

LABOR & EMPLOYMENT UPDATES

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Regarding the recent moratorium on I-9 information, the 45 day period has passed. All employers are required to fully complete the Form I-9 for recently hired victims of Hurricane Katrina who were previously unable to produce proper documentation of authorization to legally work in the U.S.

In order to assist the many victims of Hurricane Katrina and the employers who sought to employ them, the Department of Homeland Security had announced in September that "it will not sanction employers for hiring victims of Hurricane Katrina who, at this time, are unable to provide documentation normally required under Section 274A of the Immigration and Nationality Act." Due to the devastation and the destruction of governmental buildings caused by the hurricane, it was anticipated that those who lost their documents would be unable to obtain replacement documents in the period of time specified by the Act.

It is the responsibility of U.S. employers to complete and retain Employment Eligibility Verification Forms (I-9 Forms) for workers they hire. All employers are required to verify employment eligibility and establish identity through original documents presented by the employee.

Florida Minimum Wage Increases

Effective January 1, 2006, the minimum wage in Florida is \$6.40 per hour. This represents an increase of 25 cents over the current minimum wage and \$1.25 more per hour over the \$5.15 current federal minimum wage. This increase was approved last year by Florida voters through an amendment to the state constitution that provides for the Agency for Workforce Innovation to calculate a new minimum wage each year based upon the change in federal consumer price index for urban wage earners and clerical workers in the South Region for the 12-month period prior to September 1, 2005.

All employers must pay their employees no less than the hourly state minimum wage for all hours worked in Florida. For "tipped employees" meeting eligibility requirement for the tip credit under the Fair Labor Standards Act, their employers must pay them a direct wage in an amount equal to the minimum wage of \$6.40 minus \$3.02 or a direct hourly rate of \$3.38 as of January 1, 2006.