

2017 Roundup of Labor Law Poster Changes: What the Latest Trends Mean for Your Business

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Welcome! Before we get started ...

- Use the chat box on the left to ask questions
- If you are having audio trouble, please message us in the chat box, and we will do our best to assist you
- You will receive a copy of the slides via email

Learning Objectives

- Overview of top federal and state posting changes and trends for 2017
- Rapidly growing city and county posting requirements
- Additional federal contractor posting requirements
- Poster changes still pending as we enter 2018
- Posting compliance for remote workers

General Posting Compliance



Posting Compliance Basics

- 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 9 additional posters for city/county compliance
- Additional posters for government contractors and certain industries

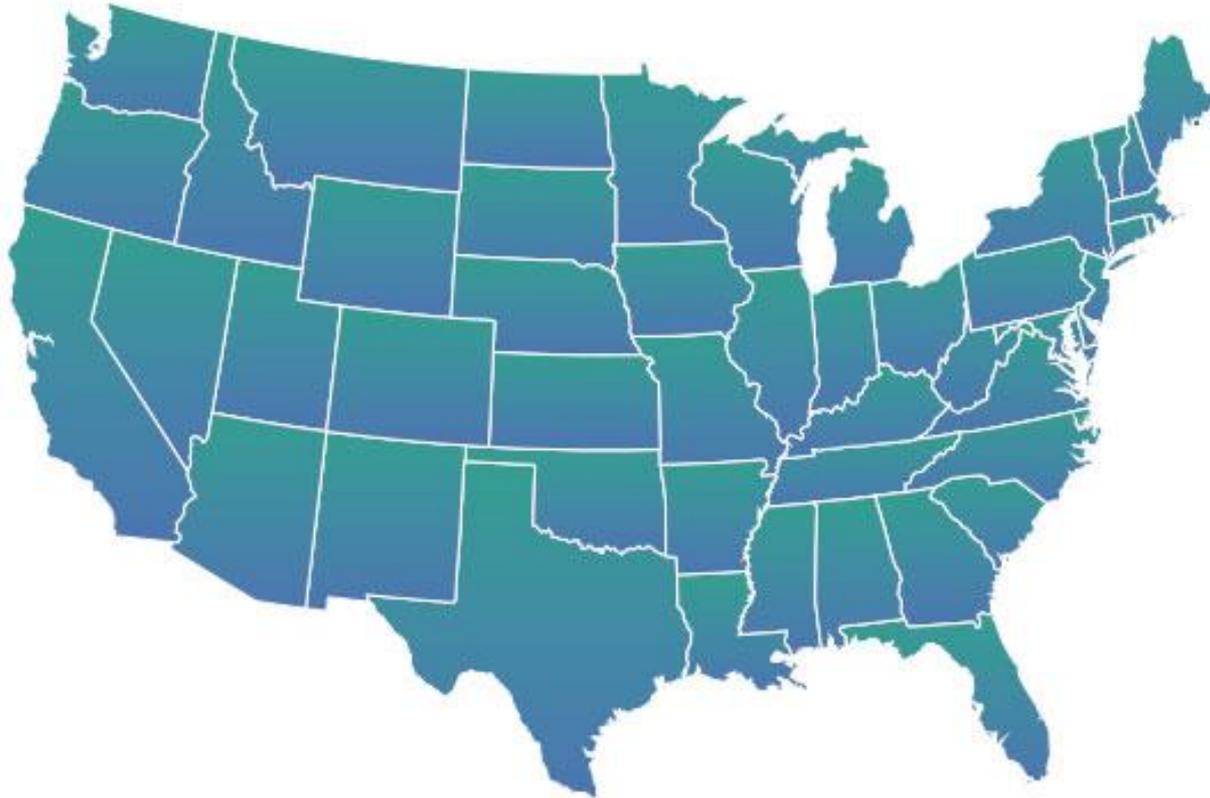
Posting Changes on the Rise

- Approximately 150 state law poster changes per year (50% require immediate mandatory replacements)
- Government agencies don't notify you when changes occur
- Posting updates and requirements (including foreign language requirements and size/font/color mandates) can be buried in statutes, regulations, case law and agency website pages

