

Sus derechos de empleado en virtud de la Ley de Licencia Familiar y Médica

¿Qué es la licencia FMLA? La Ley de Licencia Familiar y Médica (FMLA) es una ley federal • Si no es posible avisar con antelación, notifíquelo lo antes posible.

[illegible]

**Aviso de Beneficios Disponibles Según M.G.L. Capítulo 175M
Permiso Familiar y Médico Pagado (PFML) por sus siglas en inglés)**

Permiso Disponible
Las personas cubiertas podrían tener derecho al permiso familiar y médico por las siguientes razones:

- hasta 20 semanas de permiso médico pagado en un año de beneficios, si la persona tiene una condición grave de salud que lo incapacite para trabajar;
- hasta 26 semanas de permiso familiar pagado, por el nacimiento, adopción o colocación de un hijo/a; o para atender a un pariente con una condición grave de salud o debido a una exigencia administrativa por el hecho de que un pariente se encuentre en incapacidad o haya sido notificado de un llamado importante para prestar servicio activo en las Fuerzas Armadas.

Hasta 26 semanas de permisos familiar pagados en un año de beneficios, para atender a un pariente que sea un miembro del servicio militar cubierto y que tenga una condición grave de salud.

Tanto los empleados como los empleadores son elegibles para obtener hasta 26 semanas en total de permiso médico y familiar pagado en un mismo año de beneficios.

Para financiar los beneficios del FMLA, los empleadores pueden deducir contribuciones de la nómina de pagos hasta 0.46% (con ajuste anual del salario o de otros ingresos de una persona cubierta. Los ingresos semanales promedio de una persona cubierta determinarán el monto de su beneficio, hasta un beneficio semanal máximo de \$1,170.64 (ajustado anualmente).

¿Quiénes son las Personas Cubiertas Segun la Ley?

No lo general, un trabajador califica como persona cubierta elegible para beneficios del FMLA en los siguientes casos:

- si la persona está cubierta por un seguro de desempleo en Massachusetts y cobra salario de un empleador de Massachusetts; o
- si la persona es un trabajador autónomo que reside y trabaja en Massachusetts y decide incorporarse al programa; y
- si la persona está contratada como mínimo \$5,300 con beneficios de seguro de salud o de seguro de vida en los últimos cuatro trimestres completados previos a aplicar por los beneficios.

Los empleadores deben proporcionar, aportar o mantener de algún modo los beneficios del seguro de salud relacionado con el empleo, si los hubiera, al mismo nivel y bajo las mismas condiciones de cobertura que se habrían proporcionado si el empleado en general, un empleado que se haya tomado el permiso familiar y médico pagado debería poder regresar a su antiguo puesto o a un puesto similar, con el mismo estatus, pago, beneficios laborales, crédito por tiempo de servicio y antigüedad a la fecha del permiso.

Planes Privados

Si un empleador ofrece a los empleados permisos pagados, un con familiar médico o de emergencia, con beneficios con sus planes a nivel de personas que

los que establece la ley, el empleador puede aplicar para una exención del pago de las contribuciones. Los empleados continúan teniendo protección ante actos de discriminación y represalias según la ley incluso si un empleador elige brindar beneficios de permiso pagado a través de un plan privado.

Nombre de la Aseguradora Privada: _____ Private plan is for: ☐ Médico ☐ Familiar ☐ Ambos

Dirección: _____ Teléfono: _____

Ciudad, Estado y Código Postal: _____ Página Web: _____

No Discriminación Ni Represalias

• Es ilegal que un empleador cometa actos de discriminación o tome represalias contra un empleado por ejercer cualquiera de los derechos que le corresponden según la ley.

• Un empleado o ejemplo que sufra discriminación o represalias por ejercer derechos contemplados en la ley podría, por un plazo máximo de hasta tres años luego del hecho, interponer una acción civil ante un tribunal superior, y podría tener derecho a una indemnización por daños y perjuicios de hasta tres veces los salarios que haya dejado de cobrar.

