

Have You Checked Your State and Federal Law Posters Lately? If Not, You Should!

Labor & Employment Law Update

on June 8, 2016

Under Federal, State and local laws, employers are required to post information regarding laws that protect workers in the workplace, including but not limited to wage laws, discrimination laws, workers' compensation laws, unemployment law, protected leave laws and safety issues. In Illinois these include the following:

- IL Dept. of Labor State of Illinois Your rights Under Illinois Employment Laws
- IL Workers' Compensation Notice
- IL Unemployment Insurance Benefits Notice
- IL Emergency Care for Choking
- IL Smoke Free Illinois Act
- FLSA / Minimum Wage compliance poster
- Equal Employment Opportunity (EEO) poster and Supplement for Pay Transparency Non-Discrimination Provision poster (for federal contractors)
- Occupational Safety and Health Act (OSHA) poster
- Family Medical Leave Act (FMLA) poster
- Employee Polygraph Protection Act (EPPA) notice
- Uniformed Services Employment and Reemployment Rights Act (USERRA) poster

An example of a local law poster, would be the poster required for the Chicago Minimum Wage.

While it is easy to post these and forget about them, it is important to review the posters as they are updated periodically. This means that you must regularly (or at least annually) check the posters to make sure that they are up to date and that all of the required posters are posted. For example, any poster addressing wages (including the state, federal and local minimum wages) should be updated any time the minimum wage is increased or changed.

This is especially important as employers can be fined for not having the correct posters up. Indeed, the EEOC has recently again increased the fine for failing to post its posters. Initially the fine was \$100 per violation, which was increased to

\$110 in 1997 and then \$210 in 2014.

On May 25, 2016, the EEOC announced that effective June 2, 2016, the fine for failing to have the required posters will increase from \$210 to \$525 for each separate offense. This means that you could be fined up to \$525 for each instance or location that you do not have the correct poster up.

Fines for failing to post the proper posters can come from investigations of charges of discrimination. However, that is not the only way that these types of violations are brought to the attention of the EEOC. In fact, the EEOC has reported that usually employers are fined after a worker reports or brings the violation to the EEOC's attention.

Information and copies of the required posters can often be found on the state and federal administrative agency websites. Additionally, there are many vendors that offer comprehensive posters. However, if you go with a vendor's poster, it is always important to double check the information on the poster to ensure that it covers all applicable state and federal laws, as you are the one who will be held responsible if it does not.

If you have questions, experienced labor and employment counsel can always help confirm that you have all of the required and current posters that you need to post.

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