

Poster Compliance Audit: Is Your Business at Risk?

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Welcome! Before we get started...

- Use the chat box on the left to ask questions
- Audio for today's webinar will come through your computer speakers. Please be sure your speakers are turned on and you have the volume turned up
- If you are signed on more than once, please locate the duplicate log-in and close it. This will create a better audio experience
- All attendees will receive a link to the presentation and slides in a follow up email

Why Labor Law Postings?

- Compliance isn't optional
- Government posting fines
 - Federal fines recently increased from \$17,000 to \$34,000+
 - State and local fines typically range from \$100-\$1,000 per violation
- Employee lawsuits are the real danger
 - Failure to post can extend “statute of limitations”
 - Evidence of bad faith
 - FMLA interference of rights
- Posting compliance is your first line of defense in any lawsuit or agency investigation

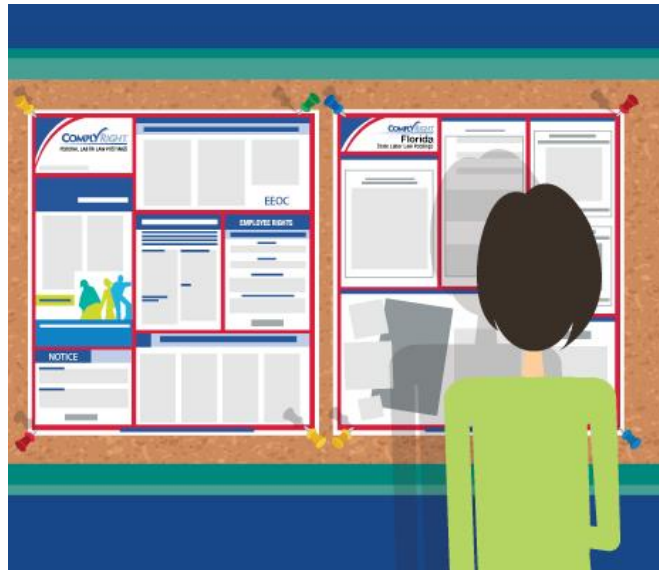
POLL QUESTION:

How confident are you that your labor law postings are compliant and complete?

- A) Highly confident
- B) Somewhat confident
- C) Not very confident
- D) Not at all confident

Step #1

Make Sure You Have All Required Postings



Federal Postings



Mandatory Federal Postings for U.S. Employers

- Equal Employment Opportunity Commission (EEOC)
- Occupational Safety and Health Act (OSHA)
- Family and Medical Leave Act (FMLA)
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Fair Labor Standards Act (FLSA)
- Employee Polygraph Protection Act (EPPA)

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

State Postings: No Two Are the Same

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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	12	6
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	12	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	20	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	15	6
South Carolina	13	8
South Dakota	8	4
Tennessee	14	7
Texas	10	7
Utah	13	7
Vermont	17	4
Virginia	10	5
Washington	11	6
West Virginia	11	7
Wisconsin	16	5
Wyoming	10	4

City/Local Postings

- Additional posters are required in certain cities and counties
- For example:
 - CA – Belmont, Belmont, Berkeley, Cupertino, El Cerrito, Emeryville, Los Altos, Los Angeles, Los Angeles County (Unincorporated Areas), 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
 - MD – Montgomery County, Prince George's County

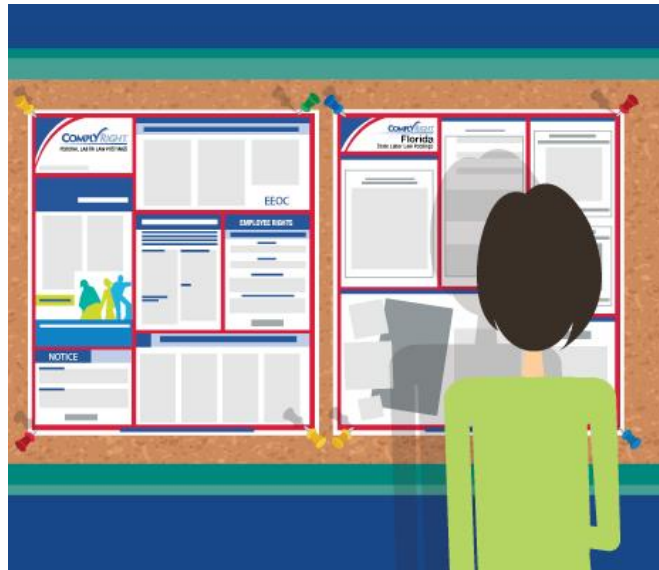
City/Local Postings

- ME – Portland
- 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

- And the list is quickly growing ...

