

Poster Compliance Audit: Is Your Business at Risk?

Presented by



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Why Labor Law Postings?

- Compliance isn't optional
- Government posting fines
 - Up to \$17,000 authorized by federal statutes
 - State and local fines typically range from \$100-\$1000 per violation
- Employee lawsuits are the real danger
 - Failure to post extends statute of limitations
 - Evidence of bad faith
- Posting compliance is your first line of defense



Step #1

Make Sure You Have All the Required Postings



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Federal Postings



Mandatory Federal Postings for U.S. Employers

- Equal Employment Opportunity (EEOC)
- Minimum Wage (FLSA)
- Military Rights (USERRA)
- Workplace Safety (OSHA)
- Employee Polygraph Protection (EPPA)
- Family and Medical Leave (FMLA)

State Postings

- Every state makes its own laws, and no two states have the same posting requirements
- Up to 15 state postings may be required, depending on the state
- No one-stop shop for free government posters
- A worker's comp poster by itself is NEVER sufficient



Total Postings and Different Issuing Agencies by State

State	Total Federal & State Mandatory Posters	Total Number of Different Issuing Agencies (State and Federal)	State	Total Federal & State Mandatory Posters	Total Number of Different Issuing Agencies (State and Federal)
Alabama	11	5	Montana	11	5
Alaska	12	5	Nebraska	10	5
Arizona	17	9	Nevada	16	7
Arkansas	10	7	New Hampshire	15	6
California	21	7	New Jersey	20	6
Colorado	12	5	New Mexico	13	7
Connecticut	16	8	New York	17	7
Delaware	14	4	North Carolina	14	8
D.C.	17	7	North Dakota	9	6
Florida	11	8	Ohio	11	7
Georgia	15	7	Oklahoma	11	8
Hawaii	16	5	Oregon	14	8
Idaho	10	6	Pennsylvania	14	6
Illinois	12	8	Puerto Rico	9	4
Indiana	15	9	Rhode Island	15	6
Iowa	11	5	South Carolina	13	8
Kansas	11	6	South Dakota	9	4
Kentucky	13	6	Tennessee	14	7
Louisiana	20	5	Texas	10	7
Maine	14	6	Utah	12	7
Maryland	16	7	Vermont	15	4
Massachusetts	13	7	Virginia	10	5
Michigan	15	7	Washington	11	6
Minnesota	12	6	West Virginia	11	7
Mississippi	11	6	Wisconsin	15	5
Missouri	12	5	Wyoming	11	4

City/Local Postings

- Additional posters are required in certain cities and counties
- For example:
 - CA - San Francisco, San Jose, Oakland, Berkeley, Sunnyvale, Richmond, Mountain View, Emeryville
 - CO - Denver
 - FL - Broward County
 - IL - Chicago
 - MD - Montgomery County, Prince George County



City/Local Postings

- NJ - Jersey City, Newark, Trenton, Montclair, Passaic, East Orange, Paterson, Bloomfield
- NM - Albuquerque, Santa Fe, Las Cruces, Bernalillo
- OR - Portland
- PA - Philadelphia
- WA - Seattle

And the list is quickly growing ...



