

Special Posting Requirements for Businesses with Spanish Speaking Employees



Presented by:
Ashley H. Kaplan, Esquire
Sr. Employment Attorney

Hispanic Persons in the United States (Top 13 States)

<u>Hispanic Population</u>			<u>Hispanic Labor Force</u>		
1.	California	14,994,375	1.	California	6,796,000
2.	Texas	10,091,933	2.	Texas	4,790,000
3.	Florida	4,570,972	3.	Florida	2,211,000
4.	New York	3,710,754	4.	New York	1,568,000
5.	Illinois	2,149,888	5.	Arizona	895,000
6.	Arizona	2,028,540	6.	Illinois	894,000
7.	New Jersey	1,697,921	7.	New Jersey	884,000
8.	Colorado	1,131,582	8.	Colorado	485,000
9.	New Mexico	1,000,780	9.	New Mexico	407,000
10.	Georgia	941,431	10.	Georgia	376,000
11.	North Carolina	883,859	11.	North Carolina	344,000
12.	Washington	856,880	12.	Nevada	343,000
13.	Pennsylvania	823,684	13.	Pennsylvania	328,000

Hispanic Employment by Industry

Percent of employed workers who are Hispanic



Note: Data includes workers age 16 and over.

Source: JEC Democratic staff based on data from the Bureau of Labor Statistics.

Today's posting compliance environment is more complex than ever

- All employers must post federal and state employee postings
- Mandatory federal posters include:
 - EEOC
 - FLSA
 - EPPA
 - FMLA
 - OSHA
 - USERRA
- Up to 15 additional state-specific posters
- Additional posters for certain industries, cities, and counties

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

- There are 175 different agencies responsible for issuing more than 370 posters
- In a single state, up to 21 postings issued by 9 different agencies

And that doesn't include additional postings required if you are in certain industries, have government contracts, employ non-English speaking employees, or operate in certain cities/counties

Posting changes are on the rise

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

Poster Guard® Compliance Protection Federal/State/Local Service: The Basics

- To start, each of your locations will receive a complete federal, state and local (if applicable) poster set
- Our Legal Team then continually monitors all federal, state and local legislation and regulatory activity to identify and interpret any potential posting changes
- Whenever a new mandatory posting is issued, your affected locations will be notified and automatically shipped completely new and/or updated posters



Foreign Language Posting Requirements

- Certain postings must be displayed in Spanish regardless of your workforce demographics
 - 22 states require Spanish postings for all employers
 - 47 state-issued postings must be posted in Spanish
 - A few states include multiple languages, from Russian to Japanese to Arabic
 - City/county postings have similar requirements
- All postings in Puerto Rico must be displayed in Spanish

Foreign Language Posting 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 workforce demographics

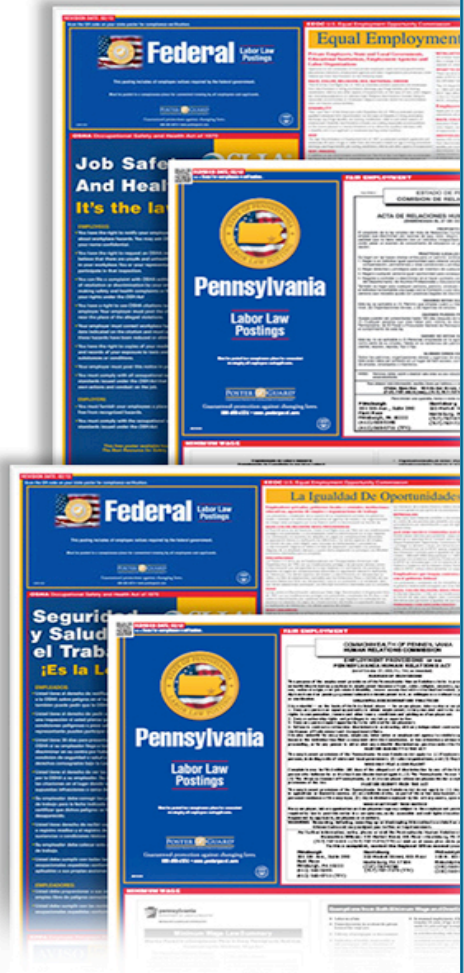
Foreign Language Posting Requirements (continued)