Si tiene preguntas o dudas sobre sus derechos del PFML, llame a:
 (833) 344-7365 o [visite: https://www.mass.gov/DFML](https://www.mass.gov/DFML)

Versión 2025
Revisado 10/2024

Spanish

LA LICENCIA POR ENFERMEDAD ACUMULADA

Aviso De Derechos De Los Empleados

Comenzando el 1 de julio de 2015, los empleados de Massachusetts tienen el derecho a ganar y utilizar licencia por enfermedad del trabajo

¿QUE EMPLEADOS SON ELIGIBLES? Todos los empleados en Massachusetts son elegibles para la licencia por enfermedad acumulada, incluyendo empleados a tiempo completo, medio tiempo, estacionales,

¿CÓMO SE ACUMULA?

- Empleados acumulan 1 hora por cada 30 horas trabajadas.
- Empleados pueden acumular y usar la licencia por enfermedad hasta 40 horas

REPRESENTAS

- Un empleado que usa el tiempo de enfermedad ganado no puede ser despedido de su trabajo. Un empleador no puede tomar represalias contra un empleado por ejercer o tratar de ejercer sus derechos según la ley.
- Ejemplos de represalias incluye: denegando la utilización o retrasando el pago de la licencia por enfermedad, despidiendo al empleado, reduciendo

• Empleados pueden llevar hasta 40 horas de licencia por enfermedad acumulada no utilizada al próximo o a.

• Empleados pueden acumular un tiempo de licencia por enfermedad el primer día de trabajo y utilizar esta licencia 90 días después de empezar a trabajar.

¿CÓMO SE PAGA POR ESTA LICENCIA?

• Si un empleado tiene 11 o más empleados, el empleado tiene que pagar la licencia por enfermedad.

• Empleadores que tienen 10 o menos empleados no tienen que pagar por esta licencia.

• Licencia por enfermedad pagada tiene que ser pagada en el mismo horario que la misma propósitos que los salarios regulares.

AVISO Y VERIFICACIÓN

• Los empleados deben notificar a su empleador antes de utilizar el tiempo de enfermedad.

• Un empleado puede requerir que los empleados usen un sistema de notificación razonable que el empleador ha creado.

• Un empleado es responsable de proporcionar documentación de uso de licencia por enfermedad dentro de dos semanas de dejar de usar la licencia, un empleador puede requerir documentación de un médico.

¿TIENE PREGUNTAS?

Llame a la División de Trabajo Justo al 617-727-3465
Visite www.mass.gov/equalwork

- Un empleado puede utilizar el tiempo de enfermedad cuando el empleado o el empleado su hijo, conyuge, padre o madre o los padres del conyuge están enfermos o la madre está de sufre de los síntomas de la violencia doméstica.
- El mínimo tiempo de licencia/permisos de enfermedad un empleado puede usar es de una hora.
- Empleados no pueden usar la licencia acumulada como una excusa para llegar tarde al trabajo sin previo aviso al empleador y uso adecuado.
- La ley no permite el uso de la licencia por enfermedad para otros propósitos que los mencionados en el manual, incluyendo hacer resaltar en las medidas disciplinarias.

¿CÓMO DEBE EL EMPLEADOR PENSAR UNA PÓLIZA/NORMA DIFERENTE DE LO QUE REQUIERE LA LEY?

Si un empleador puede tener su propia póliza de licencia por enfermedad o licencia pagada siempre y cuando su propia póliza cumpla con los requisitos mínimos que le da la ley licencia por enfermedad.

La Ley de Licencia por Enfermedad Acumulada y Reglamentos están en el sitio web: www.mass.gov/go/earnsdelicgates

SUS DERECHOS BAJO LA LEY USERRA

LA LEY DE DERECHOS DE LOS INDIVIDUOS Y VOLUNTARIA PARA SERVICIOS UNIFORMADOS

USERRA protege los derechos laborales de los empleados que reemplata o involuntariamente dejan sus puestos laborales para adelantarse al servicio militar a ciertos tipos de servicios de los sistemas de Medicare Nacional y Medicaid. USERRA también prohíbe a los empleadores que discriminan a los pasados o actuales miembros de los servicios uniformados, o a aquellos que apliquen a los servicios uniformados.

