

# 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 employers. 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 service member.

## What does my employer need to do?

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 year.
- 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:

- Follow your employer's normal policies for requesting leave.
- 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.

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 same reason when requesting additional leave.

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 FMLA leave.

## Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer for 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.

Ref.: 29 CFR §825.300



# 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.employmentflorida.com](http://www.employmentflorida.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 quitting a job without good cause attributable to the employer may result in disqualification 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](http://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

# 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.

**OTVERTIME 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 hour restrictions. Different rules apply to agricultural employment.

**TIP CREDIT** Employees of "food service employees" who meet certain conditions may claim a partial wage credit based on tips received by their employers. Employees 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.

**PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a private, non-lactation space 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 seek injunctive relief. 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

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. Special provisions apply to workers in American Samoa, 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 employees (notably classified workers as "independent contractors" when they are actually employees) are not covered by 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 provisions and certain 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 certifications issued by the Department of Labor.



# 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** Employees are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising their rights under the Act.

**EXEMPTIONS** Federal, state and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain 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 (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

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 results disclosed to unauthorized persons.

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

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



# 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://FCCHR.state.fl.us>

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

# 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 DESPUÉS 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://FCCHR.state.fl.us>

Teléfono: (850) 488-7082  
Correo de Voz: 1-800-342-8170

# EMERGENCY NUMBERS CALL 911

- POLICE: \_\_\_\_\_
- AMBULANCE: \_\_\_\_\_
- PHYSICIAN: \_\_\_\_\_
- HOSPITAL: \_\_\_\_\_
- FIRE DEPARTMENT: \_\_\_\_\_
- POISON CONTROL: \_\_\_\_\_
- OSHA: \_\_\_\_\_

# STATE AND FEDERAL LABOR LAW

# 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:

- 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)

# OSHA Occupational Safety and Health Administration 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 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 workplace injury and illness log.

**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.

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](http://www.osha.gov)

# Workers' Comp Works For You

**If you are injured on the job:**

1. 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.

Workers' compensation pays for all authorized medically necessary care and treatment related to your injury or illness.

If you are unable to work or your earnings are lower because of a work-related injury or illness, and you have been disabled for more than seven calendar days, you may be eligible for some wage replacement benefits.

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

Rewards of up to \$25,000 may be paid to persons providing information to the Department of Financial 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 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)

PLACE INSURER INFORMATION STICKER HERE

# PAY DAY NOTICE

- PAY DAY IS ON:**
- MONDAY
  - TUESDAY
  - WEDNESDAY
  - THURSDAY
  - FRIDAY
  - SATURDAY
  - SUNDAY
- PAY SCHEDULE IS:**
- WEEKLY
  - BIWEEKLY
  - SEMI MONTHLY
  - MONTHLY
- PAYCHECKS ARE ISSUED ON THE:** \_\_\_\_\_ AND \_\_\_\_\_ OF THE MONTH
- AT: \_\_\_\_\_
- TIME: \_\_\_\_\_

# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against employees. These laws apply to employers with at least one employee. You are working for a covered employer if one of the following conditions is met:

- You work for a federal, state, or local government.
- You have at least 15 employees.
- You are an employee of a company that has at least 15 employees in a particular state, district, or possession.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws that prohibit workplace discrimination against employees. These laws apply to employers with at least one employee. You are working for a covered employer if one of the following conditions is met:

**Who is Protected?**

- Employees (current and former) including managers and temporary employees
- Job applicants
- Contractors and subcontractors
- Trainees
- Individuals and groups who are representing them.

**What Organizations are Covered?**

- All employers
- State and local governments (e.g., public schools)
- Labor unions
- Staffing agencies

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

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions, sexual harassment, and sexual retaliation)
- Age (40 and older)
- Disability (physical or mental impairment, including AIDS/HIV, drug use, learning disabilities, and intellectual disabilities)
- Genetic information (including requests for genetic testing or testing of genetic test results, genetic services, or family medical history)
- National origin (place of birth, ancestry, lineage, or language, including discrimination on the basis of accent or fluency in English)
- Information, services, or benefits provided to employees regarding disability discrimination or employee assistance

**What Employment Practices can be Challenged as Discriminatory?**

- Hiring
- Pay
- Promotions
- Training
- Firing
- Harassment (including sexual harassment)
- Retaliation

**What are your Rights?**

- File a complaint with the EEOC. It is free and confidential.
- Mediate, conciliate, or settle your complaint before the EEOC issues a final decision.
- Request a hearing before an EEOC Administrative Law Judge.
- Obtain a court order to stop the employer from discriminating or to get your job back.
- Receive a hearing before an EEOC Administrative Law Judge.
- Receive a hearing before an EEOC Administrative Law Judge.