

10 Common Posting Compliance Mistakes



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Posting Compliance Overview

- All employers must post federal, state and local (if applicable) postings
- Mandatory federal posters include:
 - EEOC
 - OSHA
 - FMLA
 - USERRA
 - FLSA
 - EPPA
- Up to 15 additional state-specific posters
- Up to 10 additional posters for city/county compliance
- Additional posters for government contractors and certain industries

Posting Compliance Mistake #1: Underestimating the Risks

- Government posting fines
 - Federal fines recently increased from \$17,000 to \$34,000+
 - State and local fines typically range from \$100-\$1,000
- Enforcement of underlying laws by federal agencies
 - Occupational Safety and Health Administration
 - U.S. Department of Labor
 - U.S. Equal Employment Opportunity Commission
- “Poster sweeps” by state and local agencies

Posting Compliance Mistake #1: Underestimating the Risks (continued)

- Employee lawsuits are the real danger
- Failure to post extends “statute of limitations”
 - Forces employers to unnecessarily defend old claims that should have been dismissed as time-barred
 - Expands potential damages for back pay or lost wages
- Evidence of bad faith
 - Various legal standards impose additional damages for bad faith, or reduce damages based on a showing of good faith
 - Posting compliance is a factor considered under these standards
- FMLA interference of rights

Posting Compliance Mistake #2: Getting All Your Posters from a Single Agency

- There is no “one-stop shop” for free government posters
- Nationwide, there are 175 different agencies responsible for issuing more than 380 posters (federal and state)
- In a single state, up to 21 postings issued by 9 different agencies for federal/state compliance
- Approximately 22,000 local jurisdictions (city/county) have authority to issue their own posting requirements

...and that doesn't include additional postings required if you are in certain industries or have government contracts

Total Postings and Different Issuing Agencies by State

State	Total Federal & State Mandatory Posters	Total Number of Different Issuing Agencies (State and Federal)
Alabama	11	5
Alaska	14	5
Arizona	18	9
Arkansas	10	7
California	21	7
Colorado	13	5
Connecticut	17	8
Delaware	14	4
D.C.	17	7
Florida	11	8
Georgia	15	7
Hawaii	15	5
Idaho	10	6
Illinois	14	8
Indiana	15	9
Iowa	11	5
Kansas	11	6
Kentucky	13	6
Louisiana	20	5
Maine	14	6
Maryland	17	7
Massachusetts	13	7
Michigan	15	7
Minnesota	12	6
Mississippi	11	6
Missouri	12	5

State	Total Federal & State Mandatory Posters	Total Number of Different Issuing Agencies (State and Federal)
Montana	11	5
Nebraska	10	5
Nevada	20	7
New Hampshire	15	6
New Jersey	21	6
New Mexico	13	7
New York	18	7
North Carolina	14	8
North Dakota	9	6
Ohio	11	7
Oklahoma	11	8
Oregon	15	8
Pennsylvania	14	6
Puerto Rico	11	4
Rhode Island	17	6
South Carolina	13	8
South Dakota	8	4
Tennessee	14	7
Texas	10	6
Utah	13	7
Vermont	18	4
Virginia	10	5
Washington	11	6
West Virginia	11	7
Wisconsin	16	5
Wyoming	10	4

Effective January 2019

Posting Compliance Mistake #3: Updating Your Posters Only Once A Year

- Posters changes are on the rise
- Posting changes occur throughout the year (not just January)
- There are approximately 150 state-specific poster changes per year (50% require immediate mandatory replacements)
- Government agencies do not notify you when changes occur
- Updating in January, or only once per year, often results in non-compliance for the balance of the year

Posting Compliance Mistake #4: Overlooking Foreign Language Requirements

- Certain postings must be displayed in Spanish even if you have no Spanish-speaking employees
 - 22 states require certain postings in English and Spanish for all employers
 - 47 state-issued postings in the U.S. must be posted in Spanish
 - Some states and local jurisdictions require postings in multiple languages, from Russian to Japanese to Arabic
- All postings in Puerto Rico must be displayed in Spanish

Posting Compliance Mistake #4: Overlooking Foreign Language Requirements (continued)

- Mandatory foreign-language postings are required in:
 - Alabama
 - Arizona
 - California
 - Colorado
 - Connecticut
 - District of Columbia
 - Florida
 - Georgia
 - Kansas
 - Louisiana
 - Maine
 - Maryland
 - Mississippi
 - New Jersey
 - New Mexico
 - New York
 - North Carolina
 - Puerto Rico
 - South Carolina
 - Tennessee
 - Texas
 - Utah
- The Good News: Poster Guard English service already includes foreign-language posters if they are required for all employers regardless of languages spoken by employees

