

NEBRASKA
3-IN-ONE LABOR POSTER

**UNEMPLOYMENT INSURANCE:
ADVISEMENT OF BENEFIT RIGHTS**

TITLE 219 - DEPARTMENT OF LABOR: CHAPTER 2 - CLAIMS FOR BENEFITS

To file an a claim for unemployment benefits, go to dol.nebraska.gov

001. This chapter is adopted pursuant to Neb. Rev. Stat. §§48-626, 48-627, 48-629, and 48-607.

002. A. For benefit years beginning prior to October 1, 2015, an individual who wants to make a claim for unemployment benefits shall file his or her application for benefits through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

For benefit years beginning on or after October 1, 2015, all claims for unemployment benefits, except claims involving either wages paid by the military or federal government or combined with wages from state(s) other than Nebraska, shall be filed online through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov unless a special accommodation is required or no reasonable access to an office maintained by the Department of Labor is available. Conditions requiring a special accommodation shall include, but not be limited to, language barriers and physical and mental handicaps. If a special accommodation is required, claimants may file an application for benefits through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed or attested to. An application may be signed by electronic signature or handwritten on a form prescribed by the Commissioner.

B. When filing a new initial claim, re-opening an existing claim, or filing a subsequent claim for unemployment benefits a claimant shall be required to register for work and create an active, online and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in accordance with 219 NAC 4.

C. The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.

D. A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.

003. A. A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.

B. An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4.

C. If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such applicant shall also be ineligible for benefits for any intervening weeks until the week in which the claim form is returned, regardless of cause.

Updated: 9/21/2016

Updated: 9/21/16

This poster is designed to fulfill three state workplace posting requirements. It does not necessarily fulfill ALL workplace posting requirements. Check dol.nebraska.gov/LaborStandards/RequiredPosters periodically for poster updates.



**STATE OF NEBRASKA
EQUAL OPPORTUNITY COMMISSION**



NOTICE TO Job Applicants, Employees, Employers, Labor Unions, Employment Agencies, Landlords, Tenants, Proprietors, Public:

DISCRIMINATION IN

**★ EMPLOYMENT ★
★ HOUSING ★ PUBLIC ACCOMMODATIONS ★
IS PROHIBITED BY STATE LAW**

Unlawful Employment Practices

It is illegal for an employer to discriminate against you because of your Race, Color, Sex, National Origin, Age, Disability, or Age (40-years-old and over). Discrimination may occur in such areas as Hiring, Promotions, Transfers, Lay-offs, Discipline and Termination; Compensation and Benefits; Training; Other Terms or Conditions of Employment; and Assignment of Duties.

The Nebraska Equal Opportunity Commission is authorized to investigate allegations of discrimination under the Fair Employment Practice Act and the Equal Pay Act of Nebraska, both of which covers employees with 15 or more employees, and the Nebraska Age Discrimination in Employment Act, which covers employers with 20 or more employees.

Employment Agencies, Apprenticeship and Training Programs are all covered by the law.

Authority: Sections 48-1001 through 48-1009; Sections 48-1101 through 48-1125; Sections 48-1219 through 1227, R.R.S. Nebraska, 1943.

Public Accommodations and Housing Discrimination

The Nebraska Fair Housing Act prohibits an employer from discriminating in any form of employment because you have filed a charge of discrimination, opposed a practice made illegal by these laws, or acted as a witness in any investigation or hearing conducted by the Commission. The Nebraska Civil Rights Act makes it illegal for an employer to engage in any retaliation because a person has opposed any illegal practice or refused to carry out any action that is illegal under the laws of the State of Nebraska or the United States.

Authority: Sections 20-301 through 20-349, R.R.S. Nebraska, 1943.

The Nebraska Civil Rights Act of 1999—Public Accommodations prohibit discrimination because of Race, Color, Religion, Sex, National Origin, or Age in Services, Privileges, Facilities, Advantages, and Accommodations by all Public Places and Businesses offering the same. Private Establishments, etc. must meet the exceptions set out in the law.

Authority: Sections 20-132 through 20-143, R.R.S. Nebraska, 1943.

Protection From Retaliation

The Laws enforced by the Nebraska Equal Opportunity Commission prohibit an employer from discriminating in any form of employment because you have filed a charge of discrimination, opposed a practice made illegal by these laws, or acted as a witness in any investigation or hearing conducted by the Commission.

The Nebraska Civil Rights Act makes it illegal for an employer to engage in any retaliation because a person has opposed any illegal practice or refused to carry out any action that is illegal under the laws of the State of Nebraska or the United States.

Authority: Sections 20-301 through 20-349, R.R.S. Nebraska, 1943.

* COMPLAINTS: The Nebraska EOC will investigate every complaint in an impartial manner, without cost to you and without publicity. If there is reasonable cause to believe that the law was violated, the Nebraska EOC will hold a conciliation conference. In case of failure to settle or resolve a charge by conference, mediation, conciliation, arbitration or persuasion, a public hearing or litigation may occur.

