# Your Employee Rights Under the **Family and Medical Leave Act**

#### What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for

The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to work, To care for your spouse, child or parent with a serious mental or physical health condition, and

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

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

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

### Am I eligible to take FMLA leave?

### You are an **eligible employee** if <u>all</u> of the following apply:

You work for a covered employer You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

Your employer has at least 50 employees within 75 miles of your work location

### lef.: 29 CFR §825.300

Airline flight crew employees have different "hours of service requirements

> You work for a covered employer if one of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar

You work for an elementary or public or private secondary school, You work for a public agency, such as a local, 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:

same reason when requesting additional leave.

Personnel Management or Congress.

exigency.

may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer Follow your employer's normal policies for requesting leave. determines that you are eligible, your employer must notify you in Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible writing:

> About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected leave

What does my employer need to do?

Allow you to take job-protected time off work for a qualifying

on the same basis as if you had not taken leave, and

Continue your group health plan coverage while you are on leave

Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including

Your employer cannot interfere with your FMLA rights or threater

your employer cannot retaliate against you for requesting FMLA leave

or punish you for exercising your rights under the law. For example,

After becoming aware that your need for leave is for a reason that

If you are eligible for FMLA leave, your employer must:

shift and location, at the end of your leave

or cooperating with a WHD investigation

### Where can I find more information?

#### Call 1-866-487-9243 or visit dol.gov/fmla to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint proces



Where polygraph tests are permitted, they are subject to numerous strict

standards concerning the conduct and length of the test. Examinees have

a number of specific rights, including the right to a written notice before

testing, the right to refuse or discontinue a test, and the right not to have test

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may

SCAN ME

WH1420 REV 04/23

DEMAINENT OF REVENUE RT-83 R. 08/23 **To Employees:** 

- Your Employer is registered with the Florida Department of Revenue as an employer who is liable under the Florida Reemployment Assistance Law. This means that You, as employees, are covered by the Reemployment Assistance Program, formerly known as Unemployment Compensation Program.
- Reemployment assistance taxes finance the benefits paid to eligible unemployed workers. Those taxes are paid by your employer and, by law, cannot be deducted from employee's wages.
- You may be eligible to receive reemployment assistance benefits if you meet the following requirements:
- 1. You must be totally or partially unemployed through no fault of your own.
- 2. You must apply for benefits at
- https://connect.myflorida.com.
- 3. You must register for work at www.employflorida.com. 4. You must have a history of sufficient employment and wages.
- 5. You must be Able to work and Available for work.
- You may file a claim for partial unemployment for any week you work less than full time due to lack of work if your wages during that week are less than your weekly benefit amount.
- You must report all earnings while claiming benefits. Failure to do so is a third-degree felony with a maximum penalty of 5 years imprisonment and a \$5,000 fine.
- Discharges related to misconduct connected with work may result in disqualification with a penalty period AND remain in effect until a set amount of wages have been earned with new employment.
- Voluntarily guitting a job without good cause attributable to the employer may result in disgualification until a set amount of wages have been earned with new employment.
- If you have any questions regarding reemployment assistance benefits, contact the Florida Department of Commerce, Reemployment Assistance Program at:

Florida Department of Commerce **Division of Workforce Services Reemployment Assistance Program** 1-800-204-2418 www.floridajobs.org

This notice must be posted in accordance with Section 443.151(1) Florida Statutes, of the Florida Reemployment Assistance Program Law.

Ref.: Florida Statute 443.151

OSHA:

## **EMERGENCY NUMBERS CALL 911**

### **EMPLOYEE RIGHTS** UNDER THE FAIR LABOR STANDARDS ACT

## FEDERAL MINIMUM WAGE \$7.25 PER HOUR

### **BEGINNING JULY 24, 200**

#### 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. 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
- Employers of "tipped employees" who meet certain conditions may claim a partial wage credit TIP 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 equa the minimum hourly wage, the employer must make up the difference

CHILD LABOR

- PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs o express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.
- ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/ or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed 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 violation are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

- Certain occupations and establishments are exempt from the minimum wage, and/or overtim ADDITIONAL pay provisions. Certain narrow exemptions also apply to the pump at work requirements INFORMATION Special provisions apply to workers in American Samoa, the Comm onwealth of the Norther 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 learners, apprentices, and workers with disabilities may be
  - paid less than the minimum wage under special certificates issued by the Department of Lat



## **MINIMUM WAGE IN FLORIDA Notice to Employees**

# \$12.00 PER HOUR

Effective September 30, 2023, the Florida minimum wage will be \$12.00 per hour, with a minimum wage of at least \$8.98 per hour for tipped employees, in addition to tips, through September 29, 2024.