Posting Compliance Mistake #4: Overlooking Foreign Language Requirements (continued)

You may have *additional* obligations if you employ workers who are not proficient in English:

- *Federal:* If you have a significant number of Spanish-speaking employees who are not proficient in English, the Federal combination poster must be posted in English and Spanish
- *State:* For state postings, fully translated Spanish poster sets (all posters in both English and Spanish) are a “best practice” for locations with a significant number of Spanish-speaking workers
- *Exception:* Pennsylvania employers “with Spanish-speaking employees” must post all state posters in English and Spanish

Posting Compliance Mistake #5: Failing to Comply with City/County Requirements

- New Trend: Cities and Counties Now Requiring Labor Law Postings
 - AZ – Flagstaff, Tucson
 - CA – Belmont, Berkeley, Cupertino, El Cerrito, Emeryville, Los Altos, Los Angeles, Los Angeles (Unincorporated Areas), Milpitas, Mountain View, Oakland, Palo Alto, Pasadena, Redwood City, Richmond, San Diego, San Francisco, San Jose, San Leandro, San Mateo, Santa Clara, Santa Cruz, Santa Monica, Sunnyvale
 - CO – Denver
 - FL – Broward County, Miami Beach, St. Petersburg
 - IL – Chicago, Cook County
 - MD – Montgomery County, Prince George’s County
 - ME - Portland
 - MN – Minneapolis, St. Paul
 - NE – Fremont, Lincoln
 - NM – Albuquerque, Bernalillo County, Las Cruces, Santa Fe
 - NY – New York City
 - PA - Philadelphia
 - TX – Beaumont, Corpus Christi
 - WA – Seattle, Tacoma

Posting Compliance Mistake #6: Missing Federal Contractor Postings

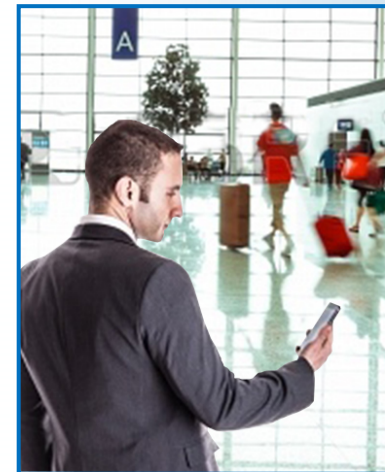
- If your business receives federal funding or has federal government contracts, you must post additional labor law notices
- In recent years, the number of businesses with government funding/contracts has grown, especially in industries such as construction, finance/banking, telecommunications, technology, transportation, non-profit organizations, and retail
- Posting obligations depend on types of contracts you have and the value of the contracts
- Penalties for non-compliance can be severe, including steep fines up to suspension or cancellation of federal contracts

Posting Compliance Mistake #6: Missing Federal Contractor Postings (continued)

- The most common postings required for federal contractors are:
 - ✓ Paid Sick Leave
 - ✓ E-Verify/Right to Work
 - ✓ Minimum Wage (updated Jan. 2019)
 - ✓ Walsh-Healey Public/Service Contracts
 - ✓ “EEO is the Law” Supplement
 - ✓ ARRA Whistleblower Rights
 - ✓ Pay Transparency Statement
 - ✓ DHS Fraud Hotline
 - ✓ DOD Fraud Hotline
 - ✓ Notice to Workers with Disabilities
 - ✓ DOD Whistleblower
 - ✓ Davis-Bacon Act
 - ✓ NLRA (required by EO 13496)
 - ✓ DOT Federal Highway Construction
- Federal contractor postings change frequently
 - ✓ 21 mandatory changes since 2009; three updates in 2017
- Poster Guard offers all-inclusive service with auto-replacements covering all required postings

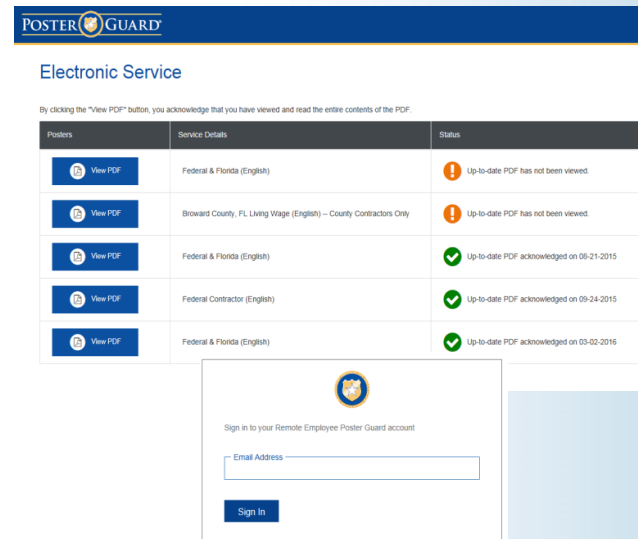
Posting Compliance Mistake #7: Forgetting About Your Remote Workers