Step #2

Make Sure Your Postings Are Current



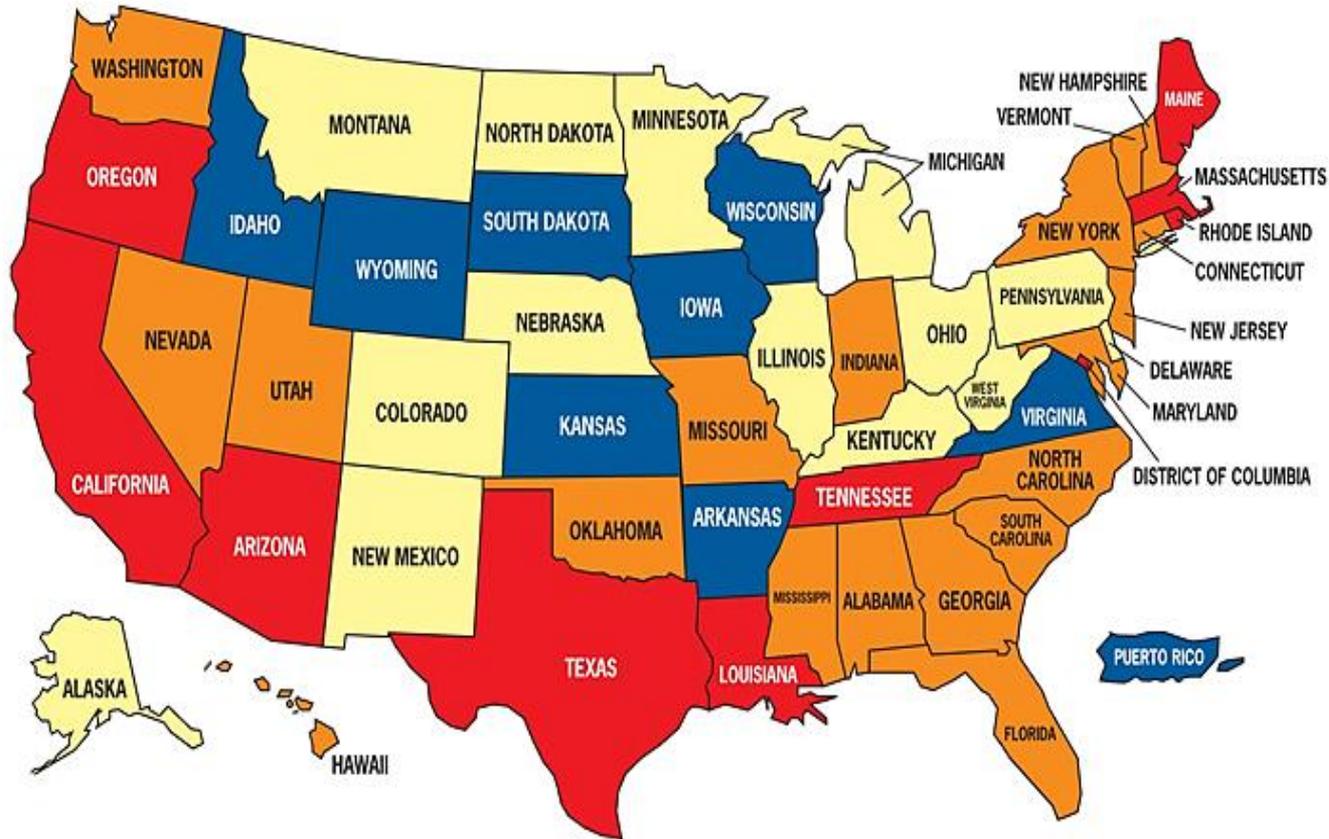
COMPLY*RIGHT.*

Posting Changes

- Posting changes are on the rise
- Approximately 75 mandatory state poster changes occur each year
- Government agencies do not notify you when changes occur; it's your responsibility to keep up
- Each time a mandatory change occurs, you must update your poster



Mandatory Federal and State Poster Changes by State for 2012-2015



- EXTREME LEVEL** (9-20 Poster Changes)
- HIGH LEVEL** (6-8 Poster Changes)
- MODERATE LEVEL** (3-5 Poster Changes)
- LOWER LEVEL** (1-2 Poster Changes)

Step #3

Make Sure Your Postings Are Compliant



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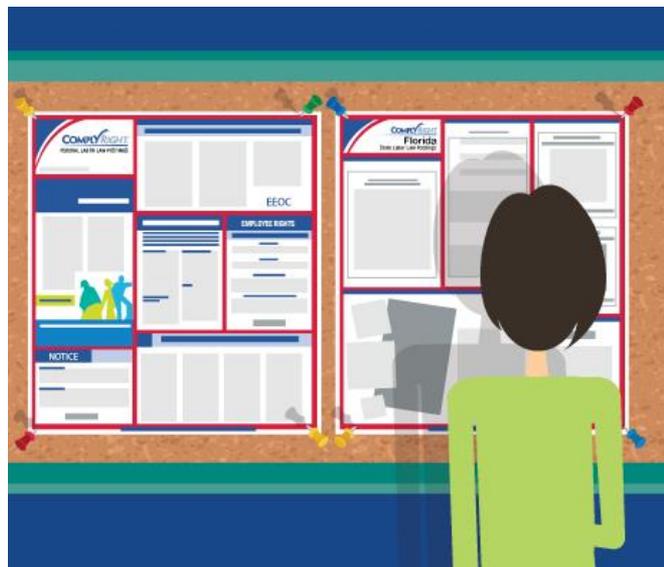
Poster Format

- Posters must meet minimum size and font requirements
- Shrinking the posters or font size compromises compliance
- Many postings have strict color and/or layout requirements that cannot be altered
- Cutting corners by shrinking postings or not printing in color can put your company at risk for noncompliance



Step #4

Make Sure You're Posting All Required Languages



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Foreign Language Posting Requirements

- Certain postings must be displayed in Spanish regardless of your workforce demographics
- 22 States require certain Spanish postings for all employers: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Mississippi, New Jersey, New Mexico, New York, North Carolina, South Carolina, Tennessee, Texas, Utah, Virginia and Washington D.C.