On November 3, 2020, Florida voters approved a state constitutional amendment to gradually increase the state's minimum wage each year until reaching \$15.00 per hour on September 30, 2026. On September 30, 2023, Florida's minimum wage will increase to \$12.00 per hour. Each year thereafter, Florida's minimum wage will increase by \$1.00 until the minimum wage reaches \$15.00 per hour on September 30, 2026. Resuming in 2027, the minimum wage will be adjusted annually for inflation.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State of Florida Constitution include the right to:

## **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 **EXAMINEE** employee or job applicant to take a lie detector test, and from discharging. RIGHTS 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 ENFORCEMENT law does not apply to tests given by the Federal Government to certain private 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 (armored car, alarm, and guard), and of

pharmaceutical manufacturers, distributors and dispensers.

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

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of

You do not have to share a medical diagnosis but must provide

enough information to your employer so they can determine whether

the leave qualifies for FMLA protection. You must also inform your

employer if FMLA leave was previously taken or approved for the

Your employer may request certification from a health care provide

to verify medical leave and may request certification of a qualifying

nployees of private firms who are reasonably suspected of involvement i workplace incident (theft, embezzlement, etc.) that resulted in economic

he law does not preempt any provision of any State or local law or any llective bargaining agreement which is more restrictive with respect to lie



LA LEY DE LA FLORIDA

PROHIBE

DISCRIMINACIÓN

**BASADA EN:** 

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL,

INCAPACIDAD, EDAD, EMBARAZO, O ESTADO CIVIL.

LO QUE ESTÁ CUBIERTO BAJO LA LEY:

• EMPLEO

• LUGARES DE ACOMODO PÚBLICO

ACCIÓN VENGATIVA DESPUES

DE PRESENTAR UNA QUEJA

 ACCIÓN VENGATIVA EN CONTRA DE PRESENTAR UNA QUEJA **BAJO LA LEY DE "SOPLÓN" (WHISTLE-BLOWER)** 

¡Si usted siente que ha sido discriminado,

visite nuestra página web o llámenos!

LA COMISIÓN DE RELACIONES

**HUMANAS DE LA FLORIDA** 

4075 Esplanade Way, Suite 110

Tallahassee, Florida 32399

http://FCHR.state.fl.us

Teléfono: (850) 488-7082

Correo de Voz: 1-800-342-8170

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER

WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

results disclosed to unauthorized persons.

also bring their own court actions

POLICE:	
AMBULANCE:	
PHYSICIAN:	
HOSPITAL:	
FIRE DEPARTMENT:	
POISON CONTROL:	

FEDERAL LABOR LAW

- File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
- Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
- Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist the individual in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the State. The Attorney General, or other official designated by the Legislature, may bring a civil action to enforce the minimum wage.

For additional details, see Section 24, Article X of the State of Florida Constitution, and section 448.110, Florida Statutes.

## **Employer Notice Requirements For Workers' Compensation**

Employers who carry workers' compensation coverage: Obtain the information sticker from your insurance carrier and affix it to the "WORKERS' COMP WORKS FOR YOU" posting below.

### Employers who do not carry workers' compensation coverage:

An employer who employs fewer than four employees, who is permitted by law to elect not to secure payment of compensation under this chapter, and who elects not to do so shall post clear written notice in a conspicuous location at each worksite directed to all employees and other persons performing services at the worksite of their lack of entitlement to benefits under this chapter. (Florida Statutes, Section 440.055)



## **FLORIDA LAW** PROHIBITS DISCRIMINATION

**BASED ON:** RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, DISABILITY, AGE, PREGNANCY OR MARITAL STATUS.

WHAT IS COVERED UNDER THE LAW:

• EMPLOYMENT • PUBLIC ACCOMMODATIONS •RETALIATION AFTER FILING A CLAIM • STATE EMPLOYEE WHISTLE-BLOWER RETALIATION

> If you feel that you have been discriminated against, visit our web site or call us!