- By law, you must provide the mandatory labor law notices to all your employees, including those who work off-site
- We have developed Poster Guard® E-Service for Remote Workers to help you comply
- Ideal for employees who work from home, telecommuters, field salespeople and other remote workers provided with Internet access (those who report to a physical facility with wall posters less frequently than 3-4 times a month)



Posting Compliance Mistake #7: Forgetting About Your Remote Workers (continued)











- Poster Guard® E-Service for Remote Workers
 - The off-site employee receives a welcome email with simple instructions
 - Employees are prompted to download, view and acknowledge receipt of all required postings at the time of enrollment and whenever there is a mandatory posting change
 - Poster Guard tracks your employee acknowledgments and maintains complete records of the date and time when each employee viewed the electronic images




POSTER GUARD

Electronic Service

By clicking the "View PDF" button, you acknowledge that you have viewed and read the entire contents of the PDF.

Posters	Service Details	Status
 View PDF	Federal & Florida (English)	 Up-to-date PDF has not been viewed.
 View PDF	Broward County, FL Living Wage (English) – County Contractors Only	 Up-to-date PDF has not been viewed.
 View PDF	Federal & Florida (English)	 Up-to-date PDF acknowledged on 08-21-2015
 View PDF	Federal Contractor (English)	 Up-to-date PDF acknowledged on 09-24-2015
 View PDF	Federal & Florida (English)	 Up-to-date PDF acknowledged on 03-02-2016

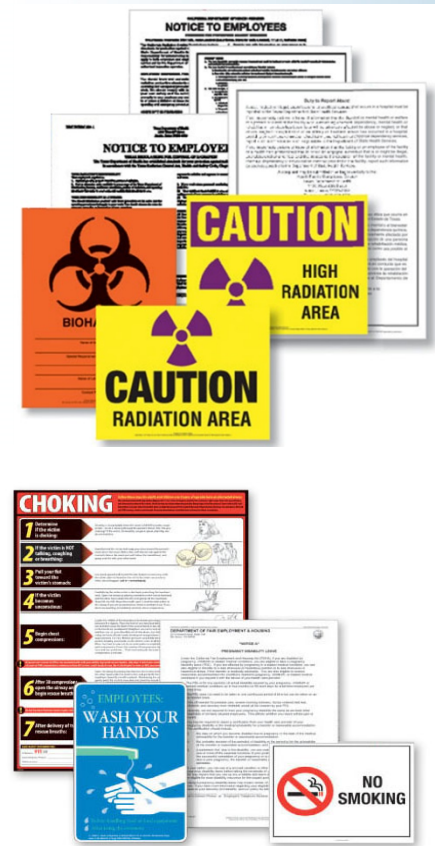


Sign in to your Remote Employee Poster Guard account

Email Address

Posting Compliance Mistake #8: Overlooking Industry-Specific Requirements

- Certain industries have additional labor law posting requirements under federal and state law
- Poster Guard industry-specific service is available for:
 - Public Sector
 - Healthcare
 - Restaurants/Food Establishments
- All-inclusive, 50-state solution with auto-replacements
- Specialty posters for other industries are also available upon request



Posting Compliance Mistake #9: Not Enough Posting Display Locations

- The General Rule: Postings must be displayed in prominent and “conspicuous” locations throughout your business where they are accessible to all employees
- Most companies require multiple posting display sites to comply
- Specific posting locations depend on your facility size and layout
- Consider posting in breakrooms, locker rooms, near employee entrances, human resources department, and applicant areas



Posting Compliance Mistake #10: Failing to Post for Job Applicants

- Four of the six mandatory federal postings must be displayed to prospective employees during the application process:
 - EEOC
 - FMLA
 - USERRA
 - EPPA
- Poster Guard offers options to help you comply:
 - *Applicant Area Vinyl Adhesive Sticker* – a compact sheet with the 4 required postings (8.5" X 14"), perfect for applicant kiosks and other small areas
 - *Applicant Area Poster* – includes two additional notices notifying applicants of I-9 requirements and your status as a drug-free workplace (16" X 20")
- Both options available in English and Spanish
- Available electronically for online applicants





**Complete Posting
Compliance:
Federal/State/Local
Coverage Guaranteed.**

For more information,
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