* EMPLOYERS, EMPLOYMENT AGENCIES, UNIONS, LANDLORDS, LENDERS, REAL ESTATE OFFICES, PROPRIETORS, PUBLIC, ETC.: You may call on the Nebraska EOC for information on procedures, advice on policy problems, literature, reading lists, films, speakers service, and aid in educational programming.

For Information or Assistance, Please Write, Call, or Come to:

Main Office
Equal Opportunity Commission
301 Centennial South, 5th Floor
P.O. Box 9394
Lincoln, Nebraska 68509-9394
Telephone (402) 471-2024
1-800-642-6112

Branch Office
Panhandle Office Complex
4000 University, T^h
P.O. Box 1500
Scottsbluff, Nebraska 69363-1500
Telephone (308) 632-1340
1-800-830-8633

Branch Office
1313 Farnam on-the-Mall
Omaha, Nebraska 68102-1938
Telephone (402) 595-2028
1-800-382-7828
www.neoc.ne.gov

* THIS NOTICE MUST BE POSTED in conspicuous, well lighted places—e.g., hiring offices, employee bulletin boards, employment agency waiting rooms, union hall—which are frequented by employees, job seekers, or applicants for union membership. Firms and organizations that have more than one such office, plant or posting place, should request extra copies of this notice. For information on exceptions write to Nebraska EOC. This document specifies the requirements for posting pursuant to the laws administered by the NEOC.

This Commission Investigates Unlawful Discrimination Complaints Filed
Anywhere In The State Of Nebraska: At No Cost To The Person Making The Complaint

PORT 657

Minimum Wage in Nebraska

Effective January 1, 2016

\$9.00 per Hour

Notice to Employees

Except as provided below, every employer of four or more persons at any one time shall pay its employees a minimum wage of nine dollars per hour.

- If the employee is compensated by way of gratuities, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed nine per hour.
- Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate.
- An employer may pay a new employee younger than 20 who is not a seasonal or migrant worker, a training wage of at least seventy-five percent of the federal minimum wage for ninety days from the date the new employee was hired, subject to the terms and conditions described in Neb. Rev. Stat. §48-1203.01.

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

- 1. Employee shall include to permit to work;
 - 2. Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;
 - 3. Employee shall include any individual employed by any employer but shall not include:
 - a. Any individual employed in agriculture;
 - b. Any individual employed as a baby-sitter in or about a private home;
 - c. Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;
 - d. Any individual employed by the United States or by the state or any political subdivision thereof;
 - e. Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;
 - f. Apprentices and learners otherwise provided by law;
 - g. Veterans in training under supervision of the United States Department of Veterans Affairs;
 - h. A child in the employment of his or her parent or a parent in the employment of his or her child; or
 - i. Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;
4. Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and
5. Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.

For further information regarding the Nebraska Wage and Hour Act,
contact the Nebraska Department of Labor

PHONE 402-471-2239

Updated: 10/5/2016

NEBRASKA

Good Life. Great Connections.

DEPARTMENT OF LABOR

NEBRASKA 3-IN-ONE LABOR POSTER

SEGUROS DE DESEMPLEO: ASESORAMIENTO DE DERECHO DE BENEFICIOS

TÍTULO 219 - DEPARTAMENTO DE LABOR: CAPÍTULO 2 - RECLAMOS DE BENEFICIOS

Para solicitar beneficios de desempleo, acuda a dol.nebraska.gov

001. Este capítulo es adoptado en conformidad con los Estatutos Revisados de Nebraska §§648-626, 48-627, 48-629 y 48-607.

002. A. Para los años de beneficios que comienzan antes del 1 de octubre de 2015, el individuo que deseé solicitar beneficios de desempleo, deberá presentar su solicitud de beneficios a través de la aplicación en línea del Centro de Reclamos del Departamento de Labor de Nebraska, disponible en www.dol.nebraska.gov. El individuo deberá proporcionar la información tal y como se requiere en la solicitud. Cada solicitud deberá ser firmada electrónicamente o escrita a mano en un formulario prescrito por el Comisionado.

Para los años de beneficios que comienzan en o después del 1 de octubre de 2015, todas las solicitudes de beneficios de desempleo, excepto aquellas que involucren salarios pagados por el gobierno federal o el servicio militar, o serán combinadas con salarios de otro estado(s) además de Nebraska, deberá ser presentada a través de la aplicación en línea del Centro de Reclamos del Departamento de Labor de Nebraska, disponible en www.dol.nebraska.gov, a menos que necesite asistencia especial, o no haya acceso razonable a una oficina sustentada por el Departamento de Labor. Las condiciones que necesitan asistencia especial incluyen, pero no se limitan a, barreras de idioma y discapacidades físicas y mentales. Si necesitan asistencia especial, los reclamantes pueden presentar la solicitud de beneficios a través del Centro de Reclamos del Departamento de Labor de Nebraska. El individuo deberá proporcionar la información tal y como se requiere en la solicitud. Cada solicitud deberá ser firmada electrónicamente o escrita a mano en un formulario prescrito por el Comisionado.