**FLORIDA COMMISSION ON HUMAN RELATIONS** 

> 4075 Esplanade Way, Suite 110 Tallahassee, Florida 32399 http://FCHR.state.fl.us

Phone: (850) 488-7082 Voice Messaging 1-800-342-8170

Ref.: Florida Statute 760.10



## **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 workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

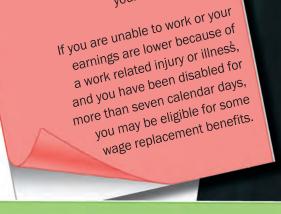
83709

092023

### **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.



### \$25,000 Reward ANTI-FRAUD REWARD PROGRAM

Rewards of up to \$25,000 may be paid to person ding information to the Department of Financia Services leading to the arrest and conviction of persons committing insurance fraud, including employers who illegally fail to obtain workers' compensation coverage. Persons may report suspected fraud to the department at

ist be posted by the

in and abou

ate of Florida

### 1-800-378-0445 or online at

https://first.fldfs.com A person is not subject to civil liability for furnishing such information, if such person acts without malice, fraud or bad faith

> 69L-6.007, F.A.C. Compensation Notice DFS-F4-1548 Revised March 2010 (Fraud reporting link updated May 2021)

**L** Notify your employer immediately to get the name of an approved physician. Workers' comp insurance may not pay the medical bills if you don't report your injury promptly to your employer.

## **2** Notify the doctor and medical staff that you were injured on the job so that bills may be properly filed.

**3** If you have any problems with your claim or suffer excessive delays in treatment, contact the State of Florida's **Division of Workers' Compensation at** 1-800-342-1741.

PLACE INSURER INFORMATION STICKER HERE

PAY DAY NOTICE	
PAY DAY IS ON:	
	FRIDAY
TUESDAY	SATURDAY
WEDNESDAY	SUNDAY
THURSDAY	
PAY SCHEDULE IS:	
	SEMI MONTHLY
	MONTHLY
•	
	<ul> <li>PAY DAY IS ON:</li> <li>MONDAY</li> <li>TUESDAY</li> <li>WEDNESDAY</li> <li>THURSDAY</li> <li>PAY SCHEDULE IS:</li> <li>WEEKLY</li> </ul>

Know Yo	ur Rights: Work	place Discrimina	ation is Illegal
he U.S. Equal Employment Opportunity Commission (EEOC) enforces ederal laws that protect you from discrimination in employment. If you elieve you've been discriminated against at work or in applying for a job, the EOC may be able to help. Vho is Protected?	<ul> <li>Hiring or promotion</li> <li>Assignment</li> <li>Pay (unequal wages or compensation)</li> <li>Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice</li> <li>Banefits</li> </ul>	The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following bases: Race, Color, Religion, Sex, Sexual Orientation, Gender Identity.	Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue N W
Employees (current and former), including managers and temporary employees Job applicants	Job training     Classification	Nace, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin	200 Constitution Avenue, N. W. Washington, D.C. 20210 1–800–397–6251 (toll-free)
Union members and applicants for membership in a union /hat Organizations are Covered?	Referral     Obtaining or disclosing genetic information     of employees     Requesting or disclosing medical information	Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.	If you are deal, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://docphelpdesk.dol.
Most private employers State and local governments (as employers)	of employees • Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding	Asking About, Disclosing, or Discussing Pay	gov/s/ or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at <u>https://www.dol.gov/agencies/ofccp/contact</u> .
Educational institutions (as employers) Unions Staffing agencies	<ul> <li>Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination (including accommodation) or pregnancy accommodation</li> </ul>	Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.	PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE
/hat Types of Employment Discrimination are Illegal?	What can You Do if You Believe Discrimination has Occurred?	Disability	Race, Color, National Origin, Sex
nder the EEOC's laws, an employer may not discriminate against you, regardless / your immigration status, on the bases of: Race Color	Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the following ways:	Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an	In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if
Religion National origin Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation, or gender identity) Age (40 and older)	Submit         an inquiry through the EEOC's public portal: https://publicportal.eeoc.gov/Portal/Login.aspx           Call         1-800-669-4000 (toil free)	otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take aftimative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.	the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.
Disability Genetic information (including employer requests for, or purchase, use, or	1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)	Protected Veteran Status	Individuals with Disabilities



OF THE MONTH

**PAYCHECKS ARE ISSUED ON THE:** 

AND



