

Workplace Posters – Maintaining Compliance with a Moving Target

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While employment law often makes headlines, workplace poster compliance is not typically among the featured topics. This issue should not be overlooked, however, as failing to comply with workplace posting requirements can have serious consequences, such as significant fines and – for federal contractors – the risk of suspension or cancellation of government contracts.

The Department of Labor's (DOL) recent update to the [Employee Rights under the National Labor Relations Act](#) (NLRA) poster serves as a good reminder that employers should confirm compliance with the increasingly moving target of workplace poster requirements.

It is important to note that not all employers are required to display the same workplace posters. In fact, as [we have previously discussed](#), the NLRA poster itself is a perfect example of a circumstance where there are complicated rules as to the circumstances under which employers are required to display or not. In general, factors such as industry, number of employees, status as a federal contractor, and location affect which posters an employer must display. For federal posting requirements, the DOL provides a helpful [step-by-step guide](#) for identifying which posters a particular employer must display.

Not surprisingly, individual states have their own set of widely varying workplace posting obligations. For example, California has a significant number of posting requirements, whereas Texas has relatively [few](#). As a first step, employers should review the relevant state agency website for each state in which they operate to confirm compliance with state-specific posting requirements.

Additionally, a third tier of posting challenges has emerged and is quickly expanding as municipalities develop their own bodies of employment law. Employers operating in more than one location within a single state may have different posting requirements at each location. Indeed, numerous cities require employers to display municipal-specific posters, such as Philadelphia's [Fair Chance Hiring Law](#) poster, San Francisco's [Consideration of Salary History](#) poster, and Los Angeles's [Minimum Wage and Paid Sick Leave](#) poster. In a similar vein, as cities around the country pass their own minimum wage laws, employers must be vigilant to correctly post (and comply with) the applicable minimum wages within different locations in a state.

For example, an employer in New York State can display [one poster](#) regarding minimum wages that

addresses the various minimum wage laws throughout the state; whereas, an employer operating in Flagstaff, Ariz. (where the minimum wage is higher than the rest of [Arizona](#)), must display a [Flagstaff-specific poster](#).

Finally, employers also generally need to provide remote workers access to all required workplace posters. Employers can upload electronic versions of the posters to a company intranet site, if applicable, or email the applicable posters to employees who work remotely.

Complying with workplace poster requirements requires vigilance and regular monitoring of federal, state, and local laws.

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