B. Al presentar un reclamo inicial, reabrir un reclamo existente, o completar un reclamo subsequente para beneficios de desempleo, el reclamante tendrá la obligación de registrarse para trabajar y de crear un currículum activo, en línea y que pueda ser encontrado en la aplicación web de los Servicios de Reempleo y Beneficios del Departamento de Labor de Nebraska, de acuerdo con el código administrativo de Nebraska 219 NAC 4.

C. La solicitud inicial de beneficios será vigente a partir del domingo de la semana en la cual el solicitante presenta su solicitud con el Departamento. El Comisionado, por una causa justificada, puede establecer una fecha de vigencia diferente.

D. Una semana se considerará que está en, dentro, o durante el año de beneficios que incluye la mayor parte de dicha semana.

003. A. Deberá hacerse un reclamo de beneficios por separado, para cada semana de desempleo, utilizando el método de reclamación prescrito por el Comisionado.

B. El individuo será inelegible para beneficios por cualquier semana en la que no pueda demostrar que estuvo realizando una búsqueda activa y honesta de trabajo, según se requiere bajo el código administrativo de Nebraska 219 NAC 4.

C. Si es prescrito por el Comisionado, se le enviará el reclamante el formulario de reclamo y deberá ser completado y devuelto por el mismo, y recibido en el Departamento dentro de los 10 días de la fecha de envío o de la fecha de finalización de la semana que se indica en el formulario, lo que sea posterior. El reclamante que no devuelva el formulario a tiempo, será inelegible para beneficios por esa semana, a menos que pueda demostrar una causa justificada por la devolución tardía. Si es encontrado inelegible, dicho solicitante también será inelegible para beneficios por cualquier semana(s) intermedia hasta la semana en la cual el formulario es devuelto, independientemente de la causa.

Actualizado: 10/5/2016

Updated: 9/21/16

Este cartel está diseñado para cumplir con tres requisitos estatales de publicaciones en el lugar de trabajo. No satisface necesariamente TODOS los requisitos de publicaciones en el lugar de trabajo. Visite dol.nebraska.gov/LaborStandards/RequiredPosters periódicamente para carteles actualizados.



ESTADO DE NEBRASKA COMISIÓN DE IGUALDAD DE OPORTUNIDADES



LA DISCRIMINACIÓN EN

★ EMPLEOS ★ VIVIENDA ★ ALOJAMIENTOS PÚBLICOS ★ ESTÁ PROHIBIDA POR LA LEY

Prácticas ilegales de Empleo

Es ilegal que un empleador discrimine en la contratación de trabajo por su Raza, Color, Sexo, Embarazo, Origen Nacional, Estado Civil, Discapacidad, Religión y/o Edad (40 años de edad o más). La discriminación puede ocurrir en áreas tales como en la Contratación, Asentamientos, Traslados, los Pisos Involuntarios, la Disciplina y los Despidos, las Compensaciones y los Beneficios, Entrenamiento, Otros Términos o Condiciones de Empleo, o el Acoso Sexual. La Comisión de la Igualdad de Oportunidades de Nebraska autorizada a investigar las quejas de discriminación de acuerdo con el Acta de Prácticas Justas de Empleo y el Acta de Pago Igual de Nebraska, ambas cubriendo a empleadores de 15 o más empleados; y el Acta de Discriminación en Empleo por Razones de Edad en Nebraska, la cual cubre a empleadores con 20 o más empleados. Las Organizaciones Laborales, Agencias de Empleo, y Programas de Aprendizaje y Entrenamiento, están todas cubiertas por la Ley.

Autoridad: Secciones 20-901 a 20-944, R.R.S. Nebraska, 1943.
El Acta de Derechos Civiles de Nebraska, de 1969 o cualquier legislación posterior la cual contiene discriminación por su Raza, Color, Religión, Sexo, Origen Nacional e Asociación en los Servicios, Privilegios, Facilidades, Ventajas y Ajustamientos en todos los Lugar Pública y Negocios que los ofrecen. Los establecimientos privados deben cumplir con las excepciones listadas en la Ley.
Autoridad: Sección 46-1001 a 46-1009, Secciones 48-1101 a 48-1125; Sección 48-1219 a 1227, R.R.S. Nebraska, 1943.

• QUEJAS: La EOC de Nebraska, investigará cada queja de manera imparcial, sin costo a usted y sin publicidad. Si hay causa razonable para creer que la Ley ha sido violada, la EOC de Nebraska realizará una conferencia de conciliación. En caso de que no se resuelve la queja por medio de la conferencia, mediación, conciliación, arbitraje o persuasión, es posible que se lleve a cabo una audiencia pública o litigio.