Foreign Language Posting Requirements

- You may have *additional* obligations if you employ workers who do not speak English
 - 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
 - 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

Step #5

Make Sure You Consider E-Verify



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E-Verify Posting Requirements

- E-Verify is an internet-based system operated by the U.S. Department of Homeland Security that allows employers to verify the employment eligibility of new employees
- E-Verify performs an electronic check of each employee's I-9 information against government records
- Employers who participate in E-Verify have mandatory posting requirements

E-Verify Posting Requirements

- Who is required to participate in E-Verify?
 - Employers who operate in AL, AZ, GA, LA*, MS, NC, SC, TN*, UT*
 - Employers with federal government contracts
 - All federal agencies
 - Public sector (government) employers in FL, ID, IN, MO, NE, OK, VA
- Employers who *voluntarily* participate also must comply with E-Verify posting requirements

E-Verify Posting Requirements

- Two posters are required for compliance: The E-Verify Participation poster *and* the Right to Work Poster (also known as the E-Verify Discrimination Poster)
- Both posters must be displayed in English and Spanish
- Must be posted where applicants and employees can easily view them

E-Verify Posting Requirements

<p>This Organization Participates in E-Verify</p>  <p>The employer will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization.</p> <p>El empleador proporcionará a la Administración de Seguridad Social (SSA) y, si es necesario, al Departamento de Seguridad Nacional (DHS), información de cada nuevo empleado para confirmar su elegibilidad para trabajar.</p> <p>Si usted sabe que su empleador ha iniciado el procedimiento para verificar sus registros de empleo, no se preocupe. Este procedimiento no le discriminará. Si usted tiene alguna pregunta, comuníquese con el personal de Servicio al Cliente de DHS al 800-275-7888, 800-275-7788 (TTY) o en www.dhs.gov/e-verify.</p> <p>E-Verify Works for Everyone</p> <p>888-897-7788</p> <p>www.dhs.gov/EVerify</p>	<p>Esta organización participa en E-Verify</p>  <p>El empleador proporcionará a la Administración de Seguridad Social (SSA) y, si es necesario, al Departamento de Seguridad Nacional (DHS), información de cada nuevo empleado para confirmar su elegibilidad para trabajar.</p> <p>Si usted sabe que su empleador ha iniciado el procedimiento para verificar sus registros de empleo, no se preocupe. Este procedimiento no le discriminará. Si usted tiene alguna pregunta, comuníquese con el personal de Servicio al Cliente de DHS al 800-275-7888, 800-275-7788 (TTY) o en www.dhs.gov/e-verify.</p> <p>E-Verify funciona para todos</p> <p>888-897-7788</p> <p>www.dhs.gov/EVerify</p>
<p>IF YOU HAVE THE RIGHT TO WORK, Don't let anyone take it away.</p>  <p>If you have the legal right to work in the United States, there are laws to protect you against discrimination in the workplace.</p> <p>Si usted tiene el derecho a trabajar legalmente en los Estados Unidos, existen leyes que lo protegen contra la discriminación en el trabajo.</p> <p>Do not allow anyone to:</p> <ul style="list-style-type: none"> • In a new case, terminate you because of your national origin or citizenship status or refuse to accept your legally-accepted documents. • Employers cannot reject documents because they have a future expiration date. • Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem. • In most cases, employers cannot require you to be a U.S. citizen or lawful permanent resident. <p>If any of these things have happened to you, contact the Office of Special Counsel (OSC).</p> <p>Para asistencia en su idioma: Llame al 800-275-7688 o (202) 674-5384. Para el lenguaje de señas: (771) 888-207-2074 o (202) 674-5226.</p> <p>E-mail: osc@doj.gov</p> <p>De write to: U.S. Department of Justice - OSC, Office of Special Counsel - 500, 950 Pennsylvania Ave., NW, Washington, DC 20530.</p> <p>U.S. Department of Justice, Office of Special Counsel for Employment-Related Before Employment Practices</p> <p>www.justice.gov/osc/etbp</p>	<p>SI USTED TIENE DERECHO A TRABAJAR, no deje que nadie se lo quite.</p>  <p>Si usted tiene el derecho a trabajar legalmente en los Estados Unidos, existen leyes que lo protegen contra la discriminación en el trabajo.</p> <p>Do not allow anyone to:</p> <ul style="list-style-type: none"> • En la mayoría de los casos, los empleadores no pueden rechazar sus documentos de identidad o su estatus de inmigración, o negarse a aceptar sus documentos válidos y legales. • Los empleadores no pueden rechazar documentos que aún tienen una fecha de vencimiento futura. • Los empleadores no pueden despedir a alguien o terminar su contrato de empleo sin darle una oportunidad de resolver el problema. • En la mayoría de los casos, los empleadores no pueden exigir que usted sea ciudadano estadounidense o residente legal permanente. <p>Si usted se ha encontrado en alguna de estas situaciones, contacte a la Oficina del Consejero Especial (OSC).</p> <p>Para asistencia en su idioma: Llame al 800-275-7688 o (202) 674-5384. Para el lenguaje de señas: (771) 888-207-2074 o (202) 674-5226.</p> <p>E-mail: osc@doj.gov</p> <p>Escríbale a: U.S. Department of Justice - OSC, Office of Special Counsel - 500, 950 Pennsylvania Avenue, NW, Washington, DC 20530.</p> <p>Departamento de Justicia de EE.UU., Oficina del Consejero Especial Para Prácticas Legales en el Empleo Relacionadas a Inmigración</p> <p>Oficina del Consejero Especial Para Prácticas Legales en el Empleo Relacionadas a Inmigración</p> <p>www.justice.gov/osc/etbp</p>