You may have additional obligations if you employ workers who do not speak 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 to ensure proper communication in locations with a significant number of Spanish-speaking workers
- **Exception:** Pennsylvania employers “with Spanish-speaking employees” must post fully-translated posters in Spanish
- **Poster Guard** allows you to select which locations need additional posters in Spanish (fully translated federal and/or state poster sets) to fit your needs

Poster Guard Spanish Options

- Solutions available to meet your specific needs, location by location
 1. **Federal (English) and State (English)** – includes the specific Spanish postings required for every employer
 2. **Federal (Bilingual) and State (English)** – required for locations with a significant portion of Spanish-speaking employees who are not proficient in English
 3. **Federal (Bilingual) and State (Bilingual)** – best practice for locations with Spanish-speaking employees; required for Pennsylvania locations with Spanish-speaking employees
 4. **Federal (Spanish) and State (Spanish)** – required in Puerto Rico
- Available in all formats (posters, electronic service for remote workers, and binder service for worksites without walls)
- All options include city/local postings in English and other languages if required for all employers



City/Local Posting Requirements

- **AZ:** Flagstaff* Tucson*
- **CA:** Berkeley** Cupertino* El Cerrito** Emeryville** Los Altos* Los Angeles* Los Angeles County (Unincorporated)* Milpitas* Mountain View** Oakland** Palo Alto** Pasadena** 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
- **ME:** Portland
- **MD:** Montgomery County, Prince George's County
- **MN:** Minneapolis** St. Paul**
- **NE:** Fremont* Lincoln
- **NJ:** Bloomfield** East Orange** Elizabeth** Irvington** Jersey City** Montclair** Morristown** Newark** New Brunswick** Passaic** Paterson** Plainfield** Trenton**
- **NM:** Albuquerque* Bernalillo County* Las Cruces* Santa Fe*
- **NY:** New York City
- **PA:** Philadelphia
- **TX:** Beaumont, Corpus Christi
- **WA:** Seattle** Tacoma*

* Requires foreign language versions for all employers

** Requires foreign language versions only if certain percentage of workforce speaks another language

Pending 2018 Federal, State & Local Poster Changes (Based on Laws Already Passed as of 3/1/18)

Expected Federal Poster Changes

- General EEOC Poster and/or Federal Contractor EEO/VEVRAA Poster (based on March 24, 2014 law expanding veteran protections)
- General EEOC Poster and/or Federal Contractor EEO/Sexual Orientation, Gender Identity Poster (based on new executive order expanding workplace protections for LGBT employees effective April 8, 2015)

Expected State Poster Changes

- AZ Minimum Wage Notice
- CA Family Rights Act Notice
- CA Minimum Wage Notice
- CO Minimum Wage Notice
- MA Fair Employment Notice
- ME Minimum Wage Notice
- NJ Fair Employment Notice
- NY Minimum Wage Notice
- OR Salary History Notice
- OR Minimum Wage Notice
- RI Minimum Wage Notice

Expected City/Local Poster Changes

- Austin, TX Paid Sick Leave Notice
- Belmont, CA Minimum Wage Notice
- El Cerrito, CA Minimum Wage Notice
- Emeryville, CA Minimum Wage Notice
- Flagstaff, AZ Minimum Wage Notice
- Las Cruces, NM Minimum Wage Notice
- Milpitas, CA Minimum Wage Notice
- Montgomery County, MD Minimum Wage Notice
- Pasadena, CA Minimum Wage Notice
- Richmond, CA Minimum Wage Notice
- San Francisco, CA Minimum Wage Notice
- San Francisco, CA Salary History Notice
- San Jose, CA Minimum Wage Notice
- Seattle, WA Minimum Wage Notice



For more information, contact:

Peter Fray

Compliance Specialist

954.970.5702

pfray@hrdirect.com