Posting update frenzy to continue with 20 for 2020

This has been a wild year for poster updates. So far in 2019, there have been 59 mandatory posting changes. We started the year with 24 changes in January and never really slowed down. Congress has been hesitant to pass legislation on the federal level, and this has sparked activity in a number of state legislatures. States have passed legislation relating to minimum wage, paid sick leave, and discrimination protections. These changes bring mandatory posting updates, and in some cases call for new posters to be displayed.

The impact of this flurry of state legislative activity won’t end in 2019. January 2020 looks to be a big poster update month, with 20 mandatory changes already scheduled (for details, see the list on Page 3).

What does that mean? Test your knowledge

The world of labor law posters has its own vocabulary. See if you can match the words below with their meanings. Answers are on Page 4.

**In compliance**
- A. A posting update required by law or by a federal, state, or local agency. The new version of the poster must be displayed.

**Out of compliance**
- B. A posting change that does not require a new poster to be displayed. The previous version of the poster remains in compliance.

**Mandatory change**
- C. Meets regulatory requirements. It often refers to a poster that contains up-to-date material.

**Minor change**
- D. A posting change that is expected because of a change in law or because of a minimum wage update.

**Potential change**
- E. Does not meet regulatory requirements. It often refers to a poster that contains outdated material.
When do I need to update my posters?

It would be nice if there was a National Poster Day, when everyone put new posters on the wall and gave a rousing cheer of “You’re posted!” as soon as the job was done.

As fun and efficient as that would be, there is no single day set aside for poster compliance. A mandatory posting change could occur on any day of the year.

A number of things can trigger a poster update. A new law might make some of the current information on the poster obsolete, or might require information to be added. For example, a New Hampshire law that provided protections against gender identity discrimination required an update to the state’s discrimination poster.

A law could also call for a new posting to be displayed. That recently happened in Washington, where a new law calls for employers to display a posting relating to domestic violence resources.

A minimum wage change is a very common reason for a new poster to be needed. New rates often take effect on January 1, making that day the closest thing we have to a national posting holiday.

It’s important to realize that a change could occur at any time of the year. Subscribers to J. J. Keller’s Employment Law Poster Update Service automatically receive a new poster any time a mandatory change occurs, and should be sure to post the new material.

Customers wondering whether the poster they have on the wall is compliant can scan the QR code. A green checkmark lets you know the poster is current, while a red one indicates that there is a more recent version that needs to be displayed.

Because a poster update could occur at any time of the year, there’s no single posting compliance season. We’re watching for changes all year long. When they occur, we let customers know so they can get the new poster displayed and celebrate by checking poster compliance off their list of things to do.

Recent changes: State postings

- Arkansas — Notice to Employer and Employee
- Georgia — Workers’ Compensation
- Indiana — IOSHA
- Maryland — Child Labor
- Nevada — Paid Leave, Rules to be Observed by Employers, Notice to Employer that Employee is Sick or Sustained Injury, Domestic Worker’s Bill of Rights, Minimum Wage
- New Hampshire — Discrimination
- New Jersey — Unemployment and Temporary Disability Benefits Law
- Virginia — OSHA
- Washington — Domestic Violence Resources
- Wisconsin — Unemployment Insurance

Recent changes: Local and state specialty postings

Local
Florida
- Miami-Dade County — Living Wage For Service Contractors
Texas
- Dallas — Paid Sick Leave
State specialty
New Hampshire
- Discrimination: Housing Industry
- Discrimination: Public Accommodations
Oregon
- Agricultural Minimum Wage
State

- Connecticut — Minimum Wage (effective 10/01/2019)
- District of Columbia — Discrimination, Minimum Wage (effective date pending)
- New Jersey — SAFE Act (effective date pending)
- New York — Discrimination (religious garb, hair protections effective 10/08/2019; domestic violence victim protections effective 11/18/2019; expanded coverage 2/12/2020)
- Washington — Paid Leave (effective date pending)

The following poster updates will be in effect on January 1, 2020:

- Alaska — Minimum Wage
- Arizona — Minimum Wage
- California — Discrimination
- Colorado — Minimum Wage
- District of Columbia — Paid Family Leave
- Florida — Minimum Wage
- Illinois — Minimum Wage, Discrimination
- Louisiana — Earned Income Credit
- Maine — Minimum Wage
- Minnesota — Minimum Wage
- Missouri — Minimum Wage

*The state does not require employers to display a minimum wage poster. However, the poster is an effective way for employers to make workers aware of the state’s minimum wage rate.

**Effective December 31, 2019

Local

The following local posters will have a mandatory posting change on January 1, 2020:

**Arizona**
- Flagstaff

**California**
- Belmont
- Cupertino
- Daly City
- El Cerrito
- Los Altos
- Mountain View
- Oakland
- Palo Alto
- Petaluma
- Redwood City
- Richmond
- San Diego
- San Francisco
- San Jose
- San Mateo
- Santa Clara
- Sonoma
- Sunnyvale

**Minnesota**
- St. Paul
- Duluth

**New Mexico**
- Albuquerque
- Bernalillo County
- Las Cruces

**Washington**
- Seattle
- Tacoma

_All changes are due to a minimum wage increase except for San Francisco (health care security) and Duluth (earned sick time)._

Other local changes:
- Westchester County, New York — Safe Time Leave (effective 10/30/2019)

Other updates effective January 1, 2020:

- Federal Contractor — Worker Rights Under Executive Order 13658 (Federal Contractor Minimum Wage)

Wage order changes effective on December 31, 2019:

- New York, Building Service Industry
- New York, Farm Workers
- New York, Hospitality Industry
- New York, Apparel Industry

New rule won’t bring poster update

A new Department of Labor rule increases the minimum salary level for exempt employees as of January 1, but does not mention a change to the Employee Rights Under the Fair Labor Standards poster. While the department could decide to update the poster, the rule change does not make any of the poster’s current wording obsolete.
Out of sight, not out of mind

Remote workers who have an office in their home may not have a physical presence in the workplace, but if our Frequently Asked Questions are any indication, they’re often on your mind.

One of our most frequently accessed FAQs is, “Do we need to send a copy of all our employment law posters to employees who work from home?”

While there is no law telling remote employees that they must post a labor law poster on their refrigerator or on the wall of their den, it is to an employer’s benefit to make sure that these remote workers are aware of their rights under employment laws.

You do have the option of sending them their own set of posters. If you don’t think they’d conspicuously post them, another option is to use electronic notices that employees can access.

One federal agency suggests going this route. The Equal Employment Opportunity Commission (EEOC) says:

“In most cases, electronic posting supplements physical posting but does not itself fulfill the employer’s basic obligation to physically post the required information in its workplaces. In some situations (e.g., for employees who telework and do not visit the employer’s workplace on a regular basis), it may be required in addition to physical posting.”

Each posting is required by a different law, and the EEOC only has jurisdiction over the Equal Employment Opportunity is the Law posting. However, the agency’s suggestion is a good one for keeping your remote workers up to speed on their rights and avoiding headaches for you in the future.

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