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## **FAMILY AND MEDICAL LEAVE ACT EXPANDED - NEW POSTER REQUIRED FOR BUSINESSES WITH 50 OR MORE EMPLOYEES**

The Family and Medical Leave Act (FMLA) is a federal law from 1993 that requires businesses with 50 or more employees to provide eligible employees with up to 12 weeks of unpaid leave for certain family and medical reasons. These reasons are:

- The birth of a child;
- Adopting a child;
- Caring for a spouse, child, or parent with a serious health condition; or
- Because the employee's own serious health condition renders the employee unable to perform one or more essential functions of the job.

During FMLA leave, the employee's job and seniority must be protected, and all health benefits must be continued under the same terms as prior to leave. Employers who are subject to the FMLA (i.e., those with 50 or more employees) must post a notice that explains employees' rights under the FMLA.

The FMLA has now been expanded to require leave for families caring for those in the military. President Bush recently signed a new law (H.R. 4986) that amends the Family and Medical Leave Act to allow a spouse, son, daughter, parent or next of kin to take up to 26 workweeks of leave to care for a member of the Armed Forces, including

a member of the National Guard or Reserves, who has experienced a serious injury or illness. This leave applies to those caring for soldiers who are undergoing medical treatment, recuperation, or therapy; in outpatient status; or who are on the temporary disability retired list.

There is a new posting requirement along with this new law. Businesses with over 50 employees must now post a new notice entitled "Military Family Leave" along with the general poster called "Your Rights under the Family and Medical Leave Act of 1993." You can print a copy of this new poster at the government's FMLA website at [www.dol.gov/esa/whd/fmla](http://www.dol.gov/esa/whd/fmla). Click on "Workplace Posters." Or, you can call the FUBA offices at 800-262-4483 and request a poster; we will mail you one free of charge.

For more information generally on the Family and Medical Leave Act, including a Fact Sheet on the FMLA and a suggested form to use when responding to an employee's request for leave, visit the Department of Labor's Wage and Hour Division website at [www.dol.gov/esa/whd/fmla](http://www.dol.gov/esa/whd/fmla).

## **WHILE WE'RE ON THE SUBJECT OF MILITARY LEAVE...**

Now is a good time to remind employers about their obligations to their employees who serve in the military. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects the job rights of employees who voluntarily or involuntarily leave their jobs for military service. USERRA covers all employers; there is no minimum requirement for number of employees. It

guarantees the rights of military services members to take a leave of absence from their civilian jobs for active military service and to return to their jobs with accrued seniority and other employment benefits.

Employees cannot be required to use their personal vacation time during their military service, and upon return from active duty, employees are entitled to reinstatement to the position they would have had if their employment had not been interrupted. Also, employees must be given all employment rights and benefits as if they had been continuously employed.

To qualify for these benefits, employees must give timely notice of their need to perform military service and must apply for reemployment within a set time after being released from military service. They also must be released from active military service under honorable conditions.

There is no poster required for USERRA; however the government has produced a notice telling employees about their rights under the law. If you would like a copy of this poster, please call the FUBA offices at 800-262-4483. To print a copy of the poster yourself, or for more information about USERRA, visit the Department of Labor's website on USERRA at [www.dol.gov/vets/](http://www.dol.gov/vets/).

## **ATTENTION CORPORATIONS AND LLC'S: THIS IS THE LAST MONTH TO FILE YOUR ANNUAL REPORT!**

If your business is organized as either a corporation (INC) or limited liability company (LLC), you are required by state law to file an Annual Report with the Florida Department of State. This report is due by May 1<sup>st</sup> of each year, and it costs \$150 for corporations and \$138.75 for LLC's. You should have received a postcard from the Department of State back in January with the words "Annual Report Notice" printed in large block letters. This postcard explains the different ways to file your Annual Report.

The fastest way is to file online by going to [www.subiz.org](http://www.subiz.org) and clicking on the button that says "File the 2008 Annual Report Here." This link is available 24 hours a day, 7 days a week, and will take you directly to your Annual Report, where you can then type in any changes to your corporation or LLC, such as adding or deleting officers, changing the company address, etc. You can then pay with a credit card – MasterCard, Visa, American Express and Discover are all accepted. Once your filing is completed, you can print out a receipt for your records.

The other way to file your Annual Report is to print out a hard copy and mail it to the State. To get a blank copy of your report, visit the same website ([www.sunbiz.org](http://www.sunbiz.org)) and click on the button that says "Download the 2008 Annual Report Here." You can then write in any changes to your company's pre-printed information and then mail in the form with a check for the appropriate amount. Please note: if you choose this option, please allow ample time for the mailing of your report so that the state receives it by May 1<sup>st</sup>.

For FUBA members, we can help you with your Annual Reports. To access your company's Annual Report online, you will need to know your company's document number, which is a tracking number assigned to your company when it was created. If you need help identifying your document number, we can look it up online for you. Also, if you need help printing a copy of your Annual Report, we will print yours and mail it to you at no charge as a benefit of your membership. You will still be responsible for filling out the form, signing it, and returning it to the state with the appropriate payment by the May 1<sup>st</sup> deadline. If you would like assistance, please call the FUBA offices at 800-262-4483 and ask for Erin.

Remember: file your report by May 1<sup>st</sup>. After May 1<sup>st</sup>, the filing fee for Annual Reports will be \$550 for corporations and \$538.75 for LLC's.