Step #2

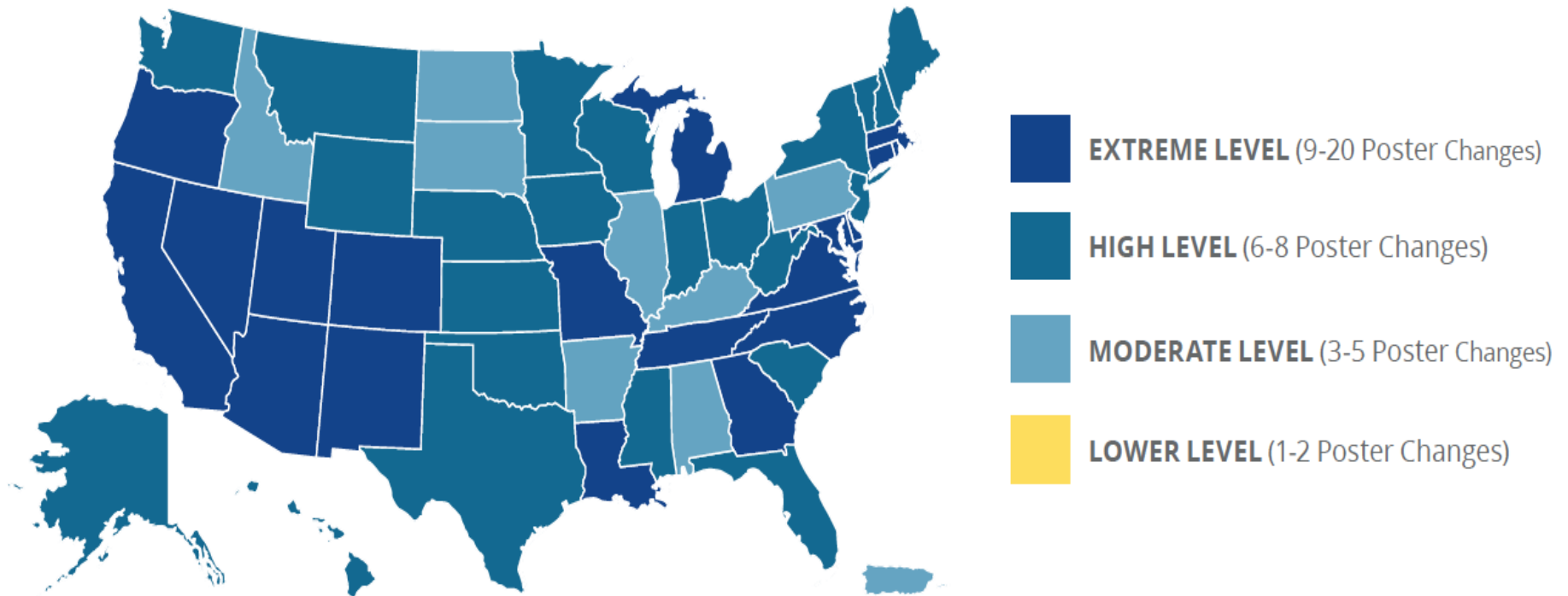
Make Sure Your Postings Are Current



Posting Changes

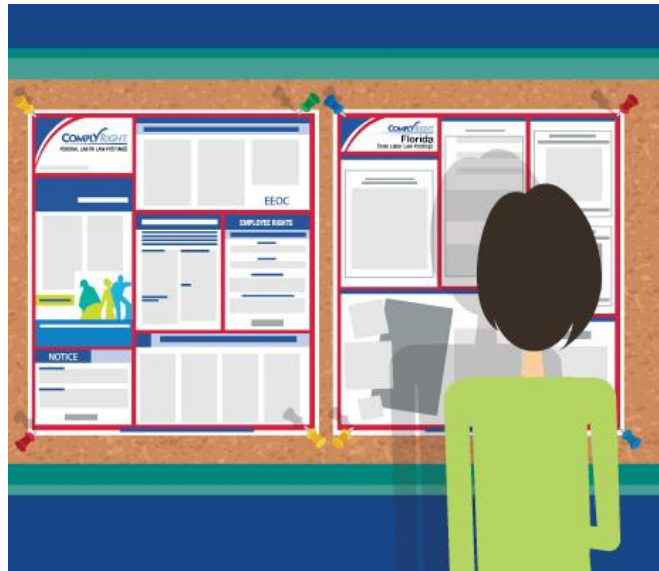
- Posting changes are on the rise
- Approximately 75 mandatory state poster changes occur each year
- Government agencies do not notify you when changes occur; it's your responsibility to keep up
- Each time a mandatory change occurs, you must update your poster

Mandatory Federal and State Poster Changes by State for 2014-2017



