

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 #289(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.

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 you need leave 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.**



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



WH1420 REV 04/23



MISSOURI COMMISSION ON HUMAN RIGHTS

DISCRIMINATION

IN EMPLOYMENT IS PROHIBITED



TAKE ACTION FILE A COMPLAINT

If you believe you have been discriminated against in regard to employment, you may contact us about filing a complaint of discrimination using the information below.

Note: complaints must be filed within 180 days of the alleged discrimination.

CONTACT US

Email: mchr@labor.mo.gov

421 East Dunklin Street
P.O. Box 1129
Jefferson City, MO 65102-1129
573-751-3325

Toll-free Discrimination Complaint Hotline: 877-781-4236
TDD/TTY: 800-735-2966
Relay Missouri: 711

The statutory purpose of the Missouri Commission on Human Rights is to prevent and eliminate discrimination based on protected categories under the Missouri Human Rights Act (Act) in employment, housing, and places of public accommodations through education and the enforcement of the Act.

The Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.



MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS

State regulation 8 CSR 60-3.0-10 requires this notice be posted in all places of business or establishments that are subject to the Missouri Human Rights Act.



MCIR-9 (10-21) AI



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.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

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.



This poster is available free from OSHA.

Contact OSHA. We can help.

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

\$13.75 MISSOURI MINIMUM WAGE

IN EFFECT FOR PRIVATE EMPLOYERS FOR 2025

Beginning January 1, 2025, the minimum wage rate for all private and non-exempt businesses will be on the provisions set forth by Proposition A (2024) approved by voters on November 5, 2024. Missouri Minimum Wage law does not apply to public employees, nor does it allow the state's minimum wage rate to be lower than the federal minimum wage rate.



TIPPED EMPLOYEES

Employers are required to pay tipped employees at least 50 percent of the minimum wage, \$6.875 per hour, plus any amount necessary to bring the employee's total compensation to a minimum of \$13.75 per hour.



OVERTIME COMPENSATION

Overtime compensation must also be paid at a rate of at least one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.



EXCEPTIONS

All businesses are required to pay, at a minimum, the \$13.75 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000. The law does not apply to certain exempt employees/employees defined in Section 290.060(3), RSMo, and employees/employees engaged in agriculture in Section 290.07, RSMo, nor does it supersede more favorable laws or interfere with collective bargaining agreement rights.



EMPLOYEE RIGHTS

An employee not being paid the correct wages can file a minimum wage complaint at labor.mo.gov/MinWage and is entitled to pursue a private legal right of action to collect any wages due.

To employees who voluntarily pay with minimum wages will be liable for the full amount of wages due (plus twice the amount left unpaid as liquidated damages) less any amount actually paid. The employer is also liable for costs and reasonable attorney fees as may be allowed by the court or jury.



LEARN MORE AT LABOR.MO.GOV/DS/MINIMUMWAGE

421 East Dunklin Street
P.O. Box 449
Jefferson City, MO 65102-0449
laborstandards@labor.mo.gov

If you have served on active duty in the Armed Forces of the United States and would like information about veteran's services and benefits, please complete the service hero form: www.missouri.gov/missouri-veterans. Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-735-2966. Relay Missouri: 711. Ref.: Missouri Revised Statutes, Section 290.022.

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 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

OVERTIME PAY

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 hours restrictions. Different rules apply in agricultural employment.

CHILD LABOR

Employers of "tipped 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 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 equal the minimum hourly wage, the employer must make up the difference.

TIP CREDIT

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 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.

PUMP AT WORK

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 recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions. Penalties may be assessed for each willful or repeated violation of the child labor provisions. Heinous, heinous, and willful money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employees, 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.

ENFORCEMENT

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 employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two employee categories (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.

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.

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201 CFR 616.4



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
www.dol.gov/agencies/whd



WH008 REV 04/23

UNEMPLOYMENT INSURANCE BENEFITS

NOTICE TO WORKERS

Your employer is subject to the Missouri Unemployment Security Law and pays tax contributions to cover unemployment insurance (UI) benefits in case you become unemployed through no fault of your own.

Nothing is deducted from your pay to cover its cost.



WHEN TO APPLY FOR UI BENEFITS

- If you are unemployed, laid off or working less than full time, or
- If you lose your job through no fault of your own or quit for a valid reason related to the work of the employer, and
- If you are able to work, available for work and actively seeking employment.



HOW TO APPLY FOR UI BENEFITS

- To apply, visit unemploy.labor.mo.gov to create a new user account and file your initial claim, or
- If you do not have Internet access, call a Regional Claims Center during normal business hours, Monday through Friday from 8 a.m. to 5 p.m.

Jefferson City 573-751-9040 Springfield 417-895-6851
Kansas City 816-489-3101 St. Louis 314-340-4950
Outside Local Calling Area 800-230-2519

If you believe someone is fraudulently collecting unemployment benefits, email ReportUIfraud@labor.mo.gov or call 573-751-4058, option 5.



PROPER WORKER CLASSIFICATION

Missouri law defines who is considered an employee or an independent contractor. Businesses that improperly treat workers as independent contractors have an unfair competitive advantage. Improperly classified workers miss out on unemployment benefits, workers' compensation coverage and employer tax contributions.

If you think you may be improperly classified or suspect a business of improperly classifying workers, visit labor.mo.gov/UIthebooks or call 573-751-1099.



LEARN MORE AT LABOR.MO.GOV/UNEMPLOYED-WORKERS

Division of Employment Security

P.O. Box 58
Jefferson City, MO 65102-0058

Fax: 573-751-9370
labor.mo.gov/claimant-form

IMPORTANT: If needed, call 573-751-9040 for assistance in the translation and understanding of the information in this document.
[IMPORTANT]: Si se requiere, llame al 573-751-9040 para asistencia en la traducción y comprensión de la información en este documento.
Missouri Division of Employment Security is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 800-735-2966. Relay Missouri: 711. MCHIR-9 (10-21) AI.



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: _____



Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former), including managers and temporary employees
- Job applicants
- Union members and applicants for membership in a union

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Universities
- Staffing agencies

What Types of Employment Discrimination are Illegal?

- Race
- Color
- Religion
- National origin
- Disability
- Age (40 and older)
- Genetic information (including employer requests for, purchase, use, or disclosure of genetic tests, genetic testing, or family medical history)
- Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding
- Harassment, including unwelcome verbal or physical conduct, or hostile or offensive work environment, based on race, color, or national origin
- Hiring or promotion

What Employment Practices can be Challenged as Discriminatory?

- Discharge, firing, or layoff
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