

**Since 1953** 

# LABOR LAWS

# **FEDERAL**

# **FLORIDA**

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## 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 gualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemembe

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 ntermittently 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 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 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

Airline flight crew employees have different "hours of service" requirements

/ou work for a **covered employer** if **one** of the following applie

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar yea
- You work for an elementary or public or private secondary school, or
- 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 Managemen

#### How do I request FMLA leave?

Generally, to request FMLA leave you must:

- Follow your employer's normal policies for requesting leav
- 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 qualifie: for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. 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

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 Personnel Management or Congress.

#### What does my employer need to do?

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

- Allow you to take job-protected time off work for a qualifying reason Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at
- the end of your leave

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigatio

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing:

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

#### 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 OR code to learn about our WHD complaint process.



## \$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

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and abou

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

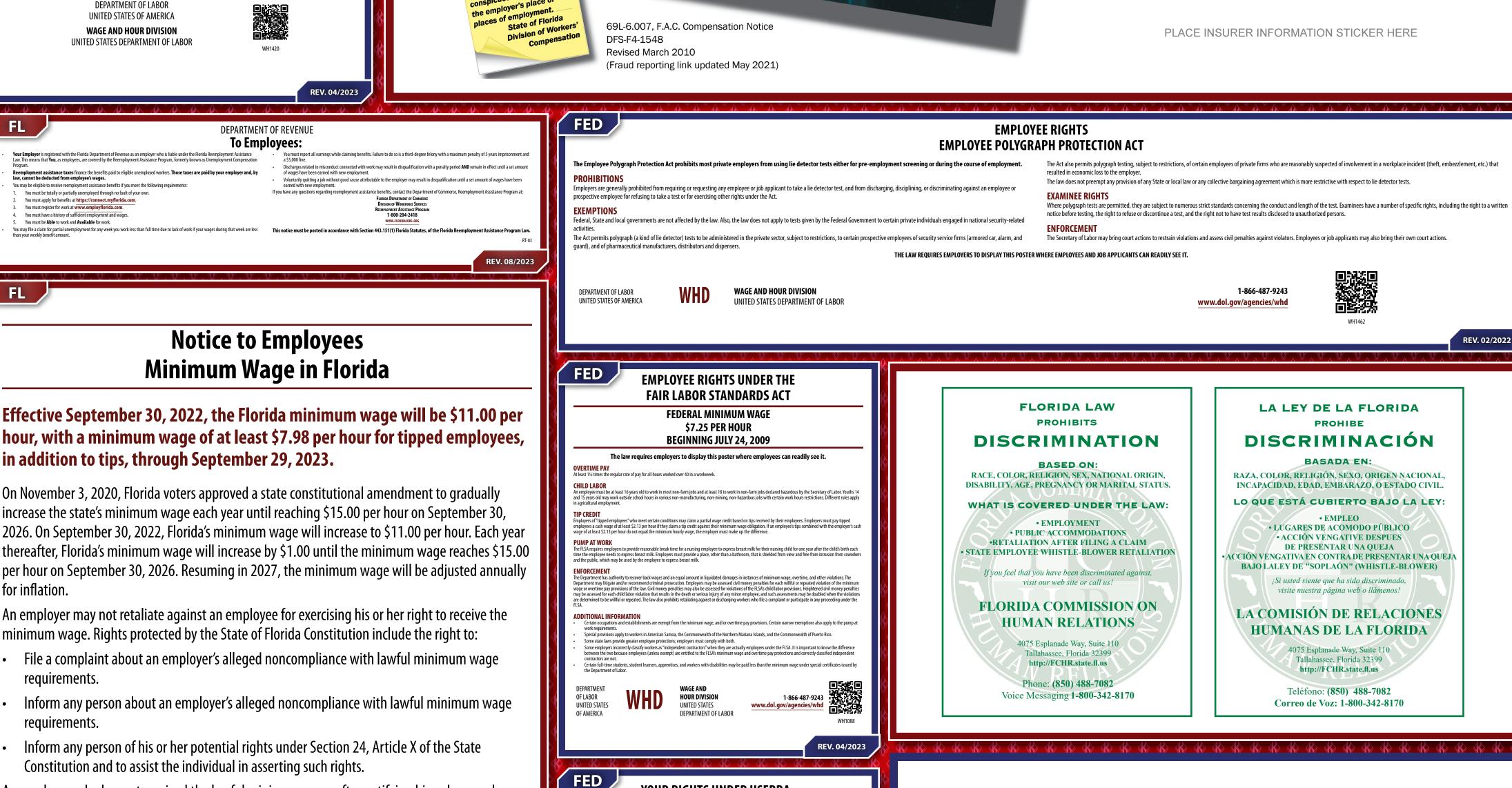
https://first.fldfs.com A person is not subject to civil liability for furnishing such information, if such person acts without malice, fraud or bad faith.