• LOS EMPLEADORES, LAS AGENCIAS DE EMPLEOS, LOS SINDICATOS, LOS ARRIENDADORES, PRESTAMISTAS, OFICINAS DE BIENES RAICES, PROPIETARIOS, EL PÚBLICO, ETC.: Usted puede llamarle a Nebraska EOC para información acerca de los procedimientos, consejos para problemas con la política, material y listas de lectura, películas, servicios de oyentes, y ayuda con programas educativos.

Para información o Asistencia, Por Favor Escriba, Llame o Venga a:

Oficina Principal:
Equal Opportunity Commission
301 Centennial Mall South, 8th Floor
P.O. Box 94934
Lincoln, Nebraska 68509-4934
Teléfono (402) 471-2024
1-800-642-6112

Sucursal:
Parhamore Office Complex
4500 Avenue F
P.O. Box 1500
Scottsbluff, Nebraska 69363-1500
Teléfono (308) 632-1340
1-800-630-8633
www.neoc.ne.gov

• ESTE AVISO DEBE SER FIJADO en un lugar visible y bien iluminado, por ejemplo: oficinas de empleo, pizarras de boletines para los empleados, salas de espera en las oficinas de empleo, salas de sindicatos que son frecuentadas por los empleados, solicitantes de empleo, o solicitudes de membresía en los sindicatos. Las empresas y organizaciones que tienen más de una de dichas oficinas, plantas o lugares para fijar avisos, deben pedir copias adicionales de esta oficina. Para información de las excepciones escriba a Nebraska EOC. Este documento cumple con los requisitos para fijar los avisos, según las Leyes administradas por la NEOC.

Esta Comisión Investiga las Quejas de Discriminación Ilegal Presentadas en Cualquier Parte del Estado de Nebraska: Sin Costo Alguno para la Persona que Presenta la Queja

REV 8/08

Salario Mínimo en Nebraska

Efectivo a partir del 1 de enero de 2016

\$9.00 por Hora

Aviso a los empleados

Excepto como se describe a continuación, cada empleador que emplea a cuatro o más personas a la vez, debe pagar a sus empleados un salario mínimo de nueve dólares por hora.

- Si el empleado es compensado a través de propinas, el empleador debe pagar salarios mínimos de dos dólares con trece centavos por hora, más todas las propinas que se les han dado por los servicios prestados. La suma de los salarios y propinas recibidas por cada persona compensada a través de propinas, debe igualar o exceder nueve dólares por hora.
- Todo empleador que emplea estudiantes-aprendices como parte de un programa de formación profesional "bona fide", debe pagar salarios a tales estudiantes-aprendices de al menos setenta y cinco por ciento de los salarios mínimos.
- Un empleador puede pagar a un empleado nuevo menor de 20 años, quien no es un trabajador migrante o por temporada, un salario de entrenamiento de al menos setenta y cinco por ciento de los salarios mínimos federales, por 90 días desde el día en que el empleado nuevo fue contratado, sujeto a los términos y condiciones descritas en el Estatuto Revisado de Nebraska §48-1203.01.

48-1202. Para los propósitos de la Ley de Horas y Salarios (Wage and Hour Act), a menos que el contexto requiera de otra manera:

1. Emplear incluirá permitir trabajar;
2. Empleador incluirá cualquier individuo, consorcio, empresa de responsabilidad limitada, asociación, corporación, entidad fiduciaria, representante legal o grupo organizado de personas que emplea a cuatro o más empleados a la vez, excepto empleo por temporada de no más de veinte semanas en cualquier año natural, que actúa de forma directa o indirecta en los intereses de el empleador con relación al empleado, pero no incluirá a los Estados Unidos, el estado o ninguna subdivisión política a tal efecto;
3. Empleado incluirá cualquier individuo empleado por cualquier empleador, pero no incluirá:
 - a. Cualquier individuo empleado en la agricultura;
 - b. Cualquier individuo empleado como niñera(o) en o cerca de una casa privada;
 - c. Cualquier individuo empleado en una capacidad ejecutiva, administrativa o profesional "bona fide" o como supervisor;
 - d. Cualquier individuo empleado para los Estados Unidos o para el estado o cualquier subdivisión política a tal efecto;
 - e. Cualquier individuo involucrado en las actividades de una organización educacional, de caridad, religiosa o sin fines de lucro, cuando la relación empleado-empleado en hecho no existe o cuando los servicios prestados a tal organización fueron en base voluntaria;
 - f. Aprendices de otra manera cubiertos por la ley
 - g. Veteranos en entrenamiento bajo la supervisión del Departamento de Asuntos de los Veteranos de los Estados Unidos;
 - h. Un menor de edad empleado por su madre o padre, o un padre o madre empleado por su hijo o hija;
 - i. Cualquier persona que directa o indirectamente está recibiendo cualquier forma de ayuda federal, estatal, del condado o local, o prestaciones sociales y es una persona con discapacidades físicas o mentales y está empleada(o) en un programa de rehabilitación, quien debe recibir un salario a un nivel consistente con su salud, eficiencia y bienestar general;
4. Se entenderá por clasificación ocupacional una clasificación establecida por el Diccionario de Títulos Ocupacionales preparado por el Departamento de Trabajo de Los Estados Unidos;
5. Se entenderá por salarios toda remuneración por servicios personales, incluyendo comisiones y bonos y el valor monetario de todas las remuneraciones por cualquier medio distinto a dinero en efectivo.

