

# FLORIDA



## 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.
- An eligible employee who is the spouse, child, parent or next of kin of a covered service member 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 service member.

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 #2036A for more information.

FMLA leave is **unpaid 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.

Private employers with different "hours of service" requirements:

- You work for a covered employer if **any** of the following apply:
- 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, 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 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** for the same reason when requesting additional leave.

Your employer **may request certification** from a health care provider to verify medical leave. You may request certification of a qualifying emergency.

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 investigation.

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](http://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 lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR



WH420 REV 04/23

## EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

### FEDERAL MINIMUM WAGE

# \$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY** At least 1 1/2 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. Youngs 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 in agricultural employment.

**TIP CREDIT** Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer'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 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 violations 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.

**ADDITIONAL INFORMATION**

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

## 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 "SOPLOAÓN" (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

## 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

## 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 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 other 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.

### EXAMINEE RIGHTS

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.

### ENFORCEMENT

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.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR  
1-866-487-9243  
[www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

## YOUR RIGHTS UNDER USERRA

### THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment 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 services and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have ten years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after completion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

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

If you:

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

then an employer may not deny you:

- initial employment;
- reemployment;
- retention in employment;
- promotion;
- any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

The 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 the address: <http://www.dol.gov/agencies/eis/vets>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

#### 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 your dependents for up to 24 months while in the military.

Even if you do not elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally within any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

#### ENFORCEMENT

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4USA-ADOL or mail to website at <https://www.dol.gov/agencies/eis/vets>. An interactive online USERRA Advisor can be viewed at <https://www.dol.gov/agencies/eis/vets/advisor>.

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.

U.S. Department of Labor  
1-866-487-2365

U.S. Department of Justice  
Office of Special Counsel  
1-800-336-4500

Publication Date - May 2022

## 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.

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# FEDERAL AND STATE LABOR LAW POSTERS

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