# If you are injured on the job:

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.

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

 $\mathbf{J}_{\mathbf{I}}$  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.



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.

10TICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum age. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

#### THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION Child Labor Laws

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#### The State of Florida and the Federal Fair Labor Standards Act (FLSA) Protecting the Health, Education and Welfare of Minors in the Workplace.

This chart summarizes the child labor laws of the State of Florida and the Federal Fair Labor Standards Act (FLSA) The stricter provisions must be observed and are denoted by bold lettering. The Federal law in italics.

	Minors 16 & 17	Minors 14 & 15 – Under 14 years old MAY NOT WORK		
SCHOOL ATTENDANCE	Florida: May NOT work during school hours unless they meet a criterion of the Hour Restrictions listed below. FLSA: No limitations.	Florida & FLSA: May not work during school hours (some exceptions apply).		
PERMITS TO WORK	Florida & FLSA: Not required, except the FLSA requires the employer to maintain date of birth inform	xeept the FLSA requires the employer to maintain date of birth information for all employees under 19 years old.		
HOURS OF WORK, WHEN SCHOOL IS IN SESSION	Florida: May work up to 30 hours per week. Not before 6:30 a.m. or later than 11 p.m. and for no more than 8 hours a day when school is scheduled the following day. On days when school does not follow, there are no hour restrictions. <i>FLSA: No limitations.</i>	Florida: May work up to 15 hours per week. Not before 7 a.m. or after 7 p.m. and for no more than 3 hours a day on school days, when a school day follows. May work up to 8 hours on Friday, Saturday, Sunday, and on non-school days, when school days do not follow, until 9 p.m. FLSA: Daily maximum of 3 hours on school days, 8 hours non-school days; weekly maximum is 18 hours; not before 7 a.m. or after 7 p.m. Note: Application of both state and federal law allows this age group to work up to 8 hours on Saturday, Sunday and non-school days, when school days do not follow, until 7 p.m.		
HOURS OF WORK, WHEN SCHOOL IS NOT IN SESSION (summer vacation; winter, spring breaks)	Florida: No Limitations. <i>FLSA: No limitations.</i> Note: Hazardous occupations still apply for minors.	Florida: May work up to 8 hrs. per day and up to 40 hrs. per week; may not work before 7 a.m. or after 9 p.m. FLSA: May work up to 8 hrs. per day and up to 40 hrs. per week. Work must be performed between 7 a.m. and 7 p.m.; from June 1 to Labor Day may work until 9 p.m.		
DAYS PER WEEK	Florida: No more than 6 consecutive days in any one week. FLSA: No limitations.			
BREAKS	Florida: Minors may work no more than 4 consecutive hours without a 30 minute uninterrupted break. FLSA: No limitations.			
AGRICULTURE	Florida: Minors participating in farm work, not on their parents or guardian's farm, mu	st comply with the same restrictions as in other work. FLSA: No limitations.		
	school hours. May work after school in occupations not declared hazardous in agriculture. See Child Labor 2 may be employed with written parental consent on farms where employees are exempt from the Federal	Bulletin 102. (Exception: 12 and 13 year-olds may be employed with written parental consent or on a farm where the minor's I minimum wage provisions.)		
RESTRICTED OCCUPATIONS The Stat	e of Florida has incorporated the 17 Hazardous Occupations (HOs) of the FLSA into the Florida law and (	Child Labor Rule For more info on HOs, contact the U.S. Department of Labor Ware and Hour Division. This poster		

TRICTED OCCUPATIONS The State of Florida has inco represents a combination of those laws with an \*\* annotating Florida law "only