Para información adicional acerca de la Ley de Horas y Salarios de Nebraska (Nebraska Wage and Hour Act), contacte al Departamento de Labor de Nebraska.

TELÉFONO 402-471-2239

Actualizado: 10/5/2016

Minimum Wage in Nebraska

Effective January 1, 2016

\$9.00 per Hour

Notice to Employees

Except as provided below, every employer of four or more persons at any one time shall pay its employees a minimum wage of nine dollars per hour.

- If the employee is compensated by way of gratuities, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed nine per hour.
- Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate.
- An employer may pay a new employee younger than 20 who is not a seasonal or migrant worker, a training wage of at least seventy-five percent of the federal minimum wage for ninety days from the date the new employee was hired, subject to the terms and conditions described in Neb. Rev. Stat. §48-1203.01.

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

1. Employ shall include to permit to work;
2. Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States, the state, or any political subdivision thereof;
3. Employee shall include any individual employed by any employer but shall not include:
 - a. Any individual employed in agriculture;
 - b. Any individual employed as a baby-sitter in or about a private home;
 - c. Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;
 - d. Any individual employed by the United States or by the state or any political subdivision thereof;
 - e. Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;
 - f. Apprentices and learners otherwise provided by law;
 - g. Veterans in training under supervision of the United States Department of Veterans Affairs;
 - h. A child in the employment of his or her parent or a parent in the employment of his or her child; or
 - i. Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;
4. Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and
5. Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.



Good Life. Great Connections.

DEPARTMENT OF LABOR

**For further information regarding the Nebraska Wage and Hour Act,
contact the Nebraska Department of Labor**

PHONE 402-471-2239

Updated: 10/5/2016

Salario Mínimo en Nebraska

Efectivo a partir del 1 de enero de 2016

\$9.00 por Hora

Aviso a los empleados

Excepto como se describe a continuación, cada empleador que emplea a cuatro o más personas a la vez, debe pagar a sus empleados un salario mínimo de nueve dólares por hora.

- Si el empleado es compensado a través de propinas, el empleador debe pagar salarios mínimos de dos dólares con trece centavos por hora, más todas las propinas que se les han dado por los servicios prestados. La suma de los salarios y propinas recibidas por cada persona compensada a través de propinas, debe igualar o exceder nueve dólares por hora.
- Todo empleador que emplea estudiantes-aprendices como parte de un programa de formación profesional "bona fide", debe pagar salarios a tales estudiantes-aprendices de al menos setenta y cinco porciento de los salarios mínimos.
- Un empleador puede pagar a un empleado nuevo menor de 20 años, quien no es un trabajador migrante o por temporada, un salario de entrenamiento de al menos setenta y cinco porciento de los salarios mínimos federales, por 90 días desde el día en que el empleado nuevo fue contratado, sujeto a los términos y condiciones descritas en el Estatuto Revisado de Nebraska §48-1203.01.

48-1202. Para los propósitos de la Ley de Horas y Salarios (Wage and Hour Act), a menos que el contexto requiera de otra manera:

1. Emplear incluirá permitir trabajar;
2. Empleador incluirá cualquier individuo, consorcio, empresa de responsabilidad limitada, asociación, corporación, entidad fiduciaria, representante legal o grupo organizado de personas que emplea a cuatro o más empleados a la vez, excepto empleo por temporada de no más de veinte semanas en cualquier año natural, que actúa de forma directa o indirecta en los intereses de el empleador con relación al empleado, pero no incluirá a los Estados Unidos, el estado o ninguna subdivisión política a tal efecto;
3. Empleado incluirá cualquier individuo empleado por cualquier empleador, pero no incluirá:
 - a. Cualquier individuo empleado en la agricultura;
 - b. Cualquier individuo empleado como niñera(o) en o cerca de una casa privada;
 - c. Cualquier individuo empleado en una capacidad ejecutiva, administrativa o profesional "bona fide" o como superintendente o supervisor;
 - d. Cualquier individuo empleado para los Estados Unidos o para el estado o cualquier subdivisión política a tal efecto;
 - e. Cualquier individuo involucrado en las actividades de una organización educacional, de caridad, religiosa o sin fines de lucro, cuando la relación empleador-empleado en hecho no existe o cuando los servicios prestados a tal organización fueron en base voluntaria;
 - f. Aprendices de otra manera cubiertos por la ley
 - g. Veteranos en entrenamiento bajo la supervisión del Departamento de Asuntos de los Veteranos de los Estados Unidos;
 - h. Un menor de edad empleado por su madre o padre, o un padre o madre empleado por su hijo o hija; o
 - i. Cualquier persona que directa o indirectamente está recibiendo cualquier forma de ayuda federal, estatal, del condado o local, o prestaciones sociales y es una persona con discapacidades físicas o mentales y está empleada(o) en un programa de rehabilitación, quien debe recibir un salario a un nivel consistente con su salud, eficiencia y bienestar general;
4. Se entenderá por clasificación ocupacional una clasificación establecida por el Diccionario de Títulos Ocupacionales preparado por el Departamento de Trabajo de Los Estados Unidos; y
5. Se entenderá por salarios toda remuneración por servicios personales, incluyendo comisiones y bonos y el valor monetario de todas las remuneraciones por cualquier medio distinto a dinero en efectivo.