DERECHOS DE REEMPLAZO

medio de su empleador, para usted y sus dependientes, por hasta 24 meses

cumplir con su labor en el servicio uniformado y:

- usted garantiza que su empleador recibirá una notificación por anticipado de su intención de renunciar a su empleo en el tiempo establecido.
- usted tiene cinco años o menos acumulados de servicio en los servicios uniformados de la Armada de los Estados Unidos.
- usted regrese a trabajar a aplicar para ser reempleado(a) en forma oportuna después de la terminación del servicio.

Si usted no cumple con el servicio por defecto deshonroso o bajo condiciones no honorables de servicio,

usted perderá su empleo, debe ser restituido(a) en el trabajo y los beneficios que haya logrado de no haber estado en servicio militar o, en algunos casos, un trabajo similar, le serán restituidos.

RECLAMACIÓN

Incluso si decide no continuar con la cobertura durante su servicio militar, tiene el derecho a ser restituido(a) en el plan de seguro médico de su empleador cuando sea reemplazado(a) en el tiempo establecido.

(E) Condiciones de exclusión preexistentes (excepto para enfermedades o lesiones preexistentes) que no sean excluidas.

CUMPLIMIENTO

El Servicio de Empleo y Entrenamiento (VETS) del Departamento de Empleo de los Estados Unidos, está autorizado para recibir y evaluar los reclamos sobre violaciones a la ley USERRA.

Si usted desea obtener información de un reclamo, o sobre cualquier otra información de USERRA, contacta a VETS en el 1-866-USA-DOL o visite su página web en: <https://www.dol.gov/agencies/vets>. Puede consultar la información actualizada en: <https://www.dhs.gov/e-verify/>.

Unfused: es o fue miembro del servicio uniformado; ha aplicado para hacer un reclutamiento adicional; o ha sido reclutado para el servicio uniformado; entonces un empleador no puede negarse - empleo inicial o posterior a la fecha de la licencia - a un solicitante de empleo que sea un miembro del servicio uniformado; ascendido; o cualquier beneficio del empleo debido a esta estate.

PROTECCIÓN DEL SEGURO MÉDICO
Un empleador que emplea a un miembro del servicio uniformado, tiene el derecho a decidir si sigue con su servicio de seguro médico ofrecido por el empleador.

Los derechos presentados aquí pueden variar dependiendo de las circunstancias. Este aviso fue preparado por el DFL y puede ser visto en Internet en: <http://www.dfl.org/gov/secretary/pressroom/laurea.pdf>. Lo fué requerido que los empleadores notificar a los empleados sobre sus derechos bajo la ley DFL2009; los empleadores pueden cumplir con este requisito al mostrar este anuncio en donde por lo general colocan los anuncios de la empresa para sus Internet.







NIETS U.S. Department of Labor U.S. Department of Justice Office of Special Counsel EEOC

1-800-467-2365 1-800-467-2365 1-800-316-4590 1-800-316-4590

Employer support line

1-800-316-4590

Seguridad y Salud en el Trabajo



OSHA
 Administración de
 Seguridad y Salud
 Ocupacional

Seguridad y Salud en el Trabajo

¡ES LA LEY!

Todos los trabajadores tienen el

Los empleadores deben:

derecho a:

- Un lugar de trabajo seguro.
- Proveer a los trabajadores un lugar de trabajo libre de peligros reconocidos. Es ilegal discriminar contra un empleado quien ha ejercido sus derechos bajo la ley, incluyendo hablando sobre preocupaciones de seguridad o salud a usted o con la OSHA, o por reportar una lesión o enfermedad relacionada con el trabajo.