Minors under the age of 18 may not work in below occupations:			
Working in or around explosives or radioactive substances	Minors 14 and 15 may not work in these occupations:		
Operating Motor vehicles	Operating any power-driven machinery other than office machines, including all power mowers and cutters		
Logging or sawmilling	<ul> <li>Maintaining or repairing an establishment, machines, or equipment</li> </ul>		
	Working in freezers or meat coolers		
Operating power-driven meat processing machines to include meat and vegetable slicers; slaughtering, meat packing,     processing or producing	Operating, setting up, adjusting, or cleaning power-driven meat or vegetable slicers, grinders, food choppers, and		
processing, or rendering	cutters, and bakery-type mixers		
Working on any scaffolding, roofs or ladders above 6 feet; roofing	Operating motor vehicles		
Wrecking, demolition or excavation	Manufacturing, mining, or processing occupations where goods are manufactured, mined,		
Mining occupations	or processed		
<ul> <li>Operating power-driven bakery; metal-forming, punching, and shearing machines; woodworking, paper products or hoisting</li> </ul>	ia la construction de la		
machines	• Cooking (some exceptions apply) & baking		
Manufacturing brick and tile products	Working in occupations in Transportation, Warehouse & Storage, Communications, and Construction (except		
Operating circular saws, band saws, & guillotine shears	clerical); boiler or engine rooms		
** Working with compressed gases exceeding 40 p.s.i.	Loading and unloading trucks		
** Working in or around toxic substances, corrosives or pesticides	Working in public messenger services		
	** Handling certain dangerous animals		
rienginang	** Conducting door-to-door sales of products as employment		
** Working with electrical apparatus or wiring	(some exceptions)		
** Operating or assisting to operate tractors over 20 PTO horsepower, forklifts, earthmoving equipment, any harvesting, planting, or	** Spray painting		
plowing machinery or any moving machinery			
EXEMPTIONS			
Hour Restrictions- (from hour restrictions only; hazard restrictions still apply until 18 yrs.)	Age Restrictions- (from age requirements; hazard restrictions still apply)		
Minors who hold waivers from a public school or Child Labor Compliance	<ul> <li>Minors who work for their parents in occupations not declared hazardous</li> </ul>		
Minors who have been married	Pages in the Florida legislature		

•	Minors who hold waivers from a public school or Child Labor Compliance	•	Minors who work for their parents in occupations not declared hazardous
•	Minors who have been married	•	Pages in the Florida legislature
•	Minors who have either graduated from an accredited high school, or hold a high school equivalency diploma	•	Newspaper delivery (10 years old)
•	Minors who have served in the U.S. Armed Forces	•	Minors in the entertainment industry registered with Child Labor Compliance
•	Minors who are enrolled in high school work programs	A court m	ay authorize an exemption from age and hour restrictions.

PARTIAL WAIVERS The Florida Child Labor law is designed to serve and protect minors and encourage them to remain in school. At times, some minors may feel that the law conflicts with their best interest or their life circumstances; therefore, they have the right to request an exemption from the law. If a minor is attending the K-12 public school, a waiver may be obtained and granted by the local school district. All other minors may request an application by contacting the Department of Business and Professional Child Labor Program. Waiver applications are reviewed and granted on a case by case basis. To gualify, applicants must demonstrate that certain requirements of Florida law need to be waived. Employers must keep a copy of partial waivers of employed minors. PENALTIES Florida: Employment of minors in violation of Florida Child Labor laws may result in fines up to \$2,500 per offense and/or be guilty of a second degree misdemeanor. FLSA: Maximum fines up to \$11,000 per minor/per violation. WORKERS' COMPENSATION Florida: If an injured minor is employed in violation of any provision of the Child Labor laws of Florida, an employer may be subject to up to double the compensation

POSTING REQUIREMENTS Florida: All employers of minors must post in a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of the Child Labor laws

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.	
REEMPLOYMENT RIGHTS	
You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:	
<ul> <li>you ensure that your employer receives advance written or verbal notice of your service;</li> </ul>	
<ul> <li>you have five years or less of cumulative service in the uniformed services while with that particular employer;</li> </ul>	
<ul> <li>you return to work or apply for reemployment in a timely manner after conclusion of service; and</li> </ul>	

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

**REEMPLOYMENT RIGHTS ACT** 

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

#### **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**

re a past or present member of the uniformed service are obligated to serve in the uniformed service have applied for membership in the uniformed service; or

