

FED

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 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 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 FLSA-1000 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.

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, 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.

If 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.

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 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 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 process.

DEPARTMENT OF LABOR
UNITED STATES OF AMERICA
WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



REV. 04/2023

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.

PLACE INSURER INFORMATION STICKER HERE

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.

This notice of compliance must be posted by the employer and maintained conspicuously in and about the employer's place of employment. State of Florida Division of Workers' Compensation

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

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DEPARTMENT OF REVENUE To Employees:

- Your Employer is registered with the Florida Department of Revenue as an employer who is liable under the Florida Employment Assistance Program, formerly known as Unemployment Compensation. This means that, as an employer, you are covered by the Florida Employment Assistance Program, formerly known as Unemployment Compensation.
- **Employment assistance laws** focus on the benefits paid to eligible unemployed workers. These laws are paid for by your employer and, by law, the benefits are not to be used for any other purpose.
- You may be eligible to receive employment assistance benefits if you meet the following requirements:
 1. You must be a resident of the State of Florida.
 2. You must apply for benefits at <https://connect.floridarevenue.com>.
 3. You must be unemployed for at least 14 consecutive days.
 4. You must have a history of sufficient employment and wages.
 5. You must be able to work and available to work.
 6. You must file a claim for unemployment benefits with the Florida Department of Revenue within 14 days of becoming unemployed.

This notice must be posted in accordance with Section 644.15(1)(b) Florida Statutes, of the Florida Employment Assistance Program Law.

REV. 08/2023

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Notice to Employees Minimum Wage in Florida

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.

NOTICE: 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 wage. 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.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION Child Labor Laws

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 data of birth information for all employees under 17 years old.	
HOURS OF WORK, WHEN SCHOOL IS IN SESSION	Florida: May work up to 8 hours per week, not before 6:00 a.m. or later than 11 p.m. and 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. FLSA: No limitations.	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 school 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 8 hours on school days. Hours not school days: weekly maximum of 10 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 vacations, winter, spring breaks)	Florida: No limitations. FLSA: No limitations. Note: Hazardous occupations still apply for minors.	
DAYS PER WEEK	Florida: No more than 5 consecutive days in any one week. FLSA: No limitations.	
BREAKS	Florida: 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, must comply with the same restrictions as in other work. FLSA: No limitations. FLSA: No employment permitted during school hours. May work after school in occupations not declared hazardous in agriculture. See Child Labor Bulletin 101 (Exception). FLSA: 12 and 13 year-olds may be employed with written parental consent or on a farm where the minor's parent is also employed. Minors under 12 may be employed with written parental consent on farms where employees are exempt from the federal minimum wage application.	
RESTRICTED OCCUPATIONS	The State of Florida has designated the 17 hazardous Occupations (HOs) of the FLSA and the Florida law on Child Labor Law. For more info on HOs, contact the U.S. Department of Labor, Wage and Hour Division. This poster represents a combination of state and federal restrictions. Florida law is "stricter" than the FLSA.	
Minors under the age of 18 may not work in below occupations:		
• Working in or around explosives or radioactive substances		
• Operating Motor vehicles		
• Logging or sawmilling		
• Operating power-driven meat processing machines to include meat and vegetable slicers; chaffcutters; meat packing, processing, or rendering		
• Working on any scaffolding, stools or ladders above 6 feet, roofing		
• Working, demolition or excavation		
• Mining occupations		
• Operating power-driven bakery, metal-forming, punching, and shearing machines; woodworking; paper products or binding machines		
• Manufacturing brick and tile products		
• Operating circular saws, band saws, & gaffstone shears		
• Working with compressed gases exceeding 45 p.s.i.		
• Working in or around hot substances, corrosives or pesticides		
• Firefighting		
• Working with electrical appliances or wiring		
• Operating or assisting to operate tractor over 20 PPD horsepower, forklifts, earthmoving equipment, any harvesting, planting, or plowing machinery or any moving machinery		
EXCEPTIONS		
Hour Restrictions: (from hour restrictions only, hazard restrictions still apply) • Minors who hold waivers from a public school or Child Labor Compliance • Pages in the Florida Department of Business and Professional Regulation's (DBPR) Manual of Administrative Code (F.A.C.) • Minors who have graduated from an accredited high school or hold a high school equivalency diploma • Minors who have served in the U.S. Armed Forces • Minors who are enrolled in high school work programs	Age Restrictions: (from age requirements; hazard restrictions still apply) • Minors who work for their parents in occupations not declared hazardous • Pages in the Florida Department of Business and Professional Regulation's (DBPR) Manual of Administrative Code (F.A.C.) • Minors in the entertainment industry registered with Child Labor Compliance • Minors who are enrolled in high school work programs	
REMARKS: The Florida Child Labor Law is designed to serve and protect minors and encourage them to remain in school. At times, circumstances may arise that the law conflicts with that best interest in their life circumstances; therefore, they have the right to request an exemption from the law. A minor attending the 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 and request a waiver of the law. To qualify, applicants must demonstrate that certain requirements of Florida law need to be waived. Employers must have a copy of parental consent of employed minors.		
PENALTIES: The employment of minors in violation of the Florida Child Labor Law 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: If an injured minor is employed in violation of any provision of the Child Labor Law of Florida, an employer may be subject to up to double the compensation otherwise payable under Florida's Workers' Compensation law.		
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 Law.		
For information on Florida laws contact: Florida Department of Business and Professional Regulation • Child Labor Program 2601 Blum Street Tallahassee, FL 32399-2212 Telephone: 850.488.1331; Fax: 850.488.1332; TDD: 850.488.1333 www.floridarevenue.com	For information on Federal laws contact: U.S. Department of Labor, Wage & Hour Division, located in the Division of Inspection and Compliance www.dol.gov/flaw/flsa.htm	

