



**FUBA**  
FLORIDA UNITED BUSINESSES ASSOCIATION

# ISSUES

OUR BUSINESS IS SMALL BUSINESS

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## **STATE MINIMUM WAGE INCREASING AGAIN FOR 2018**

The Florida minimum wage will increase 15¢ for calendar year 2018. Effective January 1, 2018, the state-specific minimum wage for Florida will increase from \$8.10 to \$8.25 an hour. The cash wage for tipped employees is also increasing, from \$5.08 an hour to \$5.23 an hour.

There are two versions of the minimum wage: a federal one and a Florida-specific one. Employers located in Florida must pay their employees whichever minimum wage is higher, which for 2018 continues to be the Florida minimum wage of \$8.25 (the federal minimum wage is \$7.25 an hour).

For tipped employees (like food servers), employers can count the tips these employees receive towards the required hourly minimum wage. However, employers are required by law to pay tipped employees a direct cash wage, which for 2018 will be \$5.23.

With this change to the Florida minimum wage, a new poster will be required for 2018. **As a benefit of your FUBA membership, we will provide you with an updated 2018 Florida minimum wage poster free of charge with your December newsletter.**

On January 1<sup>st</sup>, you will only need to replace the

8 ½" by 11" 2017 version of the Florida-specific minimum wage poster with the new 2018 version.

Employers still need to also post the federal version of the minimum wage poster, which is included in the All-in-One poster you received from FUBA when you joined. As long as your federal minimum wage poster says \$7.25, your poster is current.

Please look for the new Florida minimum wage poster with next month's newsletter. If you have any questions about the minimum wage and how it affects your business, please call the FUBA offices at 800-262-4483 and ask for Erin, Karen or Lance.

## **HOW DO I HANDLE OVERTIME PAY FOR A WEEK WITH A PAID HOLIDAY?**

As we approach the end of the year and the holiday season, we wanted to remind employers about the rules for paying employees during weeks with paid holidays.

**Question:** During a work week that contains a holiday (like Thanksgiving or Christmas Day), if I pay my employees for 8 hours on the holiday as a part of their salary, but they do not come to work because the business is closed, do those 8 hours count towards their total hours worked and

then entitle them to overtime pay if they work over 40 hours the rest of the holiday week?

**Answer:** The short answer is “no.” Overtime is only calculated on the hours an employee actually works. If an employee is paid but is not actually working (for example, a paid holiday, paid sick leave, etc.), that time is not counted as time at work, and those hours are not counted towards the 40-hour cap. A paid day off when your business is closed due to a holiday (8 hours in the above example) does not count as work, because the employees were given the day off and were not at work. Therefore, in a holiday week, if the employees are paid for the holiday and do not actually work that day, they are allowed to work up to 40 hours on the remaining days in the work week before being eligible to receive overtime pay.

Please remember that the law does not require employers to pay their employees on work days that the business is closed, like for a holiday. Employers are only obligated to pay employees for hours they actually work, unless your company’s policy manual provides for paid holidays. This article only addresses employers who voluntarily pay employees when the business is closed.

If you have a wage and hour question, please call the FUBA offices at 800-262-4483 and ask for Karen, Lance or Erin.

## **A CONTRACTOR’S GUIDE TO WORKERS’ COMPENSATION**

As a service to our members in the construction industry, FUBA publishes ***A Contractor’s Guide to Workers’ Compensation***, which summarizes a contractor’s responsibilities under the Florida workers’ compensation law.

In the Guide, we answer questions like:

- What are the workers’ comp requirements for a business in the construction industry?

- What’s an exemption and how can I get one?
- What are my responsibilities if I hire subcontractors?
- Why do I have to pay extra premium on my workers’ comp policy if I hire a sub that doesn’t have workers’ comp coverage?
- What am I risking if I hire a sub that has an exemption instead of a workers’ comp policy?
- Is there an easy way I can make sure the subs I hire have valid workers’ comp coverage?
- Why do I need to file my company’s Annual Report with the State of Florida each year?

This document is available free of charge in both English and Spanish from our website at **FUBA.org** under the “Resources and Documents” tab under the heading “Workers’ Compensation.”

## **WOULD YOU LIKE TO RECEIVE THIS NEWSLETTER VIA EMAIL?**

This newsletter, ISSUES, is published every month by the Florida United Businesses Association (FUBA) to educate our members on topics that may affect their business. If you would like to receive it by email in addition to the hard copy you receive in the mail, please send us an email at **FUBA@fuba.org** with “newsletter” in the subject line. Please include your FUBA membership number (if you know it), your business name, and the contact person’s name and email address. You can provide up to 3 email addresses at your business to receive the newsletter. Also, if you have a suggestion for a topic that you would like to see covered in the newsletter, please let us know.