

Work Place Posters FAQ

Federal & State Workplace Posters

All employers are required to post certain Federal and State notices to employees in a conspicuous location in the workplace—such as in the breakroom, by a time clock or in another place where employees are likely to see them. The required posters cover information such as federal and state minimum wages and occupational safety and health regulations.

Federal Posting Requirements

General

- Employee Polygraph Protection Act Notice (EPPA)
- Equal Employment Opportunity is the Law Poster (EEO)
- Employee Rights Under the Fair Labor Standards Act Poster (FLSA/Minimum Wage)
- Employee Rights and Responsibilities Under the Family and Medical Leave Act (FMLA)
- Job Safety and Health: It's the Law! Poster (OSHA)
- Your Rights Under the Uniformed Services Employment and Reemployment Rights Act Poster (USERRA)
- Employee Rights for Workers with Disabilities paid at Special Minimum Wages Poster (FSLA)

E-Verify

- E-Verify Participation Poster
- Right to Work Poster

Federal Contractors

- EEO is the Law Supplement
- Pay Transparency Nondiscrimination Provision
- Federal Minimum Wage for Contractors
- Notification of Employee Rights Under Federal Labor Laws Poster
- Notice to All Employees Working on Federal or Federally Financed Construction Projects (Davis-Bacon Act)
- Employee Rights Working on Government Contracts Poster (SCA, CWHSSA, Walsh-Healey)
- Paid Sick Leave for Federal Contractors

Agricultural Workers

- Migrant and Seasonal Agricultural Worker Protection Act Notice (MSPA)
- Employee Rights Under the H-2A Program

State Posting Requirements

State posting requirements vary by state; to find your states Department of Labor posting requirements visit:

<https://www.dol.gov/agencies/whd/state/contacts>

Posting Location

Employers are required to have posters conspicuously posted at each organizational facility.

Your organizations intranet can be used to provide access to digital versions of the federal and state workplace posters. Full-time telecommuters/remote workers are not required to post federal and state posters in their home offices, but employers are responsible for ensuring these employees have access to the posters. Employees who regularly comes to the office should be made aware of the location of the employment posters at the facility. Reminders and links to the Intranet site should be shared with the employee when they start telecommuting and whenever the posters are updated. If your organization does not have a place on its intranet for posters, then e-mail, mail or fax the posters directly to your telecommuters periodically or whenever you update the posters.

Using your organization's intranet as the sole vehicle for displaying federally mandated workplace employment posters may not relieve you of your obligation under Fair Labor Standards Act (FLSA) regulations, for example, to physically display

posters "in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy" (29 C.F.R. §516.4). Required posters must be displayed so they are easily visible to the intended audience, according to the U.S. Department of Labor. Executive Order No. 11246, which governs affirmative action by federal contractors, indicates that required posters must be displayed in "conspicuous places accessible to all employees, job applicants and union representatives" (41 C.F.R. §60-1.42).

Tips on Displaying Current Posters

- Review them at least once a year and determine if any updates are needed.
- Ensure posters are displayed at the appropriate places. Commonly used locations include breakrooms, near time clocks, in employee lounges, in cafeterias or lunchrooms.
- Electronic posters can be placed on the company intranet, but physical posting of notices is still required by law.
- If English is not the first language for a significant number of employees, the posters should use the language of the workers to effectively provide notice of their rights.

Outdated Posters

Although not required it is recommended that old employment law posters be retained to help prove past compliance. Employers should take pictures of old posters with time-and-date stamps to have a physical record that they were displayed. Paper or electronic copies can be saved but they should be clearly marked to ensure they are not accidentally put back into circulation.

For example, in the context of employment litigation, posters may be relevant evidence to show that employees were informed of their applicable rights. A plaintiff's attorney could claim that the posters were not displayed, and that the statute of limitations therefore should be suspended, permitting older claims to be filed. HR should be ready to disprove such claims and show that the posters were displayed in the workplace when employers said they were. Keeping old posters will not necessarily prove that they were physically posted at a prior date, though it might assist in providing circumstantial evidence.

Penalties

Failure to comply with posting requirements can result in steep fines. Most federal, state and local penalties range from \$110 to \$10,000 per offense, but agencies retain discretion about whether to assess or reduce such statutory penalties. Failure to post the required, current state and federal employment law notices can result in fines up to \$35,000. The maximum fine is usually applied only if the employer repeatedly or knowingly violated the law.

It is not common for state or federal agencies to inspect your workplaces specifically for labor law posters, although it can happen. In most cases, a federal or state agency investigates your workplace and having the correct labor law posters displayed are part of their investigation.

Example Costs of Failing to Post

- \$176 for failure to display the Family and Medical Leave Act poster.
- \$569 for failure to display the Equal Employment Opportunity poster.
- \$13,494 for failure to display the Occupational Safety and Health Administration poster.
- \$21,410 for failure to display the Employee Polygraph Protection Act poster

States have posting requirements on minimum wage, unemployment compensation and paid sick leave, as well as industry-specific posters such as those relating to minimum wage for food-service workers, among others. In Illinois, there is a posting requirement about the Victims' Economic Security and Safety Act, which applies to victims of domestic violence and their family members—a poster requirement that would be easy to overlook. Municipalities have poster requirements as well.

If an employee complains to an agency that the employer has failed to display required posters, such a complaint could trigger a fuller investigation. The failure to update your posters could lead to additional and potentially costly compliance issues.

Where to Purchase Federal & State Combination Posters

All in One Poster Company Inc.

www.allinoneposters.com

Email: Sales@allinoneposters.com

Address: 1156 N. Gilbert St., Anaheim, CA 92801

Phone 800-273-0307 (8:30 AM to 5 PM PST)