Your Employee Rights Under the Family and Medical Leave Act

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 servicemembe

An eliqible 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

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.

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

Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply You work for a covered employer,

FED

- 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 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

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

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

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and

What does my employer need to do?

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

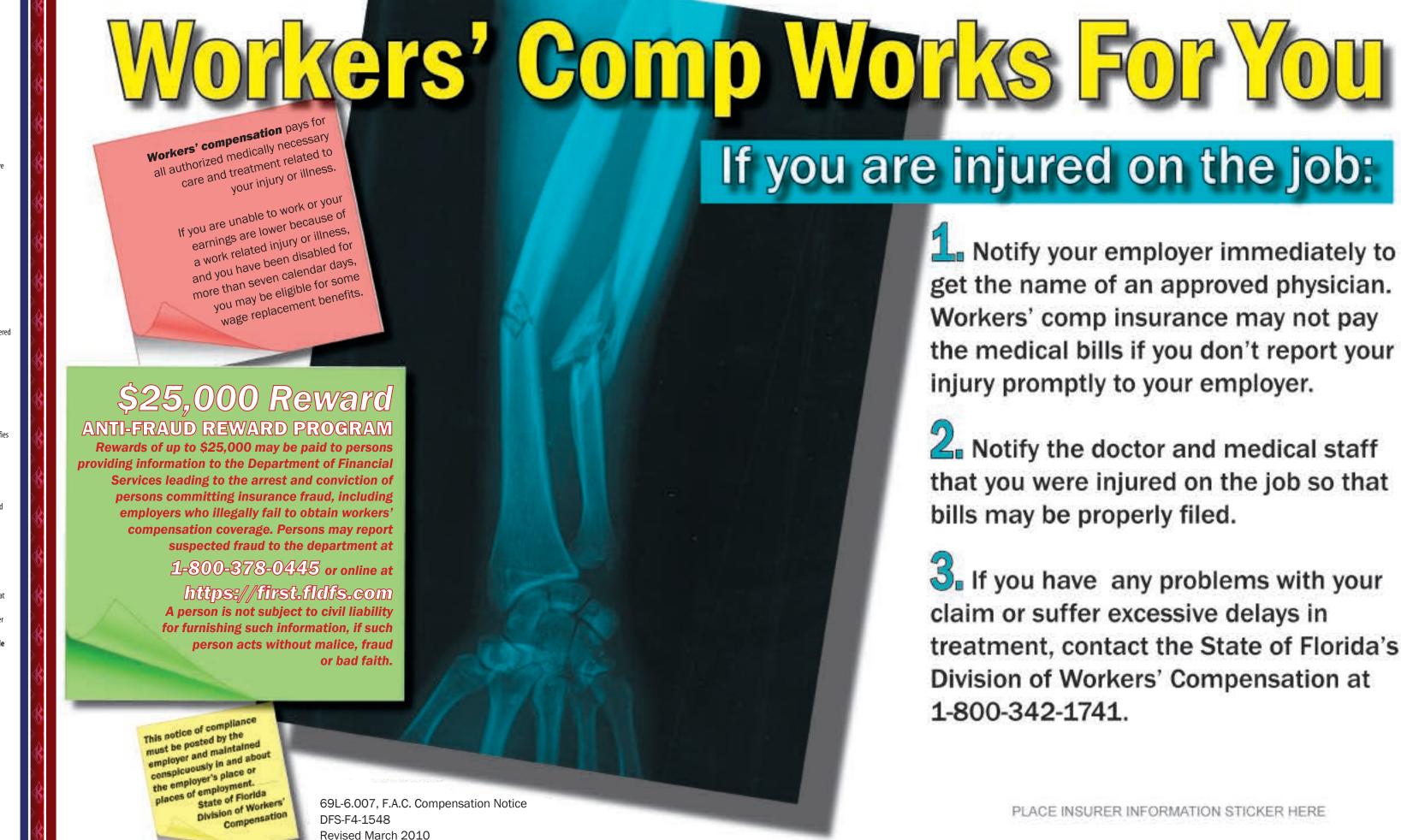
- Allow you to take job-protected time off work for a qualifying reason Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at our employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer
- 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.

> **WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR





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

DEPARTMENT OF REVENUE

You must apply for benefits at https://connect.myflorida.com You must register for work at www.employflorida.com.

LABOR

REV. 04/2023

FED

DEPARTMENT OF LABOR

FED

UNITED STATES OF AMERICA

(Fraud reporting link updated May 2021)

WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

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

imployers 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.

ederal, 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 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

FLORIDA LAW

PROHIBITS

DISABILITY, AGE, PREGNANCY OR MARITAL STATUS.

