads
17. Excavation operations
18. Power-driven and hoisting apparatus
19. Roofing operations
20. Wrecking, demolition, and shipbreaking.

MINORS UNDER 16 YEARS OF AGE MAY NOT ENGAGE IN DOOR-TO-DOOR EMPLOYMENT UNLESS
The for-profit employer is REGISTERED with the Ohio Department of Commerce: DOOR-TO-DOOR SALES EMPLOYERS SHALL:
1. Be in compliance with all applicable Ohio and Federal laws relating to the employment of minors
2. Provide at least one supervisor who is over the age of eighteen, for each six minor employees
3. Have been and be in compliance with Ohio's Motor Vehicle Financial Responsibility, Unemployment Compensation, Workers' Compensation, and all other applicable laws
4. Require all minors to work at least in pairs
5. Not employ any minor who does not have an appropriate Age and Schooling Certificate
6. Provide each minor employee with a photo identification card
7. Not employ any minor in any door-to-door sales activity during school hours except where specifically permitted
8. Not employ minors under 16 in door-to-door sales activity before 7 a.m. or after 7 p.m.
9. Not employ minors 16 and 17 years of age in door-to-door sales activity before 7 a.m. or after 8 p.m.

For Exceptions to Coverage See Chapter 4109.06
This is a summary of ORC 4109. This summary does not include all of the requirements for minor labor laws. Persons should refer to 4109 for specific requirements applicable to them. This information can be accessed through the Ohio Department of Commerce Web site at www.com.ohio.gov.

POST IN A CONSPICUOUS PLACE
For further information about Minor Labor issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance & Labor, 6606 Tussing Road, Reynoldsburg, Ohio 43068, phone: (614) 644-2239, TTY/TDD: 800-750-0750.

An Equal Opportunity Employer and Service Provider (Rev. 9/13/16)

2024 MINIMUM WAGE

A Minimum Wage of **\$10.45** per hour

"Non-Tipped Employees" includes any employee who does not engage in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips.
"Employers" who gross less than \$385,000 shall pay their employees no less than the current federal minimum wage rate.
"Employee" under the age of 16 shall be paid no less than the current federal minimum wage rate.
"Current Federal Minimum Wage" is \$7.25 per hour.

TIPPED EMPLOYEES
A Minimum Wage of **\$5.25** per hour PLUS TIPS

"Tipped Employees" includes any employee who engages in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips. Employees electing to use the tip credit provision must be able to show that tipped employees receive at least the minimum wage when direct or cash wages and the tip credit amount are combined.

OVERTIME INDIVIDUALS EXEMPT FROM MINIMUM WAGE

- Any individual employed by the United States;
- Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;
- Any individual employed as an outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity;
- Any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate government agency;
(i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
(ii) such services are not the same type of services which the individual is employed to perform for such public agency;
- Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
- Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a non-profit organization or group of organizations;
- Employees of a solely family owned and operated business who are family members of an owner.

For information about additional exemptions, please visit the Ohio Division of Industrial Compliance or U.S. Department of Labor website.

PROGRAMS OF ACTIVE SERVICE RECEIVING FEDERAL FINANCIAL ASSISTANCE
Individuals who are members of the National Guard or Reserve, or who are members of the United States Coast Guard, are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) while they are on active duty in a campaign, expedition, or other service in the interest of national defense. This exemption applies to all members of the National Guard or Reserve, or who are members of the United States Coast Guard, who are on active duty in a campaign, expedition, or other service in the interest of national defense. This exemption does not apply to members of the National Guard or Reserve, or who are members of the United States Coast Guard, who are on active duty in a campaign, expedition, or other service in the interest of national defense, but who are not members of the National Guard or Reserve, or who are not members of the United States Coast Guard.

Run, Clinic, National Organ, Sex
In addition to the provisions of the FLSA, the Ohio Wage Act, 4109, as amended, also provides exemptions for certain individuals who are members of the National Guard or Reserve, or who are members of the United States Coast Guard, who are on active duty in a campaign, expedition, or other service in the interest of national defense. This exemption applies to all members of the National Guard or Reserve, or who are members of the United States Coast Guard, who are on active duty in a campaign, expedition, or other service in the interest of national defense. This exemption does not apply to members of the National Guard or Reserve, or who are members of the United States Coast Guard, who are on active duty in a campaign, expedition, or other service in the interest of national defense, but who are not members of the National Guard or Reserve, or who are not members of the United States Coast Guard.

Individuals with Disabilities
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination against individuals with disabilities. The Department of Labor is committed to ensuring that all individuals with disabilities have an equal opportunity to obtain employment. The Department is prohibited from discriminating against individuals with disabilities in the provision of its services. For more information, please visit the Department's website at www.dol.gov.

Prohibited Violation Status
The Division of Industrial Compliance & Labor (DIL) is authorized to investigate and enforce the FLSA, including the minimum wage and overtime provisions. Employers who violate the FLSA 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 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.

Notice
This poster is published against a person who files a complaint of discrimination, retaliation, or other violation of the FLSA. The Department of Labor is committed to ensuring that all individuals with disabilities have an equal opportunity to obtain employment. The Department is prohibited from discriminating against individuals with disabilities in the provision of its services. For more information, please visit the Department's website at www.dol.gov.

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces the laws that prohibit employment discrimination against workers at applying for a job, the workplace, and when they are laid off or discharged.

Who is Protected?
Employees (current and former), including managers and supervisory employees and job applicants who are applicable to the laws.

What Organizations are Covered?
Private and local government employers
Employment agencies
Labor organizations
State and local governments
Educational institutions
Religious organizations
Public and private accommodations
State and local governments
Federal government contractors
Federal government subcontractors
Federal government grantees
Federal government recipients
Federal government contractors
Federal government subcontractors
Federal government grantees
Federal government recipients

What Types of Employment Discrimination are Prohibited?
Race
Color
Sex
National origin
Religion
Age
Disability
Genetic information
Sexual orientation and gender identity
Retaliation
Harassment
Unlawful discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity
Unlawful discrimination based on sex, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity
Unlawful discrimination based on sex, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity

What can You Do if You Believe Discrimination has Occurred?
Contact the EEOC promptly if you suspect discrimination. Do not wait. You should file a charge with the EEOC as soon as possible. The EEOC will investigate your charge and attempt to resolve the dispute. If the EEOC cannot resolve the dispute, you may file a lawsuit in court. You may also file a lawsuit in court without first filing a charge with the EEOC. You should consult with an attorney for more information.

What Employment Practices can be Challenged as Discriminatory?
Hiring
Promotion
Termination
Discharge
Retaliation
Harassment
Unlawful discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity
Unlawful discrimination based on sex, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity
Unlawful discrimination based on sex, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, and gender identity

Employers Holding Federal Contracts or Subcontracts
Prohibited in published against a person who files a complaint of discrimination, retaliation, or other violation of the FLSA. The Department of Labor is committed to ensuring that all individuals with disabilities have an equal opportunity to obtain employment. The Department is prohibited from discriminating against individuals with disabilities in the provision of its services. For more information, please visit the Department's website at www.dol.gov.