Pending Federal Poster Changes

- “EEO Is the Law” posting still expected to change
 - Mandatory update expected based on 2015 law prohibiting discrimination based on sexual orientation and gender identity, and 2014 law expanding veteran protections
 - Not yet known whether new poster will be required for all employers or only federal contractors to replace temporary supplement issued in 2015
- There is some *proposed* legislation that could impact federal labor law posters in 2018 (e.g., Healthy Families Act, Workflex in the 21st Century Act, federally mandated E-Verify)

State Labor Law Compliance



State-Issued Labor Law Posters

- Up to 15 state-issued postings required per state, covering issues such as:
 - Workers' Compensation
 - Unemployment Insurance
 - State Minimum Wage Rates
 - Discrimination and Fair Employment
 - Family/Medical Leave Benefits
 - Smoking in the Workplace
- Employers must post both federal and state postings even if there's conflicting information

2017 State Poster Changes: Minimum Wage

| State | New Minimum Wage | Effective Date |
|------------|--|-------------------|
| Alaska | \$9.80 | January 1, 2017 |
| Arizona | \$10.00 | January 1, 2017 |
| California | \$10.50 (for employers with 26+ employees) | January 1, 2017 |
| Colorado | \$9.30 | January 1, 2017 |
| Florida | \$8.10 | January 1, 2017 |
| Maine | \$9.00 | January 7, 2017 |
| Michigan | \$8.90 | January 1, 2017 |
| Missouri | \$7.70 | January 1, 2017 |
| Montana | \$8.15 | January 1, 2017 |
| New Jersey | \$8.44 | January 1, 2017 |
| New York | Variable rates based on location | December 31, 2016 |
| Ohio | \$8.15 | January 1, 2017 |
| Oregon | Variable rates based on location | July 1, 2017 |

- Other states had MW increases, but previous versions of posters remained compliant
- South Dakota and Washington also had increases but they don't require minimum wage postings

State Minimum Wage Increases for 2018: New Posters Released

The following states announced minimum wage increases and have already issued new posters:

| State | New Minimum Wage | Effective Date |
|------------|--|-------------------|
| Alaska | \$9.84 | January 1, 2018 |
| Arizona | \$10.50 | January 1, 2018 |
| Florida | \$8.25 | January 1, 2018 |
| Maine | \$10.00 | January 1, 2018 |
| Minnesota | \$9.65 (annual gross revenues \$500K+) | January 1, 2018 |
| Missouri | \$7.85 | January 1, 2018 |
| Montana | \$8.30 | January 1, 2018 |
| New Jersey | \$8.60 | January 1, 2018 |
| New York | Variable rates based on location | December 31, 2017 |
| Ohio | \$8.30 | January 1, 2018 |

State Minimum Wage Increases for 2018: Posters Not Released

These states announced minimum wage increases, but the new posters haven't been released yet:

| State | New Minimum Wage | Effective Date |
|--------------|----------------------------------|------------------|
| Colorado | \$10.20 | January 1, 2018 |
| Oregon | Variable rates based on location | July 1, 2018 |
| Rhode Island | \$10.10 | January 1, 2018 |
| South Dakota | \$8.85 | January 1, 2018* |
| Washington | \$11.50 | January 1, 2018* |

** Note: There are currently no minimum wage posting requirements for South Dakota or Washington*

2017 State Poster Changes: Pregnancy Discrimination

- Several states passed laws in 2017 targeting pregnancy discrimination and clarifying employer responsibilities to provide reasonable accommodations:
 - **Connecticut** – New poster issued September 2017
 - **Illinois** – Updated poster issued April 2017
 - **Nevada** – New poster issued July 2017



2017 State Poster Changes: Paid Sick Leave

- Currently there are limited federal requirements for sick leave
 - **Family and Medical Leave Act** (1993) provides unpaid leave for up to 12 weeks for “serious health condition”
 - **Executive Order 13706** (2017) provides up to 7 days per year of paid sick leave for certain employees of federal contractors
- States are passing their own laws requiring private employers to offer paid sick leave
 - **Arizona** – New poster issued January 2017
 - **Vermont** – New poster issued January 2017

2017 State Poster Changes: OSHA State Law

- The following states updated their state OSHA posters in 2017 to incorporate information about OSHA's new penalty amounts for various violations:
 - California OSHA poster – Mandatory update 11/2017
 - Kentucky OSHA poster – Mandatory update 7/2017
 - Virginia OSHA poster – Mandatory update 1/2017



