



# FUBA i s s u e s

Florida United Businesses Association

## OUR BUSINESS IS SMALL BUSINESS

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#### POSTER UPDATE

The federal Occupational Safety & Health Administration (OSHA) has released a new version of its job safety poster (called "It's the Law") that all employers are required to post at their workplaces. The poster has been updated to include the new requirement that all employers must report every on-the-job fatality as well as every employee hospitalization, amputation, or loss of an eye.

According to the OSHA website, it is not mandatory to update to this new poster, and previous versions of the OSHA poster do not have to be replaced with this new poster. So, employers are still in compliance with the old OSHA poster, and no action is necessary from employers.

With this new poster change, your business may receive notices from poster companies trying to convince you to buy expensive compliance packages to avoid penalties for not having the right posters. As long as your OSHA poster is dated from 2006 or later, your poster is current. And, in general, as long as the All-in-One labor law poster you have from FUBA is dated 2012 or later, you are in compliance with all general state and federal mandated employment postings.

The OSHA poster is also available in Spanish, Korean, Nepali and Chinese. While employers are not required to display the OSHA poster in a foreign language, even if the majority of workers do not speak English, OSHA encourages employers with Spanish-speaking workers to post the Spanish version at their workplace along with the English version.

Both the English and the Spanish version of the new OSHA poster can be accessed from our website at **FUBA.org** under the Small Business Alert section on the left-hand side of the homepage. Please note that OSHA regulations require the poster to be printed at least 8.5" by 14" in at least 10-point type.

If you have any questions about poster requirements, please call the FUBA offices at 800-262-4483 and ask for Karen or Lance.

#### LEGISLATIVE UPDATE

The 2015 Florida Legislative Session ended in late April, but because the House and Senate could not agree on several big issues, most notably the state budget, the Session ended with few business-related bills being passed into law. See below for a summary of those that did pass. Lawmakers are back in Tallahassee in a Special Session most of the month of June, so look for additional bill summaries in next month's newsletter.

**Senate Bill 466 by Flores** changes the definition of Low-voltage Alarm Systems and eliminates permitting requirements for wireless burglar alarms and smoke detectors.

**Senate Bill 778 by Hays** prohibits cities and counties from passing laws giving preference to local contractors in bids for construction services where 50% or more of the costs for the services will be paid by state money.

**Senate Bill 982 by Thompson** amends the Florida Civil Rights Act to expressly prohibit discrimination on the basis of pregnancy in education, employment, housing and public accommodation.

#### 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 and cannot 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](mailto: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.