

# Answers to Your Top Labor Law Posting Compliance Questions



Presented by:  
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FAQ: Do we have to post labor law posters even if we only have a few employees at a location?

Short Answer: Yes

- Most posting laws apply if you have at least one employee on payroll, with very few exceptions
- Consider the number of employees you have companywide, not at a specific location

# Posting Compliance Basics

- Mandatory federal posters include:
  - **EEOC** (required if you have 15+ employees, and for certain federal contractors with 1+ employee)
  - **OSHA** (1+ employee)
  - **FMLA** (required if you have 50+ employees)
  - **USERRA** (1+ employee)
  - **FLSA** (1+ employee)
  - **EPPA** (1+ employee)
- Up to 15 additional state-specific posters (most apply if you have 1+ employee)
- Up to 10 additional posters for city/county compliance (most apply if you have 1+ employee)
- Additional posters for government contractors and certain industries (most apply if you have 1+ employee)

FAQ: Can't we get all of these posters for free from the government websites?

Short Answer: Yes, sort of ...

- Most posting laws apply if you have at least one employee on payroll, with very few exceptions
- Consider the number of employees you have companywide, not at a specific location

## There's no "one-stop shop" for free government posters

- There are 175 different agencies responsible for issuing more than 370 posters (federal and state)
- In a single state, up to 21 postings issued by 9 different agencies just for federal/state compliance
- Approximately 22,000 local jurisdictions 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

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## FAQ: Is it OK to update our posters just once a year?

### Short Answer: No

- There are mandatory poster updates throughout the year
- Some states implement minimum wage changes in January, but that's only ONE of the required posters
- If you only update posters once a year, you are likely out of compliance for the balance of the year

## Posting changes on the rise

- There are approximately 150 state-specific poster changes per year (50% require immediate mandatory replacements)
- Government agencies do not notify you when changes occur
- Posting requirements (including size, font and color mandates, as well as foreign language requirements and posting effective dates) can be buried in statutes, regulations, case law, and agency website pages



**FAQ:** If we have a prevailing city minimum wage with a mandatory poster, do we still have to post the federal and state posters if those rates are different?

### Short Answer: Yes

- Whenever federal, state and local laws conflict, you must *follow* the law that is most beneficial to your employees
- However, you still have to post the federal, state and local (city/county) posters even if the information conflicts

## City/County Posting Requirements\*

FAQ: Is it sufficient to post the posters in one location at our facility, or do we have to display in multiple locations within the same building?

Short Answer: It depends ...

- 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’s size and layout
- Consider posting in break rooms, locker rooms, near employee entrances, time clocks, HR department and applicant areas

FAQ: The posters take up too much room on our walls.  
Can we post electronically on our company  
intranet site instead?

Short Answer: No, with a few exceptions

- General Rule: Electronic delivery is not a substitute for full-sized physical posters displayed in conspicuous locations accessible to all employees
- Exceptions: FMLA and USERRA, but only if you communicate other policies electronically and provide all employees with electronic access
- Special rules apply for non-traditional worksites without walls, and for remote/off-site workers

FAQ: Is it true that we have to provide the posters for our employees who work from home?

Short Answer: Yes

- By law, you must provide the mandatory labor law notices to all of your employees, including those who work off-site
- Electronic posting is a compliant solution for employees who work from home, if they regularly communicate with the office via email or internet and have computers or mobile devices to ensure accessibility

FAQ: We have remote workers who come into the office a few times a year for team meetings, and they see our posters when they come in. Is that sufficient, or do we still need to supply the posters electronically?

Short Answer: A few times a year would not be sufficient

- If remote workers come into the office (where your posters are displayed) *less frequently* than 3-4 times a month, you need to provide the posters in an alternative format, such as electronically
- Consider an electronic solution that provides 24/7 access, alerts your employees when posters change, and captures employee acknowledgments

## FAQ: What if a remote worker lives in another state – which state posters do we provide?

**Short Answer:** Ideally, both states; but at a minimum the state where the employee lives/works

- This depends on several factors, including: the laws of the state where you operate, the laws of the state where the employee resides, how your company is structured, and written policies/agreements with the employee
- Definitive answer requires legal advice for your specific arrangement
- Best practice is to *follow the laws* that are most beneficial to the employee
- For posters, best practice is to provide posters for both locations; if not feasible, at least provide posters for the location where the employee performs the work

FAQ: We have workers who work in trucks or kiosks without walls. How do we satisfy posting compliance?

Short Answer: Consider electronic options or binder format

- For employees provided with computers and internet access for their jobs, consider electronic solution
- Another compliant option is a compact binder format
- Make sure binders are complete, up-to-date, and completely accessible



FAQ: What if we have employees who work at a client's worksite? Who is responsible for the posters?

Short Answer: You should ensure compliance with all posting requirements

- Depends on several factors and requires legal analysis of your specific arrangement and contract for definitive answer
- Under "joint employer liability" theory, you and the client may both be held responsible for employment law violations
- If you have control over the physical workspace, post the posters
- If not feasible, consider binders and/or electronic solution

## FAQ: When are we obligated to post in Spanish or other foreign languages?

Short Answer: It depends

- In 22 states, certain posters must be posted in Spanish even if you have no Spanish-speaking employees
- Cities and counties often require posters in multiple languages even if all employees are proficient in English

# Foreign Language Posting Requirements

- Certain postings must be posted in Spanish 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
- Note: Poster Guard English service already includes foreign-language posters if they are required for all employers regardless of languages spoken by employees

# Foreign Language Posting 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 are a “best practice” for locations with a significant number of Spanish-speaking workers
- **Exception:** Pennsylvania employers “with Spanish-speaking employees” must post fully-translated state law posters in Spanish

FAQ: We are a federal contractor. Do the federal contractor posters have to be posted at every worksite?

Short Answer: Not necessarily

- Federal contractors must post up to 14 additional labor law postings
- Posting obligations often depend on the types of contracts you have and the value of the contracts
- Posters generally must be posted only in locations where federal contract work is performed or supported

FAQ: What are the posting requirements for job applicants if we only accept applications on-line?

Short Answer:

You must provide a link to the poster images

- Certain postings must be displayed where applicants can view them, including EEOC, FMLA, USERRA and EPPA (and E-Verify/Right to Work, if applicable)
- On-line applicants must have access electronically
- Physical postings must be displayed for applicants that come into your facility for pre-employment interviews, testing, or any part of the application process



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