Job Safety and Health Protection

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 45.1 OF THE LABOR LAWS OF VIRGINIA, PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES BOARD PROMULGATES AND ADOPTS JOB SAFETY AND HEALTH STANDARDS, AND EMPLOYERS AND EMPLOYEES ARE REQUIRED TO COMPLY WITH THESE STANDARDS. THESE STANDARDS MAY BE FOUND AT THE FOLLOWING WEB ADDRESS: http://www.dol.virginia.gov/OSI_regulations/OSI_regulations.html. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL, IDENTICAL STANDARDS.

| | |
|---|--|
| <p>Employers</p> <p>Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to his employees, and that comply with occupational safety and health standards issued under the law.</p> <p>Employees</p> <p>Each employee shall comply with occupational safety and health standards, rules, regulations and orders issued under the Law that apply to his own actions and conduct on the job.</p> <p>Inspection</p> <p>The Law requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the VOSH inspector for the purpose of aiding the inspection.</p> <p>Where there is no authorized employee representative, the VOSH inspector must consult with a reasonable number of employees concerning safety and health conditions in the workplace.</p> <p>Citation</p> <p>If upon inspection VOSH believes an employer has violated the Law, a citation alleging such violation will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.</p> <p>The VOSH citation must be prominently displayed at or near the place of alleged violation for three days or until the violation is corrected, whichever is later, to warn employees of dangers that may exist there.</p> <p>Proposed Penalty</p> <p>The Law provides for mandatory penalties against private sector employers of up to \$12,471 for each serious violation and for optional penalties of up to \$12,471 for each other-than-serious violation. Penalties of up to \$12,471 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Law may be assessed penalties of up to \$124,704 for each violation.</p> <p>Public sector employers, all departments, agencies, institutions or other political subdivisions of the Commonwealth, are exempt from the penalty provisions of the Law.</p> <p>Criminal penalties are also provided for in the Law. Any willful violation resulting in the death of an employee is punishable, upon conviction, by a fine of not more than \$75,000 or by imprisonment for not more than six months, or by both. Subsequent conviction of an employer after a first conviction doubles these maximum penalties.</p> <p>Complaint</p> <p>Employees or their representatives have the right to file a complaint with the nearest VOSH office requesting an inspection if they believe unsafe or unhealthy conditions exist in their workplace. VOSH will without, or request, names of employees filing complaints. Complaints may be made at the Department of Labor and Industry addresses shown below.</p> <p>Discrimination</p> <p>It is illegal to retaliate against an employee for using any of their right under the law, including filing a safety or health concern with the employer or VOSH, or reporting a work-related injury or illness.</p> <p>An employee who believes they have been discriminated against for exercising their rights under the Law, may file a complaint with the Commissioner of the Virginia Department of Labor and Industry within 90 days of the alleged discrimination.</p> <p>CASPA</p> <p>Complaints About State Plan Administration: Any person may complain to the Regional Administrator of OSHA (addressed below) concerning the Administration of the State Safety and Health Program.</p> <p>State Coverage</p> <p>The VOSH program shall apply to all public and private sector businesses in the State except for Federal agencies, businesses under the Atomic Energy Act, railroad rolling stock and trains, certain Federal activities, and businesses covered by the Federal Maritime jurisdiction.</p> <p>Voluntary Activity</p> <p>Voluntary efforts by the employer to assure its workplace is in compliance with the Law are encouraged. Similar efforts with health consultation and training programs exist to assist employers. These services may be obtained by contacting the Virginia Department of Labor and Industry address.</p> <p>Recordkeeping</p> <p>Employers now have a new system for tracking workplace injuries and illnesses. OSHA's new recordkeeping log (Form 300) is simpler to understand and use. Using a question and answer format, the revised recordkeeping log provides guidance for recording occupational injuries and illnesses and explains how to classify specific cases. Greater employers (10 or more employees) are exempt from most requirements. To see if your industry is particularly exempt, visit the OSHA website at www.osha-slc.com/recordkeeping-publications.html.</p> <p>Accident Reporting</p> <p>All fatalities must be reported to VOSH within eight (8) hours. All injuries or illnesses that result in inpatient hospitalization, amputation or loss of eye must be reported to VOSH within twenty-four (24) hours. Failure to report may result in significant monetary penalties.</p> | <p>VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY</p> <p>Richmond Main Street Center 800 East Main Street, Suite 207 Richmond, Virginia 23219 VOICE (804) 271-2227 FAX (804) 271-0674 http://www.dol.virginia.gov</p> <p>U.S. Department of Labor OSHA Regional Administrator The Civic Center, 872 7th Street 170 South Independence Mall West Philadelphia, PA 19106-2110 215-597-6400</p> |
| <p>Hampton Roads Main Street Center 800 East Main Street, Suite 207 Richmond, Virginia 23219 (804) 271-3227</p> <p>Central Virginia/Roanoke North Business Plaza 629 East Parkway Road Richmond, VA 23219 (804) 271-9304</p> <p>Southwest/Roanoke Spartan Office 3013 Paines Creek Road Roanoke, VA 24068 (940) 980-2882</p> | <p>OCUPATIONAL SAFETY AND HEALTH OFFICE LOCATIONS</p> <p>Albany The Civic Center 485 East Main Street, Suite 114 Albany, VA 24410 (276) 876-6445</p> <p>Tri-County/Hotchkiss 8900 Center Drive Building 3, Suite 101 Hotchkiss, VA 22022 (703) 455-2141</p> <p>Virginia Beach/Chesapeake 3013 Paines Creek Road Roanoke, VA 24068 (940) 980-2882</p> <p>Virginia Beach/Chesapeake 3013 Paines Creek Road Roanoke, VA 24068 (940) 980-2882</p> |