- Recibir información y entrenamiento sobre los peligros del trabajo, incluyendo sustancias tóxicas en su sitio de trabajo.
- Pedir una inspección confidencial de OSHA de su lugar de trabajo si usted cree que hay condiciones inseguras o insalubres. Usted tiene el derecho a que
- Cumplir con todas las normas aplicables de la OSHA.
- Notificar a la OSHA dentro de 8 horas de una fatality laboral o dentro de 24 horas de cualquier hospitalización, amputación, o pérdida de ojo relacionado con el trabajo.

- un representante se comunique con OSHA en su nombre.
- Participar (o su representante puede participar) en la inspección de OSHA y hablar en privado con el inspector.
- Presentar una queja con la OSHA dentro de los 30 días siguientes a la inspección.

- Proporcionar el entrenamiento requerido a todos los trabajadores en un idioma y vocabulario que pueden entender.
- Mostrar claramente este cartel en el lugar de trabajo.
- Mostrar las citaciones de la OSHA acerca del cumplimiento de la ley.

- Ver cualquier citación de la OSHA emitida a su empleador.
- Pedir copias de sus registros médicos, pruebas que miden los peligros en el lugar de la violación alegada.

el trabajo, y registros de lesiones y enfermedades relacionadas con el trabajo.

Este cartel está disponible de la OSHA para gratis.



Llame OSHA. Podemos ayudar.

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

OSHA-OSHA
O's Health
O's Safety

MASIP-1224-F04



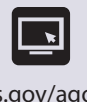
MASSACHUSETTS MINIMUM WAGE

Massachusetts Wage & Hour Laws

The minimum wage is
\$15.00

**Fair Labor Hotline**
(617) 727-3465
TTY (617) 727-4765

www.mass.gov/ago/fairlabor



Massachusetts
Attorney General
Andrea Joy Campbell

State law requires all employers to post this notice at the workplace in a location where it can easily be read. M.G.L. Chapter 151, Section 16; 45A C.M.R. 27.07(1)

Minimum Wage M.G.L. Chapter 151, Sections 1, 2, 2A, and 7
Beginning January 1, 2023, the minimum wage in Massachusetts is \$15/hour. In Massachusetts, all workers are presumed to be employees. The minimum wage applies to all employees, except:

- agricultural workers (\$8.00 per hour is the minimum wage for most agricultural workers),
- members of a religious order,
- workers being trained in certain educational, nonprofit, or religious organizations, and
- outside salespeople.

Tips M.G.L. Chapter 149, Section 152A; M.G.L. Chapter 151, Section 7
Beginning January 1, 2023, the service rate in Massachusetts is \$6.75/hour. The hourly "service rate" applies to workers who provide services to customers and who make more than \$20 a month in tips.
The average hourly tips, plus the hourly service rate paid to the worker must add up to the minimum wage per each shift.
Employers, owners and employees with managerial or supervisory responsibilities on a given day must never take any of your tips.
Tips and service charges listed on a bill must be given only to wait staff, service bartenders, or other service employees.
Tip pooling is allowed only for wait staff, service bartenders, and other service employees.

Overtime M.G.L. Chapter 151, Sections 1A and 1B
Generally, employees who work more than 40 hours in any week must be paid overtime. Overtime pay is at least 1.5 x the regular rate of pay for each hour worked over 40 hours in a week.
For some employees who get paid the "service rate," the overtime rate is 1.5 x the basic minimum wage, *not* the service rate.
Exception: Under state law, some jobs and workplaces are exempt from overtime. For a complete list of overtime exemptions, visit www.mass.gov/ago/fairlabor or call the Attorney General's Fair Labor Division at (617) 727-3465.

Payment of Wages M.G.L. Chapter 149, Section 148; 45A C.M.R. 27.02
The law says when, what, and how employees must be paid. An employee's pay (or wages) includes payment for all hours worked, including tips, earned vacation pay, promised holiday pay, and earned commissions that are definitely determined, due and payable.
Hourly employees must be paid every week or every other week (bi-weekly). The deadline to pay is 6 or 7 days after the pay period ends, depending on how many days an employee worked during one calendar week.
Employees who *quit* must be paid in full on the next regular payday or by the first Saturday after they quit (if there is no regular payday). Employees who are *fired* or *laid off* must be paid in full on their last day of work.