Step #3

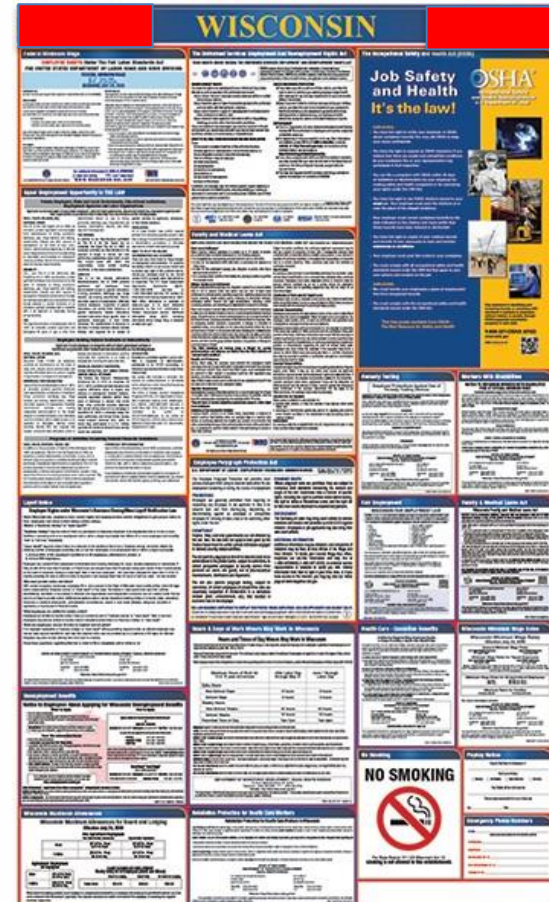
Make Sure Your Postings Are Compliant



Poster Format

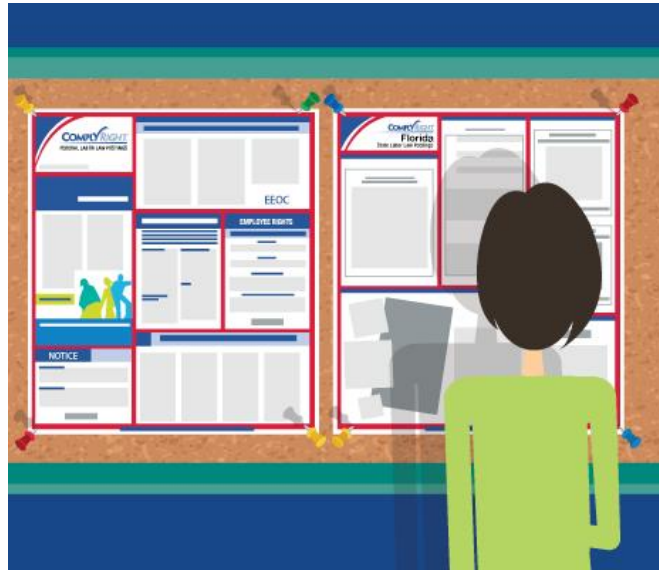
- Posters must meet minimum size and font requirements
- Shrinking the posters or font size compromises compliance
- Many postings have strict color and/or layout requirements that cannot be altered
- Cutting corners by shrinking postings or not printing in color can put your company at risk for noncompliance