REV. 05/16/2016

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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 Employees are entitled to overtime pay for all hours worked over 40 in a workweek.
CHILD LABOR Employers must not employ children under 18 years of age in most non-farm jobs and at least 18 years of age in non-farm jobs declared hazardous by the Secretary of Labor. 14 and 15 year olds may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply to agricultural occupations.
TIP CREDIT Employers of "tipped employees" who meet certain conditions may claim a credit for tips paid to the employee that reduces the employer's minimum wage obligation. Tipped employees must be paid at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's combined cash and tip wage of \$2.13 per hour does 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, where an employee can express her milk and the time taken for such purposes may be used by the employer to express breast milk.
ENFORCEMENT The Department has authority to recover back wages and an unpaid amount of liquidated damages in instances of minimum wage, overtime, and other violations. The Department can litigate and recommend criminal prosecution. Employers may be assessed civil money penalties for each willful violation of the minimum wage overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA child labor provisions. Employers found to have violated the law may be subject to civil liability to employees that result in an actual harm of any kind. Employees and their attorneys may be liable for damages if they are found to have violated the law. The law also prohibits retaliating against or discriminating workers who file a complaint or participate in any proceeding under the FLSA.
ADDITIONAL INFORMATION The Department and its field offices are exempt from the minimum wage and overtime pay provisions. Certain business exemptions also apply to the pump at work provisions.
HEALTH INSURANCE PROTECTION Section 501 of the FLSA, as amended, prohibits employment discrimination by employers on the basis of race, color, religion, sex, national origin, disability, age, pregnancy or marital status. Any person who believes a contract has been violated in discrimination, including or discussing pregnancy, is prohibited against a person who files a complaint of discrimination, participates in an OSHA investigation, or otherwise exercises his or her rights under the law. Any person who believes a contract has been violated in discrimination, including or discussing pregnancy, is prohibited against a person who files a complaint of discrimination, participates in an OSHA investigation, or otherwise exercises his or her rights under the law. 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