

Updates

MAXIMUM WORKERS' COMPENSATION RATE, EFFECTIVE JANUARY 1, 2003



The Agency for Workforce Innovation, Labor Market Statistics has determined the statewide average weekly wage paid by employers subject to the Florida Unemployment Compensation Law to be \$608.23 for the four calendar quarter period ending June 30, 2002.

Pursuant to Section 440.12 (2) (a), Florida Statutes, the maximum weekly compensation rate for work-related injuries and illnesses shall be equal to 100 percent of the statewide average weekly wage, rounded to the nearest dollar.

Accordingly, the maximum weekly compensation rate for work-related injuries and illnesses occurring on or after January 1, 2003 shall be \$608.00

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Preparing For the Hurricane Season

It's that time of year again - hurricane season. Anyone who has lived in Florida for more than three years has gone through this before, but it never hurts to review. The most important part of hurricane preparedness should happen now with your planning.

Before The Storm: You should review your hurricane plan and make changes where necessary. Your plan should include options if you plan to evacuate: where you will go, the route you will take to get there, when you will leave and what supplies you will take. If you plan to stay, make sure you have all of the supplies necessary to be on your own for at least 72 hours. If you are planning to go to a shelter, have a shelter supply kit packed and ready. Make sure you have all the materials you will need to protect your home and reduce your loss. You should also trim dead wood from trees. And don't forget to make arrangements for your pets.

If a storm is threatening your area, you should listen to local media for information and actions to be taken.

In addition, you should:

- Fuel your car - you will need it to evacuate, and pumps don't work without electricity.
- Bring in outdoor objects such as lawn furniture, toys and garden tools.
- Install your storm shutters, or cover windows with plywood and secure all doors.
- Turn up refrigerators and freezers to the highest settings.
- Turn off small appliances that are not needed.
- Turn off LP tanks.



- Call an out-of-town friend or relative to let them know of your plans. Then instruct other family members to call that person for information about your family after the storm.
- Fill sinks and bathtubs with water.
- Get an extra supply of cash - banks and ATMs may not be operational immediately after the storm.

During the Storm: If you stay at home during a hurricane, you should take the following precautions, in addition to those mentioned above:

- Stay away from windows and doors, even if they are covered.
- Take refuge in a small interior room, closet, hallway or basement if available.

Inside This Issue:

Preparing For the Hurricane Seasoncover

Military Leave Facts, Questions and Answers for Employeespage 2

Updatesback cover

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- If you live in a two-story home, choose a room on the first floor.
- Close all interior doors and brace exterior doors, if possible.
- Lie on the floor under a table or another sturdy object. Some protection is afforded by covering yourself with a mattress during the height of the storm.
- If the eye of the storm passes over, it will be calm for a short period of time - **RE-MAIN INDOORS!** - As soon as the eye passes over, winds will increase rapidly to hurricane force from the opposite direction;
- Finally, try to remain calm - It may take several hours for the storm to pass.

After the Storm: The storm has passed—what should you do now? We recommend the following:

- Keep listening to your local radio or TV stations for information.
- If you evacuated, return home only when authorities advise that it is safe. Drive only if it is absolutely necessary.
- Immediately following the passage of the storm, debris may be covering roadways, making them impassible. Emergency crews will be working to clear roadways, but it may take hours, or even days, to clear them all.
- Avoid sightseeing. Roads may be closed for your protection so if you encounter a barricade, turn around and go another way.
- Do not drive in flooded areas. Avoid weakened bridges and washed out roadways. Stay on firm ground. Moving water only six inches deep can sweep you off your feet.
- Beware of standing water, which may be electrically charged from downed power lines.
- Beware of snakes, insects or animals driven to higher ground by flooded waters.
- Enter your home with extreme caution. Beware of fallen objects or damaged roof and wall sections.
- Remove shutters or plywood and open windows and doors to ventilate or dry your home, if necessary.



