

DOL Updates Workplace Posters

A number of federal employment laws mandate workplace postings to inform employees of their statutory rights. The DOL recently released a new FLSA minimum wage poster, and an updated poster under the Employee Polygraph Protection Act. Employers should replace any outdated postings in their workplaces and electronic copies on any intranet or on-line application sites to ensure compliance.

Background

Federal employment statutes such as the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), and Employee Polygraph Protection Act (EPPA) require employers to post notices describing employees' rights under those laws. Government agencies charged with enforcing the laws periodically revise mandatory postings to provide clarifications and updated information. Employers that fail to display them may face civil penalties.

DOL Updates

Every employer with employees subject to the FLSA's minimum wage provisions must post a notice explaining the law in a conspicuous place in all of its establishments where employees can readily see it. Every employer subject to the EPPA is required to display a notice that explains the law where employees and job applicants can see it. The content of both notices is prescribed by the DOL's Wage and Hour Division (WHD). The WHD recently revised both the [FLSA](#) and [EPPA](#) workplace posters, effective August 1. The posters, which are available in English and other languages, may be downloaded in pdf format from the DOL [website](#).



Comment. Employers subject to the FMLA are also required to display a workplace posting prepared by the DOL summarizing the major provisions of that law and describing how to file a complaint, even if there are no FMLA-eligible employees at the location. The DOL revised the [FMLA](#) poster in April 2016, but [says](#) employers may continue to use the February 2013 version to fulfill the posting requirement.

What Changed

Both the FLSA and EPPA posters were redesigned and now include a QR code that connects to the applicable WHD web page when scanned. Specific penalty amounts for violating statutory provisions were removed and replaced by a general statement that employers may be assessed civil monetary penalties for violations.

FLSA Poster. The revised minimum wage poster includes updated information on the rights of nursing mothers under the FLSA, including reasonable break time and a suitable place to express breast milk. It also adds information about tip credits and classifying workers as independent contractors or employees under the FLSA. Although specific penalty amounts for minimum wage, overtime and child labor violations were removed, the poster now notes that the DOL can recover back wages and an equal amount in liquidated damages (or double damages) for minimum wage, overtime and other violations.

EPPA Poster. The revised poster includes updated contact information for the DOL. It also includes a general statement that the DOL may bring enforcement actions in court.

Comment. In addition to mandatory federal postings, employers are also subject to state and local posting requirements — particularly with respect to wage-and-hour laws. It is a good time to review compliance with those requirements as well.

In Closing

Employers that are subject to the FLSA and EPPA must conspicuously post a copy of each poster in each of their establishments. Employers should review their workplace postings and make sure they have up-to-date versions on display and, as applicable, update electronic copies on their intranet and on-line application sites.

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