

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

**LEAVE ENTITLEMENTS**  
Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care.
- To care for a newly born child, or child of an employee who has a qualifying serious health condition.
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employer's job.
- For qualifying expenses related to the foster placement of a military member who is the employee's spouse, child, or parent.
- An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:
  - Have worked for the employer for at least 12 months.
  - Have at least 1,250 hours of service in the 12 months before immediately or otherwise permitted, employees may take leave intermittently or in a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave when FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

**NOTICE REQUIREMENTS**  
While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Employees must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Employees do not have to have a medical diagnosis, but must provide enough information to the employer as to can determine if the leave qualifies for FMLA protection. Sufficient information could include: informing an employer that the employee is not eligible, the employer must provide a reason for ineligibility. Employees must notify to employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**EMPLOYER RESPONSIBILITIES**  
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employer is not eligible, the employer must provide a notice of ineligibility. Employees must notify to employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**ENFORCEMENT**  
Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may file a private lawsuit against an employer. 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.

For additional information or to file a complaint:  
**1-866-4-USWAGE**  
(1-866-487-9243) TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)  
U.S. Department of Labor | Wage and Hour Division

# 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 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 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.

# 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.

**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.

**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.

**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.

**Disability**  
Ohio law prohibits discrimination on the basis of disability 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.

**Age**  
Ohio law prohibits discrimination against persons 40 years of age or older on the basis of age 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.

**Harassment**  
Ohio law prohibits harassment in the workplace on any basis set forth herein, which includes the creation of a racially or sexually hostile work environment, verbally or physically abusive treatment, and requiring submission to sexual advances as a condition of employment, continued employment or promotion.

**Retaliation**  
Ohio law prohibits retaliation against any person because that person has opposed any unlawful discriminatory practice, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing.

**ENFORCEMENT**

For more information or assistance in filing a complaint, please call toll free at 1-800-271-0101, TTY (614) 752-2391 or visit our website at [www.crc.org](http://www.crc.org)

Publication Date 08-22

# Job Safety and Health IT'S THE LAW!

**OSHA** Occupational Safety and Health Administration

**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.

**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.**

**Contact OSHA. We can help.**

1-800-321-OSHA (6742) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

# 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](http://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

# 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 1/2 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. Youth 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** Employees of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employer must pay tipped employees a cash wage of at least \$2.13 per hour if they claim the credit against their 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 make up the difference.

**NURSING MOTHERS** The FLSA requires employers to provide reasonable break time for a nursing mother employee who is nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employees are also required to 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 to equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may initiate and enforce civil penalties. Employees may file a complaint with the Department. Employees may also file a private lawsuit against an employer. The Department may also file a private lawsuit against an employer. The Department may also file a private lawsuit against an employer.

# Ohio Department of Commerce

## STATE OF OHIO

# MINOR LABOR LAWS

[www.com.ohio.gov](http://www.com.ohio.gov)

**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 2 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. All manufacturing, mining, processing, public messenger service
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 type mixers
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](http://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.

Ref: ORC 4109.08 An Equal Opportunity Employer and Service Provider (Rev. 9/13/16)

# 2023 MINIMUM WAGE

[www.com.ohio.gov](http://www.com.ohio.gov)

**NON-TIPPED EMPLOYEES**

A Minimum Wage of **\$10.10** per hour

**TIPPED EMPLOYEES**

A Minimum Wage of **\$5.05** per hour PLUS TIPS

**OVERTIME**

1. An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours in excess of 40 hours in one work week, except for employees grossing less than \$150,000 per year.

**RECORDS TO BE KEPT BY THE EMPLOYER**

1. Each employer shall keep records for at least three years, available for copying and inspection by the Director of the Ohio Department of Commerce, showing the following information concerning each employee:

- A. Name
- B. Address
- C. Occupation
- D. Rate of Pay
- E. Amount paid each pay period
- F. Hours worked each day and each work week

2. The records may be opened for inspection or copying at any reasonable time and no employer shall hinder or delay the Director of the Ohio Department of Commerce in the performance of those duties.

**SUB-MINIMUM WAGE RATE**

To prevent the curtailment of opportunities for employment and avoid undue hardship to individuals whose earning capacity is affected or impaired by physical or mental deficiencies or injuries, a sub-minimum wage may be paid, as provided in the rules and regulations set forth by the Director of the Ohio Department of Commerce.

**POST IN A CONSPICUOUS PLACE**

Ohio Rev. Code §4111.09

# 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 in any way, you may be able to file a charge with EEOC.

**What Organizations are Covered?**

- State and local governments (all employees)
- Educational institutions (all employees)
- All private employers
- Federal contractors and subcontractors
- Federal labor organizations
- State and local governments (all employees)
- Educational institutions (all employees)
- All private employers
- Federal contractors and subcontractors
- Federal labor organizations

**What Types of Employment Discrimination are Prohibited?**

Under the EEOC laws, an employer may not discriminate against you, regardless of your employment status, on the basis of:

- Race
- Color
- Religion
- Sex (including pregnancy and related conditions, sexual orientation, or gender identity)
- Age (40 and older)
- Disability
- National origin

**What Types of Discrimination are Prohibited?**

Discrimination includes any unfair treatment based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and reprisals or retaliation based on race, color, religion, sex, sexual orientation, gender identity, or national origin.

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