

2017 Roundup of Labor Law Poster Changes: What the Latest Trends Mean for Your Business

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Welcome! Before we get started ...

- Use the chat box on the left to ask questions
- If you are having audio trouble, please message us in the chat box, and we will do our best to assist you
- You will receive a copy of the slides via email

Learning Objectives

- Overview of top federal and state posting changes and trends for 2017
- Rapidly growing city and county posting requirements
- Additional federal contractor posting requirements
- Poster changes still pending as we enter 2018
- Posting compliance for remote workers

General Posting Compliance



Posting Compliance Basics

- All employers must post federal, state and local (if applicable) postings
- Mandatory federal posters include:
 - EEOC
 - OSHA
 - FMLA
 - USERRA
 - FLSA
 - EPPA
- Up to 15 additional state-specific posters
- Up to 9 additional posters for city/county compliance
- Additional posters for government contractors and certain industries

Posting Changes on the Rise

- Approximately 150 state law poster changes per year (50% require immediate mandatory replacements)
- Government agencies don't notify you when changes occur
- Posting updates and requirements (including foreign language requirements and size/font/color mandates) can be buried in statutes, regulations, case law and agency website pages

Pending Federal Poster Changes

- “EEO Is the Law” posting still expected to change
 - Mandatory update expected based on 2015 law prohibiting discrimination based on sexual orientation and gender identity, and 2014 law expanding veteran protections
 - Not yet known whether new poster will be required for all employers or only federal contractors to replace temporary supplement issued in 2015
- There is some *proposed* legislation that could impact federal labor law posters in 2018 (e.g., Healthy Families Act, Workflex in the 21st Century Act, federally mandated E-Verify)

State Labor Law Compliance



State-Issued Labor Law Posters

- Up to 15 state-issued postings required per state, covering issues such as:
 - Workers' Compensation
 - Unemployment Insurance
 - State Minimum Wage Rates
 - Discrimination and Fair Employment
 - Family/Medical Leave Benefits
 - Smoking in the Workplace
- Employers must post both federal and state postings even if there's conflicting information

2017 State Poster Changes: Minimum Wage

State	New Minimum Wage	Effective Date
Alaska	\$9.80	January 1, 2017
Arizona	\$10.00	January 1, 2017
California	\$10.50 (for employers with 26+ employees)	January 1, 2017
Colorado	\$9.30	January 1, 2017
Florida	\$8.10	January 1, 2017
Maine	\$9.00	January 7, 2017
Michigan	\$8.90	January 1, 2017
Missouri	\$7.70	January 1, 2017
Montana	\$8.15	January 1, 2017
New Jersey	\$8.44	January 1, 2017
New York	Variable rates based on location	December 31, 2016
Ohio	\$8.15	January 1, 2017
Oregon	Variable rates based on location	July 1, 2017

- Other states had MW increases, but previous versions of posters remained compliant
- South Dakota and Washington also had increases but they don't require minimum wage postings

State Minimum Wage Increases for 2018: New Posters Released

The following states announced minimum wage increases and have already issued new posters:

State	New Minimum Wage	Effective Date
Alaska	\$9.84	January 1, 2018
Arizona	\$10.50	January 1, 2018
Florida	\$8.25	January 1, 2018
Maine	\$10.00	January 1, 2018
Minnesota	\$9.65 (annual gross revenues \$500K+)	January 1, 2018
Missouri	\$7.85	January 1, 2018
Montana	\$8.30	January 1, 2018
New Jersey	\$8.60	January 1, 2018
New York	Variable rates based on location	December 31, 2017
Ohio	\$8.30	January 1, 2018

State Minimum Wage Increases for 2018: Posters Not Released

These states announced minimum wage increases, but the new posters haven't been released yet:

State	New Minimum Wage	Effective Date
Colorado	\$10.20	January 1, 2018
Oregon	Variable rates based on location	July 1, 2018
Rhode Island	\$10.10	January 1, 2018
South Dakota	\$8.85	January 1, 2018*
Washington	\$11.50	January 1, 2018*

** Note: There are currently no minimum wage posting requirements for South Dakota or Washington*

2017 State Poster Changes: Pregnancy Discrimination

- Several states passed laws in 2017 targeting pregnancy discrimination and clarifying employer responsibilities to provide reasonable accommodations:
 - **Connecticut** – New poster issued September 2017
 - **Illinois** – Updated poster issued April 2017
 - **Nevada** – New poster issued July 2017