- hen an employer may not deny you initial employment
- reemployment;
- retention in employment because of this status.
- n addition, an employer may

any benefit of employment

#### HEALTH INSURANCE PROTECTION

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and you dependents for up to 24 months while in the military. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are eemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service

#### ENFORCEMENT

he U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and reso For assistance in filing a complaint, or for any other information on USERRA, contact VETs and VESA-DOL or visit its website at https://www.dol.gov/agencies/visit. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. ne rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address

ol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may mee nt by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counse Employer Support of the Guard and Reserve • 1-800-336-4590

#### FED U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. 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: Who is Protected? Employees (current a Job applicants Race, Color, Religion, Sex, Sexual Orientation, Gender Identit n members and applicants for membership in a unio National Origin Executive Order 11246, as amended, prohibits employment discrimination by What Types of Employment Discrimination are Illegal? Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of Under the EEOC's laws, an employer may not discriminate against you, regardless igration status, on the bases of opportunity in all aspects of employmen Asking About, Disclosing, or Discussing Pay 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.

National origin Sex (including pregnancy, childbirth, and related medical conditions, cancel actionation or condex identitie) xual orientation, or gender identity) Age (40 and older)

Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical Retaliation for filing a charge, reasonably opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding

#### Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation rganizations are Covered?

lost private employers

State and local governments (as employers) Educational institutions (as employers) Staffing agencies

What Employment Practices can be Challenged a atory?

- f employment, including Discharge, firing, or lay-off Harassment (including unwel
- iring or promotior Assignment Pay (unequal wages or compensation)
- Failure to provide reasonable accommodation for a disability; pregnancy, childbirth, or related medical condition; or a sincerely
- ligious belief, observance or practice
- Obtaining or disclosing genetic information of employee Requesting or disclosing medical information of employees
- discrimination, filing a charge, or participating in an investigatio or proceedina Conduct that coerces, intimidates, threatens, or interferes with
- one exercising their rights, or someone assisting or encourag one else to exercise rights, regarding disability discrimination ding accommodation) or pregnancy accommodation What can You Do if You Believe Discrimination has Occurred?
- Contact the EEOC promptly if you suspect discrimination. Do not delay, becaus 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 th
- Submit an inquiry through the EEOC's public portal: ntal.eeoc.gov/Portal/Login.aspx 1–800–669–4000 (toll free) –800–669–4000 (toli free) –800–669–6820 (TTY) –844–234–5122 (ASL video phone) an EEOC field office (information at

v.eeoc.gov/field-office

info@eeoc.gov

E-Mail

## **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.

#### **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.



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

### ome verbal or physical conduct lation for a disabilit Washington, D.C. 20210 1-800-397-6251 (toll-free Conduct that might reasonably discourage someone from opposing

- - - Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits empl nation on the basis of disability in any program or activity which accommodation, can perform the essential functions of the job
- Disability 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 makin reasonable accommodation to the known physical or mental limitations of an 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 affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level. The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38

REV. 05/2022

#### duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans

- Retaliation is prohibited against a person who files a complaint of discrimination participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immodistributes.
- The Office of Federal Contract Compliance Programs (OFCCP)

- at <u>https://ofccphelpdesk.dol.gov/s/</u>, or by calling an OFCCP regional or district office, listed in most telephone directories under U.C.
- nt of Labor and on OFCCP's "Contact Us" webpage www.dol.gov/agencies/ofccp/c
  - PROGRAMS OR ACTIVITIES RECEIVING

Race, Color, National Origin, Sex In addition to the protections of Title VII of the Givil Rights Act of 1964, as amended, Title VI of the Givil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities received needed as sistance. Employment discrimination

receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable

**Protected Veteran Status** U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active Retaliation

Disability

U.S. Department of Labor 200 Constitution Avenue, N.W.

If you are deaf, hard of hearing, or have a speech disability, please dial ons relay services. OFCCP may also stion online to OFCCP's Help Desk cted by submitting a c

FEDERAL FINANCIAL ASSISTANCE

activities receiving Federal financial assistance. Employment discrimination covered by Title VI if the primary objective of the financial assistance is provi of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Edu Amendments of 1972 prohibites employment discrimination on the basis of educational programs or activities which receive Federal financial assistance tion on the basis of sex i

