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## Employment Law News Alert

Informing clients and friends of the firm about legal trends, news or items of interest.

### Minimum Wage Increases – July 24, 2009



The Fair Minimum Wage Act of 2007 established that the minimum wage of American workers would increase by \$.70 per hour for three years, for a total increase of \$2.10. The increases were to occur every July 24, for the following three years with the first increase taking place on July 24, 2007 when the minimum hourly rate went from \$5.15 per hour to \$5.85. On July 24, 2008 the minimum wage went from \$5.85 to \$6.55 an hour and the final increase will take place next month, on July 24, 2009 when the minimum wage will increase from \$6.55 to \$7.25.

#### Florida Minimum Wage

On November 2, 2004, Florida voters approved a constitutional amendment which created Florida's minimum wage. The increase to Florida's minimum wage on July 24, 2009 will be the third increase since January 1, 2008 as follows:

- \$6.79 – January 1, 2008
- \$7.21 – January 1, 2009
- \$4.19 – January 1, 2009 – Tipped Employees
- \$7.25 – July 24, 2009 Federal and Florida New Minimum Wage

When there is a difference between the federal and the Florida minimum wage, federal law requires that the employers pay the higher of the two. Therefore, in Florida employers must pay the Florida minimum wage rate.

Florida employers are required to pay their employees the minimum hourly rate for all hours worked and must pay overtime (time and one-half of the regular hourly rate) for all hours worked in excess of 40 per week. Employees who are not paid the minimum wage may bring a civil action against the employer or any person violating Florida's minimum wage law. The state attorney general may also bring an enforcement action to enforce the minimum wage. See <http://www.dol.gov/dol/compliance/comp-flsa.htm> for compliance information.

Florida employers are required to post a minimum wage notice in a conspicuous and accessible place in each work location. Federal law also requires that employer post information regarding the federal minimum wage. The Florida minimum wage poster is available in English and Spanish at: <http://www.floridajobs.org/workforce/posters.html>.

The Schwarzberg & Associates Employment Law Compliance and Defense Practice Group is here to help you defend unemployment claims, develop policies, procedures, and proactive responsive measures to these and other employment related issues. We also provide our clients with our employment law "hotline" which allows our clients, for a flat fee, to ask our employment attorneys general questions to assist in their compliance efforts. Please do not hesitate to contact a member of the Schwarzberg & Associates Employment Law Group: Steve Schwarzberg, Carrie Cherveney, Kristin Ahr, Kerry Raleigh, or Grace Murillo at 561-659-3300 to obtain more information about our firm and its various employment law compliance and defense services.



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