

# Time Is Money: A Quick Wage-Hour Tip on ... California Workplace Poster Requirements and Their Application to Remote Employees

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Handbooks are developed to outline policies and procedures employees must abide by in the workplace. But a handbook serves a dual, equally important purpose: to act as an operable defense against workplace claims brought by employees as a way to demonstrate that the employer had equitable and compliant policies in place.

In California, employers are required to disseminate such workplace information to employees another way: through workplace postings. The Department of Industrial Relations requires workplace postings be displayed in a ‘conspicuous’ place where they are easily visible to the intended audience, such as a bulletin board or mail-room/break-room wall or, in special circumstances, in a binder if there is no room to post such materials. In California, every business must post not only the Wage Order(s) that apply to its operation and the minimum wage<sup>[1]</sup> where employees can see them, but also 16 other employment notices. Failure to post required, up-to-date notices can have serious consequences, including costly penalties<sup>[2]</sup> and criminal charges.

In the current landscape, an important question has been posed and recently resolved. How should posters be provided to employees who work remotely, either part-time or full-time? Such employees complicate the role of posted notices as a conduit for workplace information, as remote workers may not reside in the same city or even state where the office that conspicuously posts the required notices is located – raises these questions, among others: How are remote employees made aware of the information posted on these eye-catching notices? And does the fact that such employees are not able to easily access such information make a workplace claim more viable? To resolve these conundrums, Governor Gavin Newsom signed into law Senate Bill 657 (“SB 657”) to help employers with just such individuals and with just such issues. Per California Labor Code section 1207, the statute that codified SB 657 and went into effect January 1, 2022, email distribution was made to be an acceptable way to distribute workplace information to employees. Notably, the statute expressly states that disseminating information in this way did not change the employer’s obligation to physically display required postings.

So, what information must be posted by California employers? **California employers must post the following federal notices:**

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- Employee Rights Under the Fair Labor Standards Act
  - Equal Employment Opportunity Is The Law
  - Employee Rights and Responsibilities Under the Family Medical Leave Act (employers with 50 or more employees only)
  - Your Rights Under USERRA (Uniformed Services Employment and Reemployment Rights Act)
  - Employee Rights: Employee Polygraph Protection Act (EPPA)

**California employers are also required to post the following California-specific notices:**

- California Minimum Wage Order
- Payday Notice
- California Law Prohibits Workplace Discrimination and Harassment
- Notice A: Your Rights and Obligations as a Pregnant Employee (employers with five to 49 employees only)
- Notice B: Family Care and Medical Leave (CFRA Leave) and Pregnancy Disability Leave (employers with 50 or more employees only)
- Safety and Health Protection on the Job
- Notice to Employees: Injuries Caused By Work
- Emergency Phone Numbers
- Whistleblower Protections
- Paid Sick Leave
- Time Off to Vote
- Notice to Employees (unemployment compensation, disability insurance, paid family leave)
- Transgender Rights in the Workplace (employers with five or more employees)

Several cities and counties in California also require employers doing business in those municipalities to post, among other things, the minimum wage applicable to those localities – e.g., [Los Angeles](#), [San Diego](#), and [San Francisco](#) each publish posters when the local minimum wage changes.

In addition to those notices identified above, employers may have to, depending on the locality, comply with additional ordinance or local minimum wage requirements. It should also be noted that posting requirements vary by statute – not all employers are covered by each statute and thus may not be required to post a specific notice (for example, as shown above, certain small employers may not be covered by the FMLA and thus would not be required to post FMLA posters.)

California employers can download the aforementioned posters [here](#) and [here](#). They are also provided by certain private vendors, which can be convenient, as they will provide employers with necessary updates (such as to certain IWC Wage, which can occur annually) or combine all the posters into one large notice that can be pinned to a bulletin board. Importantly, however, sometimes these vendor-created posters do not set forth all required information. As such, employers should be careful to ensure that such vendor-created posters includes all information necessary.

Today, employers should not only make sure required notices are conspicuously placed in the workplace, but employers should also make sure each employee – who works either remotely or on-site – is emailed copies of said notices. This practice protects not only both the employee *and* the employer, but it also makes for a better-informed and safer workplace.

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[1] The California minimum wage increased to \$15.50 per hour for all employers on January 1, 2023.

[2] For example, in 2023, the maximum penalty for violations of the poster requirement under the FMLA is \$204 per offense (up from \$189 in 2022). The maximum penalty for a posting violation of the EPPA is \$24,793.

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