

Employee Rights Under the Family and Medical Leave Act

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 **you do not have to share a medical diagnosis** but must provide enough information

[illegible]

- You work for a covered employer. You are a **regular employee** and all the following apply:
 - You have worked for your employer at least 12 months.
 - You have worked for your employer during the 12 months before your leave, and
 - You have at least 50 employees within 75 miles of your work location. Airline flight crew employees have different "hours of service" requirements.
- You work for one of the following types of employers:
 - You work for a private employer that had at least 50 employees during the 12 months before the current leave.
 - You work for an elementary or public or private secondary school, or
 - You work for a health care agency, such as a state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.
- **How do I request FMLA leave?** Generally, to request FMLA leave you must:
 - Give notice at least 30 days before your need for FMLA leave, or
 - If advance notice is not possible, give notice for as soon as possible.

MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE

Notice of Benefits Available Under M.G.L. Chapter 175M
Paid Family and Medical Leave (PFML)

Available Leave

Covered individuals may be entitled to family and medical leave for the following reasons:

- up to 26 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work,
- up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, to care for a family member with a serious health condition, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces;
- up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition.

Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

Benefits

To fund PFML benefits, employers may deduct payroll contributions of up to 0.46% (adjusted annually) from a covered individual's wages or other earnings. A

works in Massachusetts and chooses to opt-in to the program; and


<ul style="list-style-type: none"> - covered by unemployment insurance in Massachusetts and paid wages by a Massachusetts employer; or - a self-employed individual who resides and works in Massachusetts and chooses to opt-in to the program; and - has earned at least 30 times the expected benefit and at least \$6,300 (adjusted annually) in the last four completed quarters preceding the application for benefits. 	
<p>Job Protection</p> <p>Generally, an employee who has taken paid family or medical leave must be restored to the employee's previous position, or to an equal position, with the same status, pay, employment benefits, length-of-service credit, and seniority as of the date of leave.</p> <p><i>These job protections do not apply to former employees, independent contractors, or self-employed individuals.</i></p>	<p>Health Insurance</p> <p>Employers must provide for, contribute to, or otherwise maintain the employee's completed continuous health coverage, if any, at the level under the conditions coverage would have been provided if the employee had continued working continuously for the duration of such leave.</p>

and leave benefits through a private plan.

Name of Private Insurer: _____ Private plan is for: ☐ Medical ☐ Family ☐ Both

Address: _____ Phone: _____

City, State & Zip Code: _____ Website: _____



PFML
 Paid Family & Medical Leave
 MASSACHUSETTS

If you have questions or concerns about your PFML rights, call:
 (833) 334-7365 or visit: <https://www.mass.gov/DFML>

This notice must be posted in a conspicuous place on the employer's premises.

2025 Poster
Revised 10/2024

NO RETALIATION FOR FILING A COMPLAINT

- It is unlawful for an employer to discriminate or retaliate against an employee for exercising any right to which s/he is entitled under the law.
- An employee or former employee who is discriminated or retaliated against for exercising rights under the law, not more than three years after the violation occurs, institute a civil action in the superior court, and may be entitled to damages of as much as three times his or her lost wages.

- Employees must notify their employer before they use sick time, except in an emergency.

- **CAN AN EMPLOYER HAVE A DIFFERENT POLICY?**
Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time for the same reasons, and with the same job protections as under the Earned Sick Time Law. **JOB PROTECTION**
• An employee cannot be disciplined, penalized, or retaliated against for exercising their rights under the law.
• For example, employers may not assign disciplinary points to covered absences, take work hours away from an employee for calling out, or fire an employee for asserting sick leave rights.
WILL IT BE PAID?
• If an employer has 11 or more employees, sick time must be paid.
• For employers with fewer than 11 employees, sick time may be unpaid.
• Paid sick time must be paid on the same schedule and at the same rate as regular wages.
WHEN CAN IT BE USED?
• An employee can use sick time when the employee or the employee's child, spouse, parent, or spouse's parent is sick or has a routine medical appointment.
- Employers may decide how the employees notify the employer of an absence.
• An employer generally may not require a doctor's note unless the employee is absent more than 3 days in a row or uses sick time during their last two weeks of employment.

SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave active military service to undertake military service or certain types of service in the National Disaster Medical System. It prohibits employers from discriminating against past and present military service members and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services (with the particular exception of National Disaster Medical System);
- you return to work or apply for reemployment in a timely manner after discharge or release from service;
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are not to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or in some cases, a comparable job.

RIGHT TO FILE A COMPLAINT AND RETALIATION

If you - a past or present member of the uniformed service - have applied for a job and been rejected, or if you have been discharged or released from service, you may file a complaint with the Veterans Affairs Department.

HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents up to 18 months after you leave your job.
- Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting period or exclusion (pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT


- The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- For assistance in filing a complaint, or for any other information, USERRA, contact VETS at 1-866-4-USA-DOL and its website at <https://www.dol.gov/agencies/vets>. An interactive online USERRA Advisor can be viewed at <https://www.dol.gov/agencies/vets/usaerrad>.


deny you: • initial employment; promotion; or • any benefit of


employment, because of this status.


- In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets-program/userra/poster>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

 U.S. Department of Labor
1-866-487-2385



 U.S. Department of Justice

 Office of Special Counsel

 ESGR Employer Support Of The Guard And Reserve 1-800-336-4990

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT

Job Safety and Health

Job Safety and Health IT'S THE LAW!

Occupational Safety
and Health Administration

U.S. Department of Labor

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

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

- 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

- Prominently display this poster in the

- 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.

This poster is available free from OSHA.

Contact OSHA. We can help.

1 800 321 OSHA (6742) • TTY 1 877 889 6537 • www.osha.gov



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