The Problem with the “All-In-One” Fed/State Option



Step #4

Make Sure You're Posting All Required Languages



Foreign Language Posting Requirements

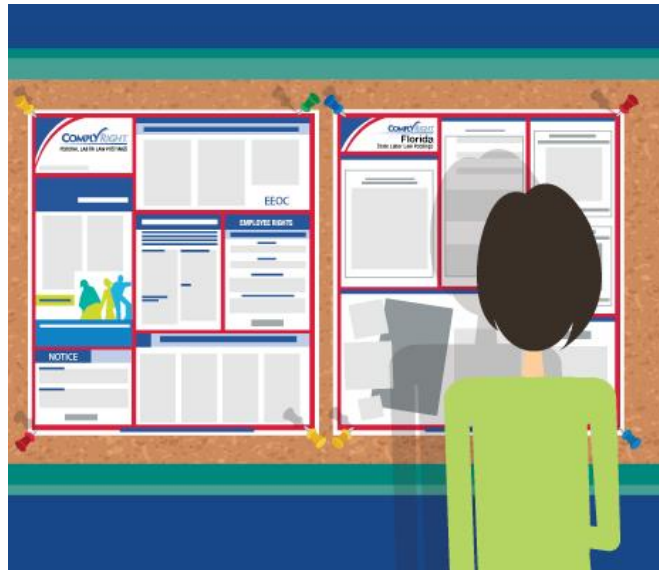
- Certain postings must be displayed in Spanish regardless of languages spoken by your employees
- 21 States require *certain* Spanish postings for all employers: Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Mississippi, New Jersey, New Mexico, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Utah and the District of Columbia

Foreign Language Posting Requirements

- 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

Step #5

Make Sure You Consider E-Verify



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

IF YOU HAVE THE RIGHT TO WORK



Don't let anyone take it away.

There are laws to protect you from discrimination in the workplace.

You should know that...

- In most cases, employers cannot deny you a job or the pay because of your national origin or citizenship status or refuse to accept your legally acceptable 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.

Contact IER

For assistance in your own language:
Phone: 1-800-235-7688
TTY: 1-800-235-7688
Email us: IER@doj.gov


Or write to:
U.S. Department of Justice - OIT
Immigrant and Employee Rights - NIA
333 Tennessee Ave., NW
Washington, DC 20533

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).

U.S. DEPARTMENT OF JUSTICE
IMMIGRANT & EMPLOYEE RIGHTS SECTION
www.justice.gov/ier

Immigrant and Employee Rights Section
U.S. Department of Justice, Civil Rights Division
www.justice.gov/ier

SI USTED TIENE DERECHO A TRABAJAR



No deje que nadie se lo quite.

Usted tiene leyes que lo protegen contra la discriminación en el trabajo.

Usted debe saber que...

- En la mayoría de los casos, los empleadores no pueden negarle un empleo o el pago debido a su nacionalidad de origen o a su estatus de ciudadanía, o negarse a aceptar sus documentos legales válidos.
- Los empleadores no pueden rechazar documentos porque tengan una fecha de vencimiento futura.
- Los empleadores no pueden despedirle debido a E-Verify 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.

Comuníquese con la IER

Para ayuda en su propio idioma:
Teléfono: 1-800-235-7688
TTY: 1-800-235-7688
Mándenos un correo: IER@doj.gov


O escríbanos a:
U.S. Department of Justice - OIT
Immigrant and Employee Rights - NIA
333 Tennessee Ave., NW
Washington, DC 20533

Si alguno de estos cosas le ha sucedido, comuníquese con la Sección de Derechos de Inmigrantes y Empleados (IER), por sus siglas en inglés.

U.S. DEPARTMENT OF JUSTICE
IMMIGRANT & EMPLOYEE RIGHTS SECTION
www.justice.gov/ier

Sección de Derechos de Inmigrantes y Empleados
Departamento de Justicia de los EE. UU., División de Derechos Civiles
www.justice.gov/ier

This Organization Participates in E-Verify



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

E-Verify Works for Everyone

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS.