Step #6

Make Sure to Display Individual Postings



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Individual Postings

- Don't overlook posters that must be displayed apart from your main employee posting stations
- No-smoking posters, for example, are mandatory employee notices in 31 states (and many cities/counties)
- These postings typically must be displayed near an entrance
- Often there are strict size, font and color requirements



Step #7

Make Sure You Include Industry Postings



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Industry-Specific Postings

- Certain industries have additional labor law posting requirements under federal and state law
- Examples include restaurant, healthcare and public sector
- Every state has different industry-specific requirements - up to 15 additional postings



Step #8

Make Sure You Remember Fed Contractor Requirements



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Federal Contractor Postings

- Regardless of your industry, if your business has federal government contracts, you must post additional notices
- In recent years, the number of businesses with government funding/contracts has grown – especially in industries such as construction, finance, telecommunications, technology, transportation and non-profits
- Posting obligations depend on types and values of contracts



Federal Contractor Postings

The most common postings for federal contractors:

1. NLRA
2. E-Verify/Right To Work
3. Walsh-Healey Public/Service Contracts
4. ARRA Whistleblower Rights
5. DOD Fraud Hotline
6. DOD Whistleblower
7. DHS Fraud Hotline
8. Notice to Workers with Disabilities
9. Minimum Wage
10. "EEO is the Law" Supplement
11. Pay Transparency Policy

Federal Contractor Postings

- For federal construction work, there are two more:
 - Davis-Bacon Act
 - DOT Federal Highway Construction
- Postings change frequently
- Penalties for non-compliance can be severe, including steep fines up to suspension or cancellation of federal contracts

Step #9

Make Sure You Have Enough Posting Stations



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Posting Stations

- Postings must be displayed in “conspicuous locations” accessible to all employees throughout your business
- Most companies require multiple posting display sites to comply (front vs. back of the house)
- Specific posting locations depend on your facility size and layout

Posting Stations

- Consider posting in break rooms, in locker rooms, at employee entrances, in the HR department and in applicant areas
- Four of the six mandatory federal postings must be displayed to prospective employees during the application process
 - EEOC
 - USERRA
 - EPPA
 - FMLA