- Check gas, water and electrical lines and appliances for damage. Do not attempt to repair damaged gas or electrical lines. Call a professional.
- Do not drink or prepare food with tap water until you are certain it is not contaminated.
- Avoid using candles or other open flames indoors. Use a flashlight or other battery-powered lighting.
- Use the telephone to report emergencies only. This includes cellular phones.
- Be especially cautious when using a chain-saw to cut fallen trees.

- Never connect portable generators to your house. Use them only to run necessary appliances and plug the appliance into the generator. The power company will have information that will help you determine if power is back in your area.
- Prepare now so the winds of uncertainty do not catch you unaware.



Military Leave Facts, Questions and Answers for Employees

War with Iraq Raises Military Leave Questions

With military reservists being “called up” for service in the Middle East, employers are likely to encounter questions regarding military leave. The Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), enacted in October 1994 and significantly updated in 1996 and 1998, provides job protection and rights of reinstatement to employees who participate in military uniformed services.

Florida law supplements USERRA in several respects with regard to compensation and leave of absence protections for public employers.

1. Does USERRA apply to small companies and public employers?

Yes. USERRA applies to all employers, both private and public, regardless of size.

2. Are all military branches covered by USERRA?

Yes, USERRA applies to all branches of the military as well as to any person designated by the president in the case of a war or emergency.



3. What does USERRA require of employers?

USERRA prohibits discrimination against prospective employees or active employees in hiring, retention, promotion or any employment benefit due to past, present or future application for, or membership in, the military.

4. Can an employer refuse to allow an employee to miss work in order to attend a military drill or required training?

No. An employer must excuse employees from work to attend military training and drills. In addition, employers must reinstate employees upon their return as if they were not absent.

5. Are employers required to compensate employees for work they would have performed while they are absent for military service?

It depends. Under USERRA, employers are not required to pay employees for military leave of absence. However, Florida law requires public employers to pay those on military leave for the first 30 days of any such leave. (Florida Statute, §§115.09 and 250.48.)

6. Can employers require employees to find someone to cover for them while they are on military leave?

No. Employees cannot be required to find someone to cover their work in their absence.

7. Are employees required to provide notice to employers prior to military leave?

Yes. Employees may not be covered by the provisions of USERRA unless they provide notice (either oral or written) to their employers prior to taking military leave. However, there is an exception if notice is precluded by military necessity. Employers can require written documentation of military leave of absence greater than 30 days after the employee returns, to establish the employee's basic protection under USERRA. However, if this documentation is not immediately available, the employer must reinstate the employee pending receipt of these documents.

8. Is there a limit on the amount of military leave an employer must accept?

Yes. An employee has a five-year cumulative limit on the amount of military leave that can be taken while retaining re-employment rights. Beyond this limit, employers can refuse to reinstate the employee upon return from service. However, there are types of service and training that are not included in this five-year cumulative total.

9. How long does an employee have to return to work following military leave?

This depends on the length of the military service. For service of 30 days or less, the employee must return to work at the beginning of the next scheduled work period on the first full day following completion of service, time for travel home and an eight-hour rest period. For service of 31-180 days, the employee must apply for reinstatement within 14 days of the completion of military service. For service of more than 180 days, the employee must apply for reinstatement within 90 days of the completion of military service.



10. How much time does an employer have to reinstate an employee following application?

USERRA states that employees must be promptly re-employed. No other specific guidance is provided.



11. What requirements exist regarding the position of reinstatement?

Generally, employees must be reinstated in the position they would have held had they not taken the military leave, including any promotions that would have occurred had they been working. However, if the employee is not qualified for a promoted position following reasonable training efforts by the employer, the employee will be reinstated in the position held on the date of the commencement of military service.

12. Is time spent on active duty by reservists counted toward their eligibility for leave under the Family Medical Leave Act once they return to their civilian jobs?

Yes. The U. S. Department of Labor has explained that returning service members are entitled to all the benefits of employment they would have received if they had been continuously employed.

Comments, Questions...

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