888-897-7781
dhs.gov/e-verify

888-897-7781 is a toll-free number. No charge for callers. Spanish language assistance is available. Spanish language assistance is available. Spanish language assistance is available.

Esta Organización Participa en E-Verify

Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU.

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

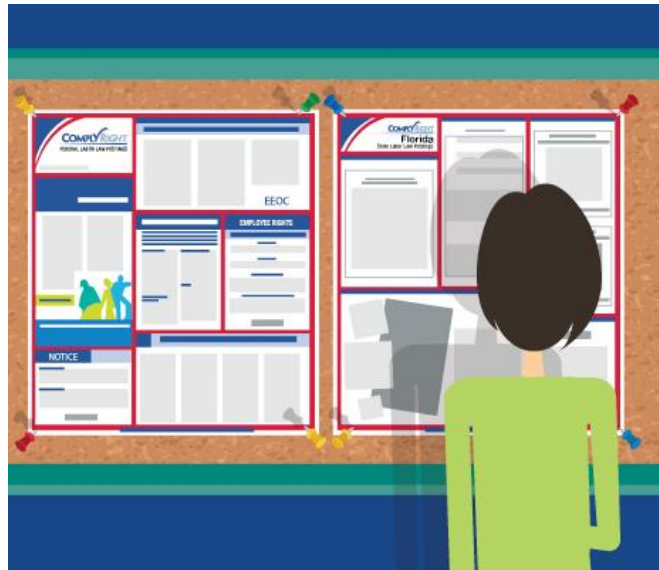
Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

E-Verify Funciona Para Todos

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.

Step #6

Make Sure to Properly Display Individual Postings

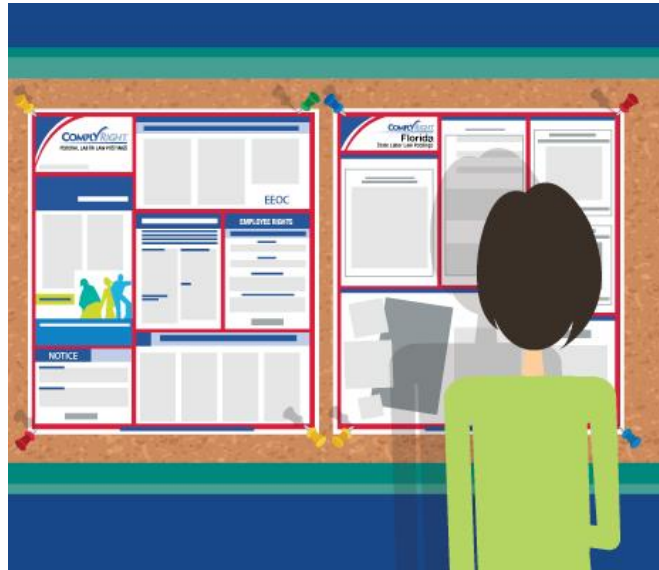


Individual Postings

- 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 33 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

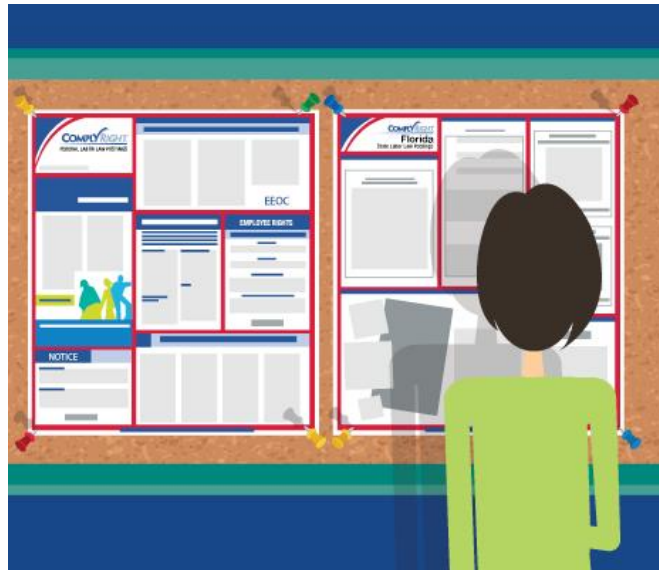


Industry-Specific Postings

- 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 17 additional postings

Step #8

Make Sure You Remember Federal Contractor Requirements



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:

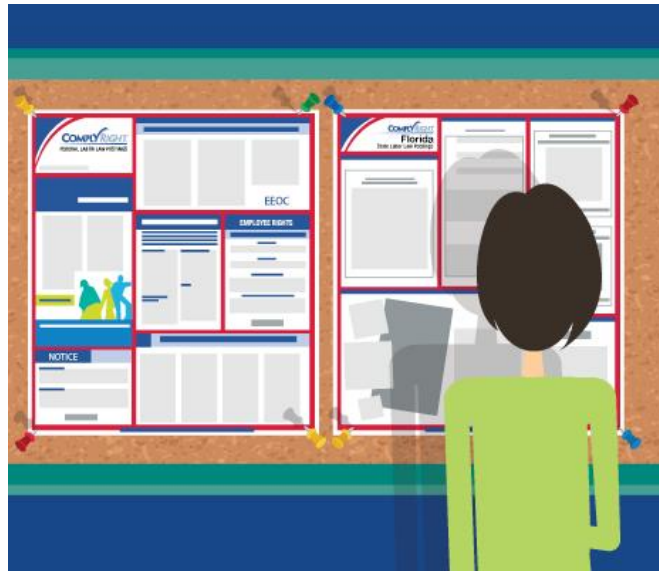
1. Paid Sick Leave
2. Minimum Wage
3. “EEO is the Law” Supplement
4. Pay Transparency Policy Statement
5. DOD Fraud Hotline
6. DOD Whistleblower
7. NLRA (required by EO 13496)
8. E-Verify/Right To Work
9. Walsh-Healey Public/Service Contracts
10. ARRA Whistleblower Rights
11. DHS Fraud Hotline
12. Notice to Workers with Disabilities

Federal Contractor Postings

- For employers with 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



Posting Stations

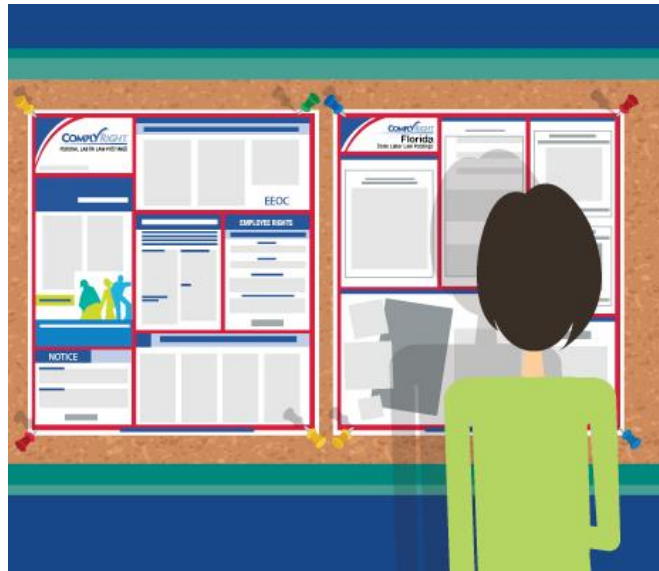
- Postings must be displayed in “conspicuous locations” accessible to all employees throughout your business
- Most companies require multiple posting display sites to comply
- Specific posting locations depend on your facility size and layout

Posting Stations

- Consider posting in breakrooms, 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



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



Poster Guard® Compliance Protection service gets your business up to date with all required federal, state *and* local labor law postings.

You receive:	Other solutions available:
<ul style="list-style-type: none">▪ A complete up-to-date poster set, including city/county postings▪ A new or replacement poster anytime there is a mandatory change▪ 100% compliance guarantee▪ Any mandatory Spanish postings, E-Verify posters, no smoking notices and wage orders	<ul style="list-style-type: none">▪ Federal contractor▪ Healthcare▪ Public sector▪ Restaurant▪ Canada▪ Applicant areas▪ Remote worker solutions

*Call Peter Fray at 954.970.5702
or email at pfray@hrdirect.com*

Questions



Reminder: All attendees will receive a link to the presentation and slides in a follow up email.