WHAT IS COVERED UNDER THE LAW:

 PUBLIC ACCOMMODATIONS •RETALIATION AFTER FILING A CLAIM

visit our web site or call us!

FLORIDA COMMISSION ON

HUMAN RELATIONS

4075 Esplanade Way, Suite 110

http://FCHR.state.fl.us

hone: (850) 488-7082

Voice Messaging 1-800-342-8170

vou feel that you have been discriming

1-866-487-9243 www.dol.gov/agencies/who

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

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

CHOOL ATTENDANCE

PERMITS TO WORK

HOURS OF WORK, WHEN

HOURS OF WORK, WHEN

pring breaks)

AGRICULTURE

DAYS PER WEEK

SCHOOL IS NOT IN SESSION

ımmer vacation: winter and

Operating Motor vehicles

Vrecking, demolition or excavation

anufacturing brick and tile product

Working with electrical apparatus or wiring

Minors who have been married

Logging or sawmilling

lining occupations

oisting machines

Ainors under the age of 18 may not work in below occupation

Working in or around explosives or radioactive substances

perating circular saws, band saws, & guillotine shears

Working in or around toxic substances, corrosives or pesticide

For information on Florida laws contact:

CHILD LABOR PROGRAM 2601 BLAIR STONE ROAD

TELEPHONE 850.488.3131; TOLL-FREE 1.800.226.2536

TALLAHASSEE, FL 32399-2212

www.myfloridalicense.com

s. 450.045(2), F.S.

Restrictions — (from hour restrictions only; hazard restrictions apply until 18 yrs.)

DEPARTMENT OF ECONOMIC OPPORTUNITY

MINIMUM WAGE IN FLORIDA **Notice to Employees**

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

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

DEPARTMENT OF BUSINESS & 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.

The Federal Fair Labor Standards Act (FLSA) may be more restrictive.

15 yrs. or younger without a 30-minute break after working 4 consecutive hours, applicable to 17/16 years of age when working 8 hours or more

RESTRICTED OCCUPATIONS This section represents Chapter 450.061 - Hazardous Occupations Prohibited, Exemptions. Note that HB917 (2024) authorizes minors aged 16/17 to work in residential construction if the minor: has earned his/her OSHA 10 certification

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 o 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 Regulation Child Labor Program. Waiver applications are reviewed and granted on a case-by-case basis. To qualify, applicants must demonstrate that certain requirements of Florida law need to be waived. Employers must keep a copy of partial waivers of employed minors.

WORKERS' COMPENSATION Florida: If an injured minor is employed in violation of any provisions of the Child Labor laws of Florida, an employer may be subject to up to double the compensation otherwise payable under Florida Worker.

Florida Department of Business and Professional Regulation and the United States Department of Labor

"Working Together for Florida's Workforce"

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

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 Florida Child Labor laws

under the direct supervision of a person 21 years of age with at least 2 years of related experience and has his/her OSHA 10 Certification; is not working on any scaffolding, roof, superstructure, or ladder above 6 feet; and is not in violation of any OSHA rules

r federal law related to minors in the workplace. The State of Florida has incorporated the 17 Hazardous Occupations (HOs) of the FLSA into the Florida Child Labor Rule. For more info on FLSA HOs, contact the U.S. Department of Labor, Wage and Hour Division,

Florida: Minors participating in farm work, not on their parents or guardian's farm, must comply with the same restrictions as in other work.

Florida: May not work during school hours (some exceptions apply).

As provided in 450.021(1), no person 13 years or younger shall be employed, permitted or suffered to work in any gainful

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

non-school days, when school days do not follow, until 9 p.m. Daily maximum of 3 hrs. on school days, 8 hour

non-school days; weekly maximum is 18 hours; not before 7 a.m. or after 7 p.m. Note: Application of state law allows this age group to work up to 8 hours on days when school days do not follow, until 7 p.m.

Florida: Mav work up to 8 hrs. per dav and up to 40 hrs. per week; mav not work before 7 a.m. or after 9 p.m

Operating any power-driven machinery other than office machines, including all power mowers and cutters

Manufacturing, mining, or processing occupations where goods are manufactured, mined, or processed.

Minors who work for their parents who owned the business in occupations not declared hazardous

Conducting door-to-door sales of products as employment (some exceptions

Age Restrictions — (from age requirements; hazard restrictions still apply until 18 yrs.)