2017 State Poster Changes: Paid Sick Leave

- Currently there are limited federal requirements for sick leave
 - **Family and Medical Leave Act** (1993) provides unpaid leave for up to 12 weeks for “serious health condition”
 - **Executive Order 13706** (2017) provides up to 7 days per year of paid sick leave for certain employees of federal contractors
- States are passing their own laws requiring private employers to offer paid sick leave
 - **Arizona** – New poster issued January 2017
 - **Vermont** – New poster issued January 2017

2017 State Poster Changes: OSHA State Law

- The following states updated their state OSHA posters in 2017 to incorporate information about OSHA's new penalty amounts for various violations:
- **California OSHA poster** – Mandatory update 11/2017
- **Kentucky OSHA poster** – Mandatory update 7/2017
- **Virginia OSHA poster** – Mandatory update 1/2017

Job Safety and Health Protection

THE VIRGINIA OCCUPATIONAL SAFETY AND HEALTH (VOSH) LAW, BY AUTHORITY OF TITLE 40.1 OF THE LABOR LAWS OF VIRGINIA, PROVIDES JOB SAFETY AND HEALTH PROTECTION FOR WORKERS. THE PURPOSE OF THE LAW IS TO ASSURE SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE STATE. THE VIRGINIA SAFETY AND HEALTH CODES BOARD PROMULGATES AND ADOPTS JOB SAFETY AND HEALTH STANDARDS, AND EMPLOYERS AND EMPLOYEES ARE REQUIRED TO COMPLY WITH THESE STANDARDS. THESE STANDARDS MAY BE FOUND AT THE FOLLOWING WEB ADDRESS: http://www.dol.virginia.gov/oshs_regulations/oshs_regulations.html. YOU MAY ALSO CONTACT THE DEPARTMENT OF LABOR AND INDUSTRY OFFICES LISTED BELOW TO RECEIVE PRINTED COPIES OF THE VIRGINIA UNIQUE STANDARDS AND OBTAIN THE NAMES OF PUBLISHERS OF THE FEDERAL IDENTICAL STANDARDS.

Employers
Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to his employees, and shall comply with occupational safety and health standards issued under the law.

Employees
Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Law that apply to his own actions and conduct on the job.

Inspection
The Law requires that a representative of the employer and a representative submitted by the employees be given an opportunity to accompany the VOSH inspector for the purpose of aiding the inspection.

Citation
Where there is no authorized employee representative, the VOSH inspector must consult with a representative member of employees concerning safety and health conditions in the workplace.

Proposed Penalty
The Law provides for mandatory penalties against private sector employers of up to \$12,471 for each serious violation and for optional penalties of up to \$12,471 for each other-than-serious violation. Penalties of up to \$12,471 per day may be proposed for failure to correct violations within the proposed time period. Also, any employer who willfully or repeatedly violates the Law may be assessed penalties of up to \$124,710 for each violation.

Complaint
Employees or their representatives have the right to file a complaint with the nearest VOSH office regarding an inspection if they believe unsafe or unhealthy conditions exist in their workplace. VOSH will without an request, removal of employees being concerned. Complaints may be made at the Department of Labor and Industry addresses shown below.

Discrimination
It is illegal to retaliate against an employee for using any of their right under the law, including filing a safety or health concern with the employer or VOSH, or reporting a work-related injury or illness.

CASPA
Complaints About State Plan Administration: Any person may complain to the Regional Administrator of OSHA (address below) concerning the Administration of the State Safety and Health Program.

State Coverage
The VOSH program shall apply to all public and private sector businesses in the State except for Federal agencies, businesses under the Atomic Energy Act, railroad rolling stock and tracks, certain Federal entities, and businesses covered by the Federal Maritime jurisdiction.

Voluntary Activity
Voluntary efforts by the employer to assure its workplace is in compliance with the Law are encouraged. Voluntary Safety and Health Consultation and Training Programs exist to assist employers. These services may be obtained by contacting the Virginia Department of Labor and Industry offices.