UNEMPLOYMENT INSURANCE: ADVISEMENT OF BENEFIT RIGHTS

TITLE 219 - DEPARTMENT OF LABOR: CHAPTER 2 - CLAIMS FOR BENEFITS

To file an a claim for unemployment benefits, go to dol.nebraska.gov

- 001.** This chapter is adopted pursuant to Neb. Rev. Stat. §§48-626, 48-627, 48-629, and 48-607.
- 002. A.** For benefit years beginning prior to October 1, 2015, an individual who wants to make a claim for unemployment benefits shall file his or her application for benefits through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov. The individual shall provide such information as required on the application. Each application shall be signed by electronic signature or handwritten on a form prescribed by the Commissioner.
- For benefit years beginning on or after October 1, 2015, all claims for unemployment benefits, except claims involving either wages paid by the military or federal government or combined with wages from state(s) other than Nebraska, shall be filed online through the Nebraska Department of Labor Claims Center's online web application available at www.dol.nebraska.gov unless a special accommodation is required or no reasonable access to an office maintained by the Department of Labor is available. Conditions requiring a special accommodation shall include, but not be limited to, language barriers and physical and mental handicaps. If a special accommodation is required, claimants may file an application for benefits through the Nebraska Department of Labor Claims Center. The individual shall provide such information as required on the application. Each application shall be signed or attested to. An application may be signed by electronic signature or handwritten on a form prescribed by the Commissioner.
- B.** When filing a new initial claim, re-opening an existing claim, or filing a subsequent claim for unemployment benefits a claimant shall be required to register for work and create an active, online and searchable resume in the Nebraska Department of Labor's web application for Reemployment and Benefit services in accordance with 219 NAC 4.
- C.** The initial application for benefits shall be effective Sunday of the week in which the applicant files an application with the Department. The Commissioner, for good cause, may establish a different effective date.
- D.** A week shall be deemed to be in, within, or during that benefit year which includes the greater part of such week.
- 003. A.** A separate claim for benefits shall be made for each week of unemployment by a method of claiming prescribed by the Commissioner.
- B.** An individual shall be ineligible for benefits for any week for which the individual fails to demonstrate that the individual engaged in an active and earnest search for work as required under 219 NAC 4.
- C.** If prescribed by the Commissioner, a claim form will be mailed by the Department and shall be completed by the claimant and returned to and received by the Department within ten days of the later of the date mailed or the week ending date which will be stated on the form. A claimant who fails to timely return the claim form shall be ineligible for that week's benefits unless good cause for the late return can be shown. If found ineligible, such applicant shall also be ineligible for benefits for any intervening weeks until the week in which the claim form is returned, regardless of cause.
- D.** An electronic media claim transaction shall be completed by the claimant and received by the Department by the Friday following the most recent week ending date. The failure of a claimant to timely complete an electronic media transaction shall be the basis for a denial of that week's benefits unless good cause for the late transaction can be shown. Any intervening weeks until the week in which the transaction was completed and received by the Department shall also be denied, regardless of cause.
- E.** A claim for benefits shall be filed for waiting week credit even though benefits are not payable for that week.
- F.** A claim for benefits shall be filed for each week of eligibility during the time an applicant is awaiting the results of an appeal hearing if the applicant intends to claim benefits during that time period.
- 004.** The Department may direct a claimant to contact one of its offices to meet eligibility or other reporting requirements, or to provide other information as needed in the administration of Nebraska Employment Security Law. Unless good cause is shown, failure to contact the office as directed may result in the denial of benefits beginning with the week the claimant was scheduled to report and ending the Saturday prior to the week in which he/she reports to the Department.
- 005.** In the event that wage information cannot be obtained from an employer, the Department may request that such information be provided by the claimant. The claimant may be required to provide payroll check stubs, W-2s, or other reliable information corroborating the amount of wages stated by the claimant. A failure by the claimant to comply with such a request by the due date on the form shall cause the claim to be processed without the requested wages and may result in a denial of benefits until the week in which the information regarding requested wages is received by the Department.
- 006.** In the event of a major disaster declared by both the Governor of the State of Nebraska and the President, the Commissioner may permit backdating of the effective date of unemployment insurance claims to agree with the effective date of the federal disaster period.
- 007.** Each worker engaged in employment covered by the Nebraska Employment Security Law, including service covered by election of an employer, shall procure a federal social security account number and furnish that number to every employer for whom that worker performs covered employment.
- 008.** Weeks of disqualification assessed pursuant to Neb. Rev. Stat. §48-628 and reductions in benefits determined pursuant to Neb. Rev. Stat. §48-626 shall be determined in accordance with the number of weeks of disqualification in effect on the applicable date of the most recently filed initial, transitional or additional claim.