For information on Federal laws contact

listed in the telephone directory under U.S. Government

Operating, setting up, adjusting, or cleaning power-driven meat or vegetable slicers, grinders, food choppers, and

Working in occupations in Transportation, Warehouse & Storage, Communications, and Construction (except clerical);

Minors in the entertainment industry registered with Child Labor Compliance as prescribed in ss. 450.012 and 450.132,

Maintaining or repairing, machines, or equipment

ooking (some exceptions apply) & baking.

Vorking in freezers or meat cooler

cutters, and bakery-type mixer

Operating motor vehicles

boiler or engine rooms

Loading and unloading trucks

Vorking in public messenger servic

on school days, when a school day follows. May work up to 8 hours on Friday, Saturday, Sunday, and on

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.

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, except

on a holiday or Sunday. On days when school does not follow, there are no hour

15 yrs. or younger may not work more than 6 consecutive days in any one week.

Note: Hazardous occupations still apply for minors.

perating power-driven meat processing machines to include meat and vegetable slicers, slaughtering, meat packing

perating power-driven bakery; metal-forming, punching, and shearing machines; woodworking, paper products o

Operating or assisting to operate tractors over 20 PTO horsepower, forklifts, earthmoving equipment, any harvesting,

Ainors who have either graduated from an accredited high school or hold a high school equivalency diploma.

Minors 16/17yrs. who are enrolled in a home education program, or an approved virtual instruction school progran

Minors 16/17 yrs. who have obtained a waiver allowing them to work more than 30hrs/week. The 40-hour limitation

Working on any scaffolding, roofs or ladders above 6 feet; or non-residential building construction

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.

WAGE AND

ome state laws provide greater employee protections; employers must comply with both.

HOUR DIVISION

1-866-487-9243 ov/agencies/whd

REV. 04/2023

DISCRIMINACIÓN DISCRIMINATION **BASADA EN:** RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN,

notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL, LO QUE ESTÁ CUBIERTO BAJO LA LEY: • LUGARES DE ACOMODO PÚBLICO ACCIÓN VENGATIVA EN CONTRA DE PRESENTAR UNA OUEJA BAJO LALEY DE "SOPLAÓN" (WHISTLE-BLOWER) Si usted siente que ha sido discriminad

LA COMISIÓN DE RELACIONES **HUMANAS DE LA FLORIDA** Tallahassee, Florida 32399 http://FCHR.state.fl.us

Job Safety and Health

IT'S THE LAW!

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

LA LEY DE LA FLORIDA

FED

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 discri against past and present members of the uniformed services, and applicants to the uniformed service

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and: you ensure that your employer receives advance written or verbal notice of your service; you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable condition

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

have applied for membership in the uniformed service: or hen an employer may not deny you reemployment; any benefit of employment

because of this status. 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

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra lf 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 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 addres

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

REV. 05/2022

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity

Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38

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

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

necatation is promitted against a person vitro fire a companient or inscrimina-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

The Office of Federal Contract Compliance Programs (OFCCP)

If you are deaf, hard of hearing, or have a speech disability, please dia

nt of Labor and on OFCCP's "Contact Us" webpage

Race, Color, National Origin, Sex

Individuals with Disabilities

PROGRAMS OR ACTIVITIES RECEIVING

FEDERAL FINANCIAL ASSISTANCE

nation on the basis of disability in any program or activity which

employment against persons with disabilities who, with or without reasonable

REV. 06/27/2023

Executive Order 11246, as amended, prohibits employment discrimi

Asking About, Disclosing, or Discussing Pay

opportunity in all aspects of employment

Protected Veteran Status

Retaliation

J.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210

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:

What Types of Employment Discrimination are Illegal? Inder the EEOC's laws, an employer may not discriminate against you, regardless

National origin
Sex (including pregnancy, childbirth, and related medical conditions, 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 nterference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation rganizations are Covered?

Staffing agencies What Employment Practices can be Challenged a Discharge, firing, or lay-off Pay (unequal wages or compensation)

State and local governments (as employers)

Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigatio ne exercising their rights, or someone assisting or encouragi ne else to exercise rights, regarding disability discrimination ling accommodation) or pregnancy accommodation What can You Do if You Believe Discrimination has Occurred?

Submit an inquiry through the EEOC's public portal: an EEOC field office (information at

is available at <u>www.eeoc.gov</u>. **EMPLOYERS HOLDING FEDERAL CONTRACTS**

OR SUBCONTRACTS

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
- 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



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



To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

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JUL2024



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