Recordkeeping
Employers now have a new system for tracking workplace injuries and illnesses. OSHA's new recordkeeping log (Form 300) is simpler to understand and use. Using a question and answer format, the revised recordkeeping rule provides guidance for recording occupational injuries and illnesses and explains how to classify specific cases. Greater employers (10 or more employees) are exempt from most requirements. To see if your industry is partially exempt, visit the OSHA website at www.osha-slc.com/recordkeeping/pub300.htm.html.

Accident Reporting
All fatalities must be reported to VOSH within eight (8) hours. All injuries or illnesses that result in an inpatient hospitalization, amputation or loss of an eye must be reported to VOSH within twenty-four (24) hours. Failure to report may result in significant monetary penalties.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
Main Street Center
600 East Main Street, Suite 207
Richmond, Virginia 23218
VOICE (804) 271-2227
FAX (804) 271-2224
<http://www.dol.virginia.gov>

OSHA STATE OFFICE LOCATIONS
Harrisonburg
Main Street Center
600 East Main Street, Suite 207
Richmond, Virginia 23218
(804) 271-2227
FAX (804) 271-2224

Southwest/Ryanville
Barnes Office
3013 Peach Creek Road
Barnes, VA 24018
(540) 950-2850

Albany
Main Street Center
400 East Main Street, Suite 114
Albany, VA 24410
(276) 670-0445

Lynchburg
2700 Old Town Road
Suite B
Lynchburg, VA 24501
(434) 942-1309

Virginia
P.O. Box 772
201 Law Building
Virginia, VA 24424
(804) 244-1200

VIRGINIA SAFETY AND HEALTH CODES BOARD
C. Ray Davenport
Commissioner
VIRGINIA SAFETY AND HEALTH CODES BOARD
(804) 244-1200

EMPLOYER THIS POSTER MUST BE DISPLAYED IN A PROMINENT PLACE IN THE ESTABLISHMENT TO WHICH YOUR EMPLOYEES NORMALLY REPORT TO WORK.

July 2017

City and County Poster Changes



City and County Posting Compliance

- Cities have the discretion to pass laws more generous to employees than state or federal law
- Postings cover a variety of employment laws similar to state posters, such as:
 - Minimum wage
 - Paid sick leave
 - Prohibitions against discrimination
- Employers must post city/county postings even if the city/county posting conflicts with state or federal law



2017 City/County Poster Changes

State	City	Poster
Arizona	Flagstaff	Minimum Wage
California	Los Angeles	Minimum Wage and Fair Chance
	Mountain View	Minimum Wage
	Oakland	
	Pasadena	
	Richmond	
	San Diego	
	San Leandro	
	Sunnyvale	
	Santa Monica	Minimum Wage and Paid Sick
	San Jose	Minimum Wage and Opportunity to Work
	San Francisco	Minimum Wage, Paid Sick and Paid Parental Leave
Illinois	Chicago	Minimum Wage and Paid Sick
	Cook County	
Minnesota	Minneapolis	Paid Sick
	St. Paul	
New Mexico	Albuquerque	Minimum Wage
	Bernalillo County	
	Las Cruces	
New York	New York City	Fair Workweek - Industry-Specific
Washington	Seattle	Minimum Wage
	Tacoma	
	Spokane	Paid Sick

Local Postings Already Released for 2018

State	City	Poster	Effective Date
Arizona	Flagstaff	Minimum Wage	January 1, 2018
California	Cupertino	Minimum Wage	January 1, 2018
	El Cerrito	Minimum Wage	January 1, 2018
	Los Altos	Minimum Wage	January 1, 2018
	Milpitas	Minimum Wage	January 1, 2018
	Mountain View	Minimum Wage	January 1, 2018
	Oakland	Minimum Wage	January 1, 2018
	Palo Alto	Minimum Wage	January 1, 2018
	Richmond	Minimum Wage	January 1, 2018
	San Jose	Minimum Wage	January 1, 2018
	San Francisco	Health Care Security and Paid Parental Leave	January 1, 2018
	San Mateo	Minimum Wage	January 1, 2018
	Santa Clara	Minimum Wage	January 1, 2018
	Sunnyvale	Minimum Wage	January 1, 2018
Minnesota	Minneapolis	Minimum Wage and Paid Sick	January 1, 2018
New Mexico	Albuquerque	Minimum Wage	January 1, 2018
Washington	Seattle	Minimum Wage	January 1, 2018
	Tacoma	Minimum Wage	January 1, 2018

Pending City/County Poster Changes

Pending poster changes (not yet released) based on laws already enacted:

State	City	Poster	Effective Date
California	Belmont	Minimum Wage	July 1, 2018
	Emeryville	Minimum Wage	July 1, 2018
	Milpitas	Minimum Wage	July 1, 2018
	Pasadena	Minimum Wage	July 1, 2018
	San Francisco	Salary History and Minimum Wage	July 1, 2018
Maine	Portland	Minimum Wage	January 1, 2018
Maryland	Montgomery County	Minimum Wage	July 1, 2018
New Mexico	Bernalillo County	Minimum Wage	January 1, 2018

Federal Contractor Posting Compliance



Federal Contractor Postings

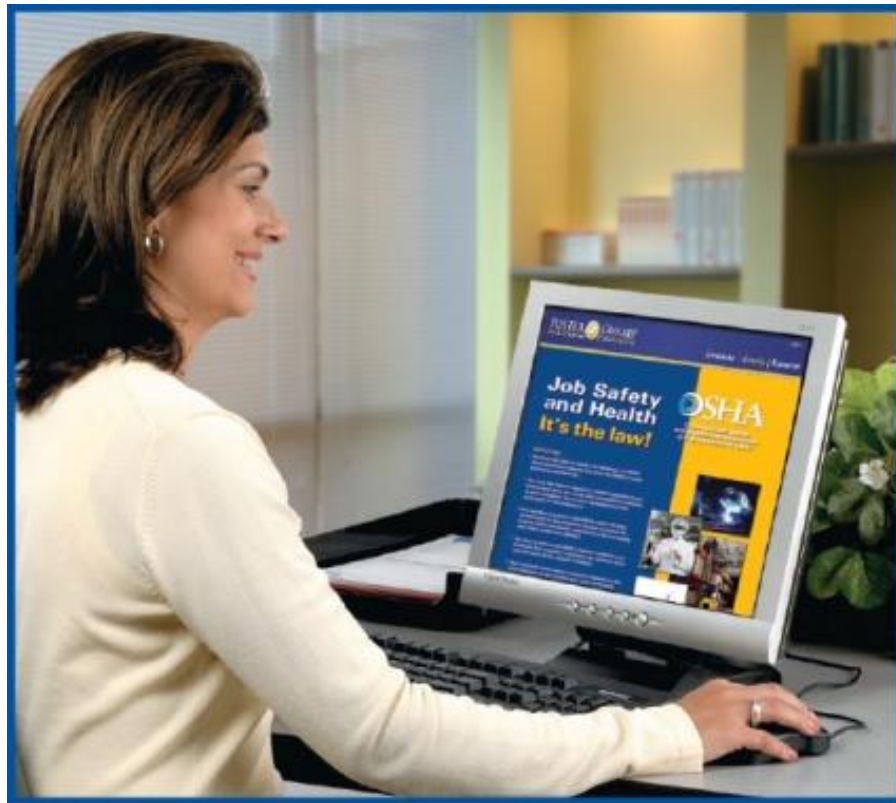
- The most common postings required for federal contractors are:
 1. Minimum Wage (Updated! Jan. 2018)
 2. Paid Sick Leave (New! Jan. 2017)
 3. Right to Work/E-Verify (Updated twice in 2017)
 4. “EEO is the Law” Supplement
 5. Pay Transparency Policy
 6. NLRA (required by EO 13496)
 7. Walsh-Healey Public/Service Contracts
 8. ARRA Whistleblower Rights
 9. DHS Fraud Hotline
 10. Notice to Workers with Disabilities
 11. Davis-Bacon Act
 12. DOT Federal Highway Construction
 13. DOD Whistleblower
 14. DOD Fraud Hotline

Federal Contractor Postings (cont.)

- Federal contractor postings change frequently
 - Eleven mandatory changes since 2015
 - One already announced for January 2018
 - More posting changes pending for 2018
- Penalties for non-compliance can be severe, including steep fines up to suspension or cancellation of federal contracts



Posting Compliance for Remote Workers



Remote Workers & Telecommuters

- By law, you must provide the mandatory federal and state notices to all employees
- An electronic solution is ideal for employees who work from home, telecommuters, field salespeople and other remote workers who regularly communicate with the office via email/Internet
- Best practice is to use a solution that pushes out mandatory updates via email alerts and tracks employee acknowledgments



Thank you!

For more information, please contact

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