Paystub Information M.G.L. Chapter 149, Section 148
All employees must get a statement, at no cost, with their pay that says the name of the employer and employee, the date of payment (month, day, and year), the number of hours worked during the pay period, the hourly rate, and all deductions or increases made during the pay period.

Pay Deductions M.G.L. Chapter 149, Section 148; 45A C.M.R. 27.05
An employer cannot deduct money from an employee's pay unless the law allows it (such as state and federal income taxes), or the employee asked for a deduction to be made for the employee's own benefit (such as to put money aside in the employee's savings account).
An employer cannot take money from an employee's pay for the employer's ordinary business costs (for example: supplies, materials or tools needed for the employee's job). An employer who requires an employee to buy or rent a uniform must refund the actual costs to the employee.
The law also puts limits on when and how much money an employer can take from an employee's pay for housing and meals the employer gives to the employee.

Hours Worked 45A C.M.R. 27.02
Hours worked or "working time" includes all time that an employee must be on duty at the employer's worksite or other location, and works before or after the normal shift to complete the work.

Meal Breaks M.G.L. Chapter 149, Sections 100 and 101
Most employees who work more than 6 hours must get a 30-minute meal break. During their meal break, employees must be free of all duties and free to leave the workplace. If, at the request of the employer, an employee agrees to work or stay at the workplace during the meal break, the employee must get paid for that time.

Payroll Records M.G.L. Chapter 151, Section 15
Payroll records must include the employee's name, address, job/occupation, amount paid each pay period, and hours worked (each day and week). Employers must keep payroll records for 3 years. Employees have the right to see their own payroll records at reasonable times and places.

Sick Leave M.G.L. Chapter 149, Section 148C
Most employees have the right to earn 1 hour of sick leave for every 30 hours they work, and they may earn and take up to 40 hours of sick leave a year. Employees begin accruing sick time on their first day of work. Employees must have access to their sick leave 90 days after starting work.

Employees Under 18 - Child Labor M.G.L. Chapter 149, Sections 56-105
All employers in Massachusetts must follow state and federal laws for employees who are under 18 (minors). These laws say *when, where, and how* long minors may work. They also say what kinds of work or tasks minors must NOT do.
Work Permits Required - Most workers under 18 must obtain a work permit. Employers must keep their minor workers' work permits on file at the worksite. To get a work permit, the minor must apply to the superintendent of the school district where the minor lives or goes to school. To learn more about getting a work permit, contact the Department of Labor Standards at (617) 626-6970, or www.mass.gov/dols.

Dangerous Jobs & Tasks Minors Must Not Do

Age	Must Not
16 & 17	• Drive most motor vehicles or forklifts • Work at a job that requires that the employee have or use a firearm • Use, clean or repair certain kinds of power-driven machines
14 & 15	• Cook (except on electric or gas grills that do not have open flames), operate fryolators, rotisseries, NIECO broilers, or pressure cookers • Operate, clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers

Time & Schedule Restrictions for Minors

Age	Must Not
16 & 17	• At night, from 10 p.m. to 6 a.m., (or past 10:15 if the employer stops serving customers at 10 p.m.) • Exception: On non-school nights, may work until 11:30 p.m. or until midnight, if working at a restaurant or racetrack. • More than 9 hours per day • More than 48 hours per week • More than 6 days per week
14 & 15	• At night, from 7 p.m. to 7 a.m. Exception: In summer (July 1 - Labor Day), may work until 9 p.m. • During the School Year: • During school hours • More than 8 hours on any school day • More than 3 hours on any school day • More than 18 hours during any week • More than 8 hours on any weekend or holiday • When school is not in session: • More than 8 hours on any day • More than 40 hours per week • More than 6 days per week

These are just some examples of tasks prohibited under both state and federal law. For a complete list of prohibited jobs for minors, contact the Attorney General's Fair Labor Division: (617) 727-3465

- www.mass.gov/ago/youthemployment. Or contact the U.S. Department of Labor: (617) 624-6700 • www.youthdoli.gov

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