

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

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



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

For more information, please contact:

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