



# THE WORKPLACE WORD

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## Don't Get Caught Without Your Workplace Posters!

Federal and state laws require all employers to comply with workplace posting requirements by prominently displaying certain labor and employment law posters. These postings are designed to inform employees and employers of their rights and responsibilities established by both federal and state law. The subject matter of these postings includes, but is not limited to, equal employment opportunity laws, fair labor standards act, family and medical leave acts, and minimum wage laws. These postings are not only required by law but failure to comply with workplace posting requirements may result in citations and monetary penalties.

Even more significant is that courts have recently allowed otherwise untimely claims to proceed because employees had not been notified of their rights due to a company's failure to comply with posting requirements.

While all employers must comply with workplace posting requirements, what posters are required depends on the type of business, the size of the business, and the location of the business. Notwithstanding the foregoing, all employers must post the following federal law posters: Equal Employment Opportunity Is the Law, Fair Labor Standards Act – Federal Minimum Wage Notice, USERRA Rights and Benefits, OSHA Job Safety and Health Protection, and Employee Polygraph Protection.



### Arizona Posting Requirements

Additionally, in Arizona all employers are also required to post the following posters:

- Discrimination Is Prohibited in Employment
- Work Exposure to Bodily Fluids
- Safety and Health Protection on the Job
- Notice to Employees: You are Covered by Unemployment Insurance
- Workers' Compensation
- Constructive Discharge
- Smoke-Free Arizona "No Smoking" Sign
- Arizona Minimum Wage Law
- MRSA – Methicillin-Resistant Staphylococcus Aureus Poster

### California Posting Requirements

In California, employers must also post the following posters:

- Industrial Welfare Commission Wage Order (which covers that employer's industry)
- Minimum Wage
- Payday Notice
- Safety and Health Protection on the Job
- Emergency Phone Numbers

- Notice to Employees – Injuries Caused by Work
- Notice of Workers' Compensation Carrier and Coverage
- Whistleblower Protections
- No Smoking Signage
- Discrimination and Harassment in Employment Are Prohibited by Law
- Notice to Employees
- Notice to Employees: Unemployment Insurance Benefits

### Colorado Posting Requirements

In Colorado, the required postings also include the following posters:

- Colorado Minimum Wage Order
- Colorado Anti-Discrimination
- Colorado Employment Security Act
- Colorado Workers' Compensation Act
- Notice to Employer of Injury
- Notice Specifying the Regular Paydays and the Time and Place of Payment

### Nevada Posting Requirements

In Nevada, the required postings also include the following:

- Equal Employment Opportunity



- Consolidated Wage-Hour Laws
- Job Safety and Health
- Emergency Information
- Polygraph Testing
- Workers' Compensation Insurance
- Unemployment Compensation Benefits
- Minimum Wage, Overtime, No Smoking Signage (at every entrance)
- Pay Day Notice Information

### Utah Posting Requirements

In Utah, an employer is required to post the following additional posters:

- UT OSHA Job Safety and Health
- UT Workers' Compensation Notice
- UT Unemployment Insurance

As set forth above, additional posters may also be required based on the type of business and size of the business.

### Where Must I Put Up the Workplace Posters?

Workplace posters should be posted in an area that is frequented by employees where they may easily be read during the workday. These areas might be the employee break room, lunch room, or areas where all employees report to work.

### How Often Must I Replace the Workplace Posters?

The workplace posters only must be replaced when the content of the posters changes. They are not required to be changed every year.

### Why Should I Post?

Complying with workplace posting requirements is simple but important for many reasons – namely, the employer is required to follow the law, the employer may be subject to penalties for failing to comply, and employees' untimely claims may be permitted to proceed if the employer failed to comply with posting requirements.

The prescribed penalties for failing to meet workplace posting requirements vary based on which poster the employer fails to post and for some posters there is no set penalty. Penalties range from citations to monetary penalties. While there is no prescribed penalty for some posters, failure to meet these posting requirements does not go without effect.

In the context of Title VII discrimination claims, courts have allowed untimely claims against employers to proceed based on the employer's failure to comply with posting requirements. Courts have extended the time limit within which a lawsuit must be filed until a later time based on the additional time it takes the employee to learn, or within which he/she reasonably should have learned, of his/her rights to bring suit against his/her employer through another



means when the employer fails to post the required notices. Employers may likely see similar arguments made for other claims as well if notices are not posted. Thus, employers need to comply with workplace posting requirements to protect themselves in potential future claims by employees in order to ensure that the prescribed time limits within which claims must be filed will be imposed.

### Conclusion

While complying with posting requirements is simple, there are potentially heavy penalties for failing to comply with workplace posting requirements. Check to make sure that your company is complying with all workplace posting requirements to protect your company. For more information about this article, please contact Snell & Wilmer, L.L.P.

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