



FUBA
FLORIDA UNITED BUSINESSES ASSOCIATION

ISSUES

OUR BUSINESS IS SMALL BUSINESS

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NEWSLETTER WILL BE EMAIL ONLY STARTING JANUARY 1ST

Starting in January, this newsletter will be sent to FUBA members via email only. Don't worry – we know our members rely on our newsletter for news important to small businesses, and we will keep writing it every month, just like we have done for 31 years! But this is the last print edition of the newsletter you will get in the mail.

Even though the newsletter is going electronic only, we will continue mailing our members all posters they need to comply with state and federal poster requirements. If your company's FUBA membership stays active, you will continue to receive posters from us.

If you received a copy of this newsletter via email, you will continue to receive it via email.

But if you only receive the newsletter in the mail, you need to contact us to give us your email address. Call us at 800-262-4483 or email fuba@fuba.org with the word "newsletter" in the subject line. Please include your company name and address so we can make sure to link your email to your company's membership.

PAID LEAVE FOR COVID EXPIRES AT THE END OF DECEMBER

In response to the growing coronavirus pandemic, the United States Congress passed a law earlier this year requiring employers to

provide at least two weeks of paid leave to employees dealing with COVID. This law, called the Families First Coronavirus Response Act (FFCRA), expires at the end of this year.

Starting January 1, 2021, employers will no longer be required to provide paid COVID-related leave under the FFCRA to their employees. Please note: This does not affect any other paid leave (like vacation or PTO) you provide to your employees – this is only for the 2 weeks of paid leave for COVID-related issues.

It is possible that the government could re-authorize paid leave for COVID for 2021, but that has not happened at this point. We will keep you updated if that happens.

HERE IS YOUR FREE FLORIDA MINIMUM WAGE POSTER FOR 2021

Starting January 1, 2021, the Florida minimum wage will increase to \$8.65 an hour. The minimum cash wage for tipped employees is also increasing to \$5.63 an hour.

Florida businesses are required to pay their employees at least this minimum wage for all hours they work.

With this change to the Florida minimum wage, all Florida employers will be required to display a new minimum wage poster for 2021.

Businesses are required to post this poster even if all their employees are paid higher than the minimum wage.

One of the most important benefits of your company's continued FUBA membership is that we provide you with all updated posters free of charge. On January 1st, simply post the enclosed minimum wage poster at your workplace to be in compliance.

As always, additional posters are free of charge for FUBA members. They are available from the Publications section of our website at **fuba.org**. Or you can request additional color copies by emailing us at **fuba@fuba.org**. Please include your name, company name, and mailing address in your email.

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 Karen or Stacey.

AMENDMENT 2 WILL INCREASE FLORIDA'S MINIMUM WAGE

On November 3, 2020, Florida voters approved Amendment 2 which amends the Florida Constitution to gradually increase the Florida minimum wage to \$15 an hour.

This increase will not happen all at once; the minimum wage will increase one dollar per year until it gets to \$15.00 an hour. Here is the schedule of increases:

- Effective January 2022: \$10.00 an hour
- Effective January 2023: \$11.00 an hour
- Effective January 2024: \$12.00 an hour
- Effective January 2025: \$13.00 an hour
- Effective January 2026: \$14.00 an hour
- Effective January 2027: \$15.00 an hour

After 2027, the minimum wage will be adjusted each year for inflation as it has been every year since it was enacted in 2004.

Employers with tipped employees (like food servers) can still apply a tip credit of \$3.02 an hour but must pay employees the difference between the current minimum wage and \$3.02. This means that by 2027, the minimum wage for

tipped employees will be \$11.98 an hour.

HOW TO HANDLE OVERTIME WITH A PAID HOLIDAY

As we approach the holiday season, we want to remind employers about the rules for paying employees during weeks with paid holidays.

Question: During a work week that contains a holiday (like 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 paid for hours the employee actually worked. 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 that work week before being eligible to receive overtime pay.

Keep in mind that employers are not required to pay employees on workdays 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.