Step #10

Make Sure You Cover Your Remote Workers

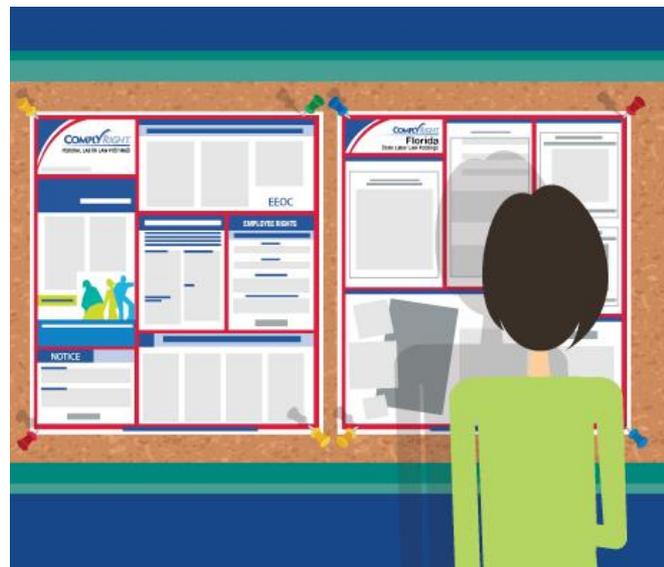


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Remote Workers and Telecommuters

- By law, you must provide the mandatory federal and state notices to all your employees
- If an employee regularly reports into the office (e.g., several times a month), physical posting locations in the business are sufficient
- Best practice is to use an online system that includes tracking and employee acknowledgments

Posting Station Reviews



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CALIFORNIA

EMPLOYER LABOR LAW POSTER

EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

The Equal Employment Opportunity Commission (EEOC) enforces laws that prohibit employers from discriminating against employees on the basis of race, sex, religion, national origin, and age. The EEOC also enforces laws that prohibit employers from discriminating against employees on the basis of disability.

DISCRIMINATION IS ILLEGAL

Employers are prohibited from discriminating against employees on the basis of race, sex, religion, national origin, and age. This includes hiring, firing, promotion, demotion, and pay. Employers are also prohibited from discriminating against employees on the basis of disability.

WHAT TO DO IF YOU ARE DISCRIMINATED

If you believe you have been discriminated against, you should first talk to your supervisor or manager. If that does not resolve the problem, you should contact the EEOC. You can file a charge of discrimination with the EEOC within 180 days of the date of the alleged discrimination.

CALIFORNIA MINIMUM WAGE

CALIFORNIA MINIMUM WAGE RATE NEW 2014

Year	Minimum Wage
2013	\$8.00
2014	\$9.00
2015	\$10.00

EMPLOYERS MUST PAY THE MINIMUM WAGE

Employers must pay the minimum wage to all employees, regardless of their job title or position. This includes full-time, part-time, and temporary employees. Employers must also pay overtime pay to employees who work more than 8 hours in a day or 40 hours in a week.

FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYER RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 weeks of unpaid, job-protected leave per year for specified family and medical reasons. During the leave, the employee's position must be held open for them, and they must be able to return to their original or an equivalent position.

ELIGIBILITY REQUIREMENTS

Employees must have worked for the employer for at least 12 months and be employed for at least 125 hours during that period. The employer must have at least 50 employees within a 75-mile radius.

FEDERAL MINIMUM WAGE

FEDERAL MINIMUM WAGE \$7.25

The federal minimum wage is \$7.25 per hour. Employers must pay at least this amount to all employees, unless they are exempt from the minimum wage law.

WHISTLEBLOWER PROTECTION ACT

WHISTLEBLOWERS ARE PROTECTED

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another person with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or notifies before a public body conducting an investigation, hearing or inquiry, when they have reason to believe that an employer is violating a state or federal statute, or who is not complying with a local, state or federal rule or regulation.

WHAT IS A WHISTLEBLOWER?

A whistleblower is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or notifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute.
2. A violation of noncompliance with a state or federal rule or regulation, or
3. With information to employee safety or health, unsafe working conditions or work practices in the employer's employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of a noncompliance with a local, state or federal rule or regulation.

WHAT PROTECTIONS ARE AFFORDED TO WHISTLEBLOWERS?

1. An employer may not make, attempt, or threaten any act, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation of noncompliance with a state or federal rule or regulation.
3. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower to any former employment.
4. An employer, or a person acting on behalf of the employer, shall not retaliate against an employee because the employee is a family member of a person who has, or is presumed to have, engaged in any acts protected by this section.