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
C. Ray Davenport
Commissioner

VIRGINIA SAFETY AND HEALTH CODES BOARD
(804) 264-2220

EMPLOYER: THIS POSTER MUST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHMENT TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK.

JULY 2017

City and County Poster Changes



City and County Posting Compliance

- Cities have the discretion to pass laws more generous to employees than state or federal law
- Postings cover a variety of employment laws similar to state posters, such as:
 - Minimum wage
 - Paid sick leave
 - Prohibitions against discrimination
- Employers must post city/county postings even if the city/county posting conflicts with state or federal law



2017 City/County Poster Changes

| State | City | Poster |
|------------|-------------------|---|
| Arizona | Flagstaff | Minimum Wage |
| California | Los Angeles | Minimum Wage and Fair Chance |
| | Mountain View | |
| | Oakland | |
| | Pasadena | |
| | Richmond | |
| | San Diego | |
| | San Leandro | |
| | Sunnyvale | |
| | Santa Monica | Minimum Wage and Paid Sick |
| | San Jose | Minimum Wage and Opportunity to Work |
| | San Francisco | Minimum Wage, Paid Sick and Paid Parental Leave |
| Illinois | Chicago | Minimum Wage and Paid Sick |
| | Cook County | |
| Minnesota | Minneapolis | Paid Sick |
| | St. Paul | |
| New Mexico | Albuquerque | Minimum Wage |
| | Bernalillo County | |
| | Las Cruces | |
| New York | New York City | Fair Workweek - Industry-Specific |
| Washington | Seattle | Minimum Wage |
| | Tacoma | |
| | Spokane | Paid Sick |

Local Postings Already Released for 2018

| State | City | Poster | Effective Date |
|------------|---------------|--|----------------------------|
| Arizona | Flagstaff | Minimum Wage | January 1, 2018 |
| California | Cupertino | Minimum Wage | January 1, 2018 |
| | El Cerrito | Minimum Wage | January 1, 2018 |
| | Los Altos | Minimum Wage | January 1, 2018 |
| | Milpitas | Minimum Wage | January 1, 2018 |
| | Mountain View | Minimum Wage | January 1, 2018 |
| | Oakland | Minimum Wage | January 1, 2018 |
| | Palo Alto | Minimum Wage | January 1, 2018 |
| | Richmond | Minimum Wage | January 1, 2018 |
| | San Jose | Minimum Wage | January 1, 2018 |
| | San Francisco | Health Care Security and Paid Parental Leave | January 1, 2018 |
| | San Mateo | Minimum Wage | January 1, 2018 |
| | Santa Clara | Minimum Wage | January 1, 2018 |
| | Sunnyvale | Minimum Wage | January 1, 2018 |
| | Minnesota | Minneapolis | Minimum Wage and Paid Sick |
| New Mexico | Albuquerque | Minimum Wage | January 1, 2018 |
| Washington | Seattle | Minimum Wage | January 1, 2018 |
| | Tacoma | Minimum Wage | January 1, 2018 |