SEGUROS DE DESEMPLEO: ASESORAMIENTO DE DERECHO DE BENEFICIOS

TÍTULO 219 - DEPARTAMENTO DE LABOR: CAPÍTULO 2 - RECLAMOS DE BENEFICIOS

Para solicitar beneficios de desempleo, acuda a dol.nebraska.gov

- 001.** Este capítulo es adoptado en conformidad con los Estatutos Revisados de Nebraska §§48-626, 48-627, 48-629 y 48 607.
- 002. A.** Para los años de beneficios que comiencen antes del 1 de octubre de 2015, el individuo que deseé solicitar beneficios de desempleo, deberá presentar su solicitud de beneficios a través de la aplicación en línea del Centro de Reclamos del Departamento de Labor de Nebraska, disponible en www.dol.nebraska.gov. El individuo deberá proporcionar la información tal y como se requiere en la solicitud. Cada solicitud deberá ser firmada electrónicamente o escrita a mano en un formulario prescrito por el Comisionado.
- Para los años de beneficios que comienzan en o después del 1 de octubre de 2015, todas las solicitudes de beneficios de desempleo, excepto aquellas que involucren salarios pagados por el gobierno federal o el servicio militar, o sean combinadas con salarios de otro estado(s) además de Nebraska, deberá ser presentada a través de la aplicación en línea del Centro de Reclamos del Departamento de Labor de Nebraska, disponible en www.dol.nebraska.gov, a menos que necesite asistencia especial, o no haya acceso razonable a una oficina sustentada por el Departamento de Labor. Las condiciones que necesitan asistencia especial incluyen, pero no se limitan a, barreras de idioma y discapacidades físicas y mentales. Si necesitan asistencia especial, los reclamantes pueden presentar la solicitud de beneficios a través del Centro de Reclamos del Departamento de Labor de Nebraska. El individuo deberá proporcionar la información tal y como se requiere en la solicitud. Cada solicitud deberá ser firmada o atestada. Cada solicitud deberá ser firmada electrónicamente o escrita a mano en un formulario prescrito por el Comisionado.
- B.** Al presentar un reclamo inicial, reabrir un reclamo existente, o completar un reclamo subsecuente para beneficios de desempleo, el reclamante tendrá la obligación de registrarse para trabajar y de crear un currículum activo, en línea y que pueda ser encontrado en la aplicación web de los Servicios de Reempleo y Beneficios del Departamento de Labor de Nebraska, de acuerdo con el código administrativo de Nebraska 219 NAC 4.
- C.** La solicitud inicial de beneficios será vigente a partir del domingo de la semana en la cual el solicitante presenta su solicitud con el Departamento. El Comisionado, por una causa justificada, puede establecer una fecha de vigencia diferente.
- D.** Una semana se considerará que está en, dentro, o durante el año de beneficios que incluye la mayor parte de dicha semana.
- 003. A.** Deberá hacerse un reclamo de beneficios por separado, para cada semana de desempleo, utilizando el método de reclamación prescrito por el Comisionado
- B.** El individuo será inelegible para beneficios por cualquier semana en la que no pueda demostrar que estuvo realizando una búsqueda activa y honesta de trabajo, según se requiere bajo el código administrativo de Nebraska 219 NAC 4.
- C.** Si es prescrito por el Comisionado, se le enviará al reclamante el formulario de reclamo y deberá ser completado y devuelto por el mismo, y recibido en el Departamento dentro de los 10 días de la fecha de envío o de la fecha de finalización de la semana que se indica en el formulario, lo que sea posterior. El reclamante que no devuelva el formulario a tiempo, será inelegible para beneficios por esa semana, a menos que pueda demostrar una causa justificada por la devolución tardía. Si es encontrado inelegible, dicho solicitante también será inelegible para beneficios por cualquier semana(s) intermedia hasta la semana en la cual el formulario es devuelto, independientemente de la causa.