Under California Labor Code Section 23202.4, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, the employee may sue for damages, and the employer may be liable for attorney's fees.

EMPLOYEE'S EMPLOYMENT PROTECTION ACT

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The Employee's Employment Protection Act (EPPA) provides protection for employees who are terminated without cause. Employees who have worked for an employer for at least 90 days and have been employed for at least 1 year are eligible for EPPA protection.

NOTICE OF TERMINATION

Employers must provide written notice of termination to eligible employees. The notice must specify the date of termination and the reason for termination. The notice must also specify the date by which the employee must vacate the premises.

EMPLOYEE'S NOTICE

EMPLOYEE'S NOTICE

Employees must provide written notice of resignation to their employer. The notice must specify the date of resignation and the reason for resignation. The notice must also specify the date by which the employee must vacate the premises.

PAY DAY NOTICE

PAY DAY NOTICE

Employers must provide written notice of pay day to employees. The notice must specify the date of pay day and the amount of pay. The notice must also specify the date by which the employee must vacate the premises.

EMERGENCY INFORMATION

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Employers must provide written emergency information to employees. The information must specify the name and phone number of the employer's emergency contact person. The information must also specify the date by which the employee must vacate the premises.

NOTIFYING EMPLOYERS NOTICE TO EMPLOYEES

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Employers must provide written notice to employees of the employer's policies and procedures. The notice must specify the date of the notice and the reason for the notice. The notice must also specify the date by which the employee must vacate the premises.

PAID SICK LEAVE

PAID SICK LEAVE

Employers must provide paid sick leave to employees. The amount of sick leave must be at least one hour for every 30 hours worked. The sick leave must be used for the employee's own illness or the illness of a family member.

TIME OFF TO VOTE

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Employers must provide time off to employees to vote. The time off must be at least one hour for every election. The time off must be used on the day of the election.

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MINIMUM WAGE

MINIMUM WAGE

The minimum wage is \$7.25 per hour. Employers must pay at least this amount to all employees, unless they are exempt from the minimum wage law.

ANTI-DISCRIMINATION NOTICE

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Employers must provide written notice of anti-discrimination policies to employees. The notice must specify the date of the notice and the reason for the notice. The notice must also specify the date by which the employee must vacate the premises.

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USERRA - IMPROVED SENIORITY RIGHTS AND REEMPLOYMENT RIGHTS ACT

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The Uniformed Services Uniformed Services Reemployment Rights Act (USERRA) provides protection for employees who are discharged or laid off because of a military service-connected disability. Employees who have worked for an employer for at least 1 year and have been employed for at least 1 year are eligible for USERRA protection.

REEMPLOYMENT RIGHTS

Employees who are discharged or laid off because of a military service-connected disability have the right to be reinstated to their original or an equivalent position. The employer must also provide the employee with the same seniority and benefits as if the employee had not been discharged or laid off.

ACCESS TO MEDICAL AND EXPOSURE RECORDS

ACCESS TO MEDICAL AND EXPOSURE RECORDS

Employees have the right to access their medical and exposure records. The employer must provide the employee with a copy of the records within 15 days of the employee's request. The employee must pay a reasonable fee for the records.

WORKERS' COMPENSATION

WORKERS' COMPENSATION

Employers must provide workers' compensation benefits to employees who are injured or become disabled as a result of their job. The benefits include medical expenses, disability benefits, and death benefits.

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT

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The Occupational Safety and Health Act (OSHA) provides protection for employees who are injured or become disabled as a result of their job. The act requires employers to provide a safe and healthy work environment for their employees.

SAFETY AND HEALTH PROTECTION ON THE JOB

Employers must provide a safe and healthy work environment for their employees. This includes providing safety training, safety equipment, and safety procedures. Employers must also investigate and correct any safety hazards in the workplace.

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This Organization Participates in E-Verify

E-Verify

For more information
call 1-800-874-2014
or www.dhs.gov/e-verify

NEW JERSEY Employment Laws

POSTER COMPLIANCE SHEET 10-11

Child Labor Law Abstract

Child Labor Laws
The New Jersey Child Labor Laws prohibit the employment of children and minors in hazardous occupations and in certain occupations where the work is likely to be injurious to their health, safety, or morals. The laws also restrict the hours of work for children and minors.

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New Jersey Law Prohibits Discrimination in Employment

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The New Jersey Family Leave Act

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Questions?

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