Pending City/County Poster Changes

Pending poster changes (not yet released) based on laws already enacted:

| State | City | Poster | Effective Date |
|------------|-------------------|---------------------------------|-----------------|
| California | Belmont | Minimum Wage | July 1, 2018 |
| | Emeryville | Minimum Wage | July 1, 2018 |
| | Milpitas | Minimum Wage | July 1, 2018 |
| | Pasadena | Minimum Wage | July 1, 2018 |
| | San Francisco | Salary History and Minimum Wage | July 1, 2018 |
| Maine | Portland | Minimum Wage | January 1, 2018 |
| Maryland | Montgomery County | Minimum Wage | July 1, 2018 |
| New Mexico | Bernalillo County | Minimum Wage | January 1, 2018 |

Federal Contractor Posting Compliance



Federal Contractor Postings

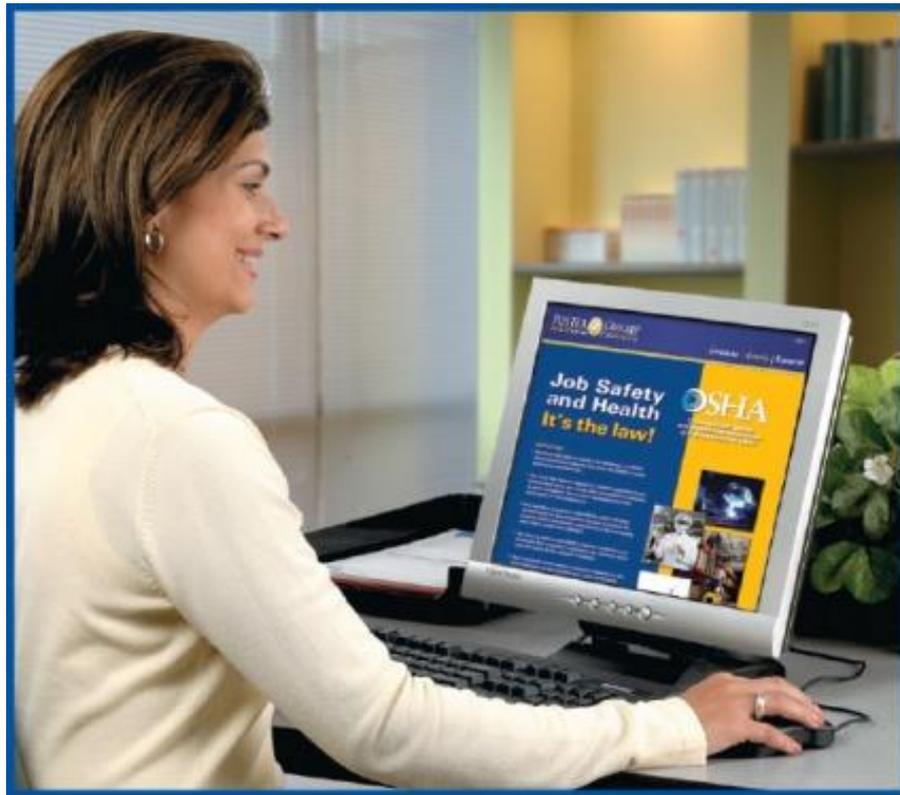
- The most common postings required for federal contractors are:
 1. Minimum Wage (Updated! Jan. 2018)
 2. Paid Sick Leave (New! Jan. 2017)
 3. Right to Work/E-Verify (Updated twice in 2017)
 4. “EEO is the Law” Supplement
 5. Pay Transparency Policy
 6. NLRA (required by EO 13496)
 7. Walsh-Healey Public/Service Contracts
 8. ARRA Whistleblower Rights
 9. DHS Fraud Hotline
 10. Notice to Workers with Disabilities
 11. Davis-Bacon Act
 12. DOT Federal Highway Construction
 13. DOD Whistleblower
 14. DOD Fraud Hotline

Federal Contractor Postings (cont.)

- Federal contractor postings change frequently
 - Eleven mandatory changes since 2015
 - One already announced for January 2018
 - More posting changes pending for 2018
- Penalties for non-compliance can be severe, including steep fines up to suspension or cancellation of federal contracts



Posting Compliance for Remote Workers



Remote Workers & Telecommuters

- By law, you must provide the mandatory federal and state notices to all employees
- An electronic solution is ideal for employees who work from home, telecommuters, field salespeople and other remote workers who regularly communicate with the office via email/Internet
- Best practice is to use a solution that pushes out mandatory updates via email alerts and tracks employee acknowledgments



Thank you!

For more information, please contact

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