



FUBA
FLORIDA UNITED BUSINESSES ASSOCIATION

ISSUES

OUR BUSINESS IS SMALL BUSINESS

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MORE WORKERS WILL BE ELIGIBLE FOR OVERTIME PAY

The federal Fair Labor Standards Act (FLSA) requires that all workers (with some exceptions) receive at least a minimum wage (for 2016, the minimum wage in Florida is \$8.05 an hour), as well as overtime pay at one and a half times the employee's regular rate of pay for hours they work beyond 40 in a workweek. This applies to both hourly and salaried workers.

Please note: It is a common misconception that employees who are paid on a salary basis are automatically exempt from overtime; this is not true. Employees on salary must be paid overtime, unless they make a certain amount and their job duties meet specific criteria.

There are 5 categories of employees who do not have to be paid overtime: executive, administrative, professional, outside sales and certain computer-related occupations. These are known as the "white collar" exemptions because employees must be paid a certain salary amount and have specific job duties to qualify, like management of other employees or specialized skills that require advance schooling.

To qualify for one of these exemptions (and thus not receive overtime pay), employees must meet certain tests regarding their job duties and be paid a certain minimum salary. (One side note: the outside sales exemption does not require a minimum salary amount.)

Currently, the minimum salary amount to qualify

for an overtime exemption is \$23,660. Starting December 1, 2016, however, the minimum salary to be exempt from overtime will increase to \$47,476. This means that salaried employees whose salary is less than \$47,476 a year (or \$913 a week) cannot be exempt regardless of their job duties and must be paid overtime for all hours over 40 they work in a given workweek, effective December 1st.

To prevent the salary level from becoming "outdated," it will be updated automatically every 3 years. The first update will take place on January 1, 2020, with future updates occurring every 3 years after.

This change will entitle many workers making more than the current threshold of \$23,660 to overtime pay and will be a big change for small businesses. We have information on our website explaining this change as well as the "duties test" that employees must meet to qualify for each exemption. Go to **FUBA.org** and look under the "Small Business Alert" tab on the home page. If you have any questions about how this change will affect your business, please call our offices at 800-262-4483 and ask for Karen or Lance.

ARE YOU HIRING TEENS FOR THE SUMMER?

If you have teenagers under the age of 18 working at your business this summer (or at any time during the year), you need to be aware of the state and federal laws regulating the types of jobs they can do, their minimum pay rate, their required number of breaks, and the number of hours they can work.

Minimum Wage:

- The current minimum wage for Florida is \$8.05 an hour. [All employees, regardless of age, must be paid at least this minimum wage (unless they meet the requirements to be exempt from minimum wage).]
- Tipped employees like food servers must be paid a direct cash wage of at least \$5.03 an hour, in addition to the tips they receive. If the combination of an employee's tips and the direct cash wage of \$5.03 an hour does not equal the minimum wage of \$8.05 an hour, you are responsible for paying them the difference. [This requirement applies to all tipped employees, regardless of age.]

Age Requirements:

- With certain exceptions, teenagers must be at least 14 years old to work in Florida.
- Teenagers under 18 cannot drive automobiles as part of their job. The only exception is for 17-year-olds, who may drive cars and small trucks during daylight hours and only under very limited circumstances.

During the summer, 14 and 15-year-olds:

- Can work up to 8 hours a day.
- Can work no more than 40 hours per week.
- Can work between 7 a.m. and 9 p.m.
- Must be given a 30-minute, uninterrupted break after 4 consecutive hours of work. The break can be unpaid.
- Can work in most office jobs and retail and food service establishments, but may not sell, prepare or serve alcoholic beverages, nor may they work in any workplace where goods of any kind are manufactured or processed.
- Cannot operate most power-driven machinery, including lawnmowers, lawn trimmers, and weed cutters.
- May operate most office machines and certain equipment in restaurants, such as dishwashers, toasters, milk shake blenders, and coffee grinders.

During the summer, 16 and 17-year-olds:

- Have no limit on the number of hours they may work each day and each week. But if they work more than 40 hours in a work week, they must receive overtime pay.
- Have no limit on the time of day they may work.

- Can work only 6 consecutive days per work week.
- Can work no more than 4 consecutive hours without a 30-minute, uninterrupted break. The break may be unpaid.
- Cannot sell, prepare, or serve alcoholic beverages.
- Cannot drive automobiles as part of their job. [There is a limited exception for 17-year-olds; see "Age Requirements" above.]
- Cannot perform electrical work.
- Cannot work in or around toxic substances or pesticides.
- Cannot use power-driven bakery machines or meat slicers.

Roofing Prohibited:

Employees under 18 years of age cannot work in roofing occupations or work on or near a roof. This includes all work performed in connection with the installation of roofs, as well as any work on the ground related to roofing operations, such as roofing laborer, roofing helper, materials handler, or tending a tar heater.

Minors are also prohibited from performing work near a roof, including carpentry and metal work; the construction of the base of roofs, gutter and downspout work; the installation and servicing of TV, cable, or satellite equipment; and the installation and servicing of heating, ventilation and air conditioning equipment attached to roofs.

Required Records:

If your business hires an employee under the age of 18, you are required to post a Child Labor poster. If you do not have one of these posters and need one, we can provide you with one at no charge. To request a poster, please email us at **FUBA@fuba.org** and include your FUBA member number, business name, mailing address and contact name.

You are also required to keep records to prove the age of all minors you hire. To satisfy this requirement, you can do one of the following:

- Copy the minor's birth certificate.
- Copy the minor's driver's license.
- Get an age certificate issued by the School Board.
- Copy a passport or visa that lists the minor's date of birth.