

Federal Workplace Posters



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You have probably received an email, direct mailing or phone call telling you that Labor Law posting notices are always changing” or something similar. These solicitations attempt to scare you into purchasing “the complete set” of posters from their company so you will be in compliance. Should you purchase posters from these companies? That is up to you, but before you do, please read the rest of this article.

Why so many posters?

Historically, workers and employees have been taken advantage of by unscrupulous business owners and managers. Sometimes, the legislature’s response to this has been to require that posters be posted in a conspicuous place at the workplace so that workers can be informed of their rights.

The Federal Government has requirements for what posters must be displayed. Additionally, many states each have other poster requirements, so make sure to check with your state’s labor department to find out more. What follows is a helpful table from the U.S. Department of Labor, listing information about posters and requirements. It is available online at www.dol.gov.

Federal Poster Requirements:

- **Job Safety and Health Protection**, Occupational Safety and Health Administration 29 USC 657(c), 29 CFR 1903.2: Private employers engaged in a business affecting commerce. Does not apply to federal, state or political subdivisions of states. Any covered employer failing to post the poster may be subject to citation and penalty. Employers in states operating OSHA-approved state plans should obtain and post the state’s equivalent poster.
- **Fair Labor Standards Act (FLSA)**, Minimum wage poster, Wage and Hour

Division: Every private, federal, state and local government employer employing any employee subject to the Fair Labor Standards Act, 29 USC 211, 29 CFR 516.4 posting of notices. There are no citations or penalties for failure to post. Any employer of employees to whom sec. 7 of the Fair Labor Standards Act does not apply may alter or modify the poster legibly to show that the overtime provisions do not apply.

- **Your Rights Under the Family and Medical Leave Act**, Wage and Hour Division, 29 CFR 825.300, .402: Public agencies (including state, local and federal employers), public and private elementary and secondary schools, as well as private sector employers who employ 50 or more employees in 20 or more work weeks and who are engaged in commerce or in any industry or activity affecting commerce, including joint employers and successors of covered employers. The willful refusal to post may result in a civil money penalty by the Wage and Hour Division, not to exceed \$100 for each separate offense. Where an employer's workforce is not proficient in English, the employer must provide the notice in the language the employee speaks. The poster must be posted prominently where it can be readily seen by employees and applicants for employment.
- **Notice: Employee Polygraph Protection Act**, Wage and Hour Division, 29 CFR 801.6: Any employer engaged in or affecting commerce or in the production of goods for commerce. Does not apply to federal, state and local governments, or to circumstances covered by the national defense and security exemption. The Secretary of Labor can bring court actions and assess civil penalties for failing to post. The Act extends to all employees or prospective employees regardless of their citizenship status. Foreign corporations operating in the United States must comply or will result in penalties for failing to post. The poster must be displayed where employees and applicants for employment can readily observe it.
- **Notice: Migrant and Seasonal Agricultural Worker Protection Act**, Wage and Hour Division, 29 CFR 500.75, .76: Agricultural employers, agricultural associations and farm labor contractors. A civil money penalty may be assessed. Each employer covered by the Act who provides housing to migrant agricultural workers shall post in a conspicuous place, throughout the occupancy period, information on the terms and conditions of occupancy of such housing.

Keep in mind, there are also additional posters and requirements for businesses that do work for the federal government and other governmental entities. Take time to look at the Department of Labor's website to find out if those posters may apply to your business.

Also, the National Labor Relations Board has a poster that advises workers of their rights under the National Labor Relations Act. The requirement that this poster be posted was due to take effect on April 30th, 2012. However, due to an ongoing lawsuit, this requirement has been postponed until the legal issues are resolved. For an update on the status of this posting requirement, go to www.nlrb.gov/poster.

Where to Get Posters

Sure, you could pay \$50 to \$100 to purchase all of the required posters in one package. Hopefully the posters will have the correct information and you will be all set. Alternatively, you could save a bunch of money by getting the required posters from the Department of Labor for free. Simply print or download them from www.dol.gov.

Please keep in mind that this article only covers the required federal posters and not any state posters. Additionally, the list of posters here is not exhaustive and other posters may be required depending on the type, size and locale of a business.