- D.** El reclamante deberá completar un reclamo mediante una transacción electrónica y deberá ser recibido por el Departamento a más tardar el viernes siguiente a la fecha de finalización de la semana más reciente. El no completar la transacción electrónica a tiempo, será la base para la denegación de los beneficios por dicha semana, a menos que una causa justificada por la transacción tarde pueda ser demostrada. Todas las semanas intermedias, hasta la semana en la cual la transacción fue completada y recibida por el Departamento, también serán denegadas, independientemente de la causa.
- E.** Un reclamo de beneficios tendrá que ser efectuado para recibir crédito por la semana de espera, aunque los beneficios no sean pagables para esa semana.
- F.** Un reclamo de beneficios tendrá que ser efectuado por cada semana de elegibilidad durante el tiempo que el solicitante esté esperando los resultados de una audiencia de apelación, si es que el solicitante tiene la intención de reclamar beneficios durante ese período de tiempo.
- 004.** Es posible que el Departamento ordene que el reclamante se comunique con una de sus oficinas para cumplir con los requisitos de elegibilidad u otros requisitos de comunicación, o para proporcionar otro tipo de información como sea necesario para administrar la Ley de Seguridad de Trabajo de Nebraska. A menos que se demuestre una razón justificada, el no comunicarse con la oficina como ha sido indicado, podrá resultar en la denegación de los beneficios comenzando con la semana en la que el reclamante estuvo programado para comunicarse y finalizando el sábado anterior a la semana en la cual él o ella se comunicó con el Departamento.
- 005.** En caso de que la información de salarios no se pueda obtener de un empleador, el Departamento puede solicitar que tal información sea proporcionada por el reclamante. Es posible que se solicite que el reclamante proporcione los talones de cheques de su sueldo, W-2 u otra información confiable que pueda corroborar el monto de los salarios declarados por el reclamante. Si el reclamante no cumple con esta petición antes de la fecha indicada en el formulario, causará que el reclamo sea procesado sin incluir los salarios solicitados y podrá resultar en la denegación de los beneficios hasta la semana en la cual la información solicitada sea recibida por el Departamento.
- 006.** En el caso de que ambos, el Gobernador del Estado de Nebraska y el Presidente, declaren un desastre mayor, el Comisionado puede permitir que la fecha de vigencia de los reclamos de desempleo sea modificada a una fecha anterior, para que coincida con la fecha de vigencia del período de desastre declarado por el gobierno federal.
- 007.** Cada trabajador que esté involucrado en algún empleo cubierto por la Ley de Seguridad de Trabajo de Nebraska, incluyendo los servicios cubiertos por elección del empleador, tendrá que obtener un número de cuenta de seguro social federal y proporcionar ese número a cada empleador para el cual trabaja, siempre y cuando sea un empleo cubierto por la Ley de Seguridad de Trabajo de Nebraska.
- 008.** Las semanas descalificadas que fueron determinadas según el estatuto revisado de Nebraska – (Neb. Rev. Stat.) 48-628 como también las reducciones en los beneficios que fueron determinadas según el Neb. Rev. Stat. 48-626, serán determinadas de acuerdo con el número de semanas de descalificación en vigor en la fecha aplicable del reclamo inicial, transicional o adicional más reciente.

NEBRASKA
FEDERAL ALL-IN-ONE

**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 hazard substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. 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.

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

**YOUR RIGHTS UNDER USERRA
THE UNIFORMED SERVICES EMPLOYMENT
AND REEMPLOYMENT RIGHTS ACT**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment to serve in the uniformed services. It also protects the job rights of individuals who are members of the uniformed services from discrimination against past and present members of the uniformed services, and applies to the uniformed services.

REEMPLOYMENT RIGHTS

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

- You're not paid less than minimum wage or denied certain benefits or services.
- You're not denied any type of compensation services in the uniformed services that you're entitled to receive.
- You're not denied employment as a family member.
- You have the right to be reemployed after completion of your military service.
- If you're eligible to be reemployed, you must be reemployed at the job and benefits you had attained if you had been hired, due to military service, or, if some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you're a past or present member of the uniformed services, or have applied for membership in the uniformed services, or are eligible to serve in the uniformed services:

- You have the right to be free from discrimination and retaliation, against your employer, because of your status as a past or present member of the uniformed services.
- You may also file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or the Office of Special Counsel for representation.

In addition, an employee may file a charge of discrimination against your employer for violations of USERRA.

HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to continue your existing employer-based health plan coverage for you and your dependents for up to 12 months while in the uniformed services.

If you don't want to continue coverage during your military service, you have the right to be reemployed in your employer's family plan after you return from military service, even without any waiting period.

You have the right to receive reasonable accommodations for service-connected illnesses or injuries.

ENFORCEMENT

The U.S. Department of Labor has the 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 violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be imposed 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 violations 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.

Special provisions apply to workers in American Samoa, the Commonwealth of Puerto Rico, and the Northern Mariana Islands, and 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 because employees (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 apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

**WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR**

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd

**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 1½ 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 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.

TIP CREDIT

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 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 subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers 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.

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**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:

- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; or
- For specified exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

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

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

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 taking leave; * and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employers do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the employee is eligible for FMLA leave. An employer could discriminate against an employee if the employer believes or will be able to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

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 employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

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

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.



NEBRASKA
Good Life, Great Connections.
DEPARTMENT OF LABOR