Mid-year poster changes are just around the corner

Spring has arrived and summer will be here before we know it, and with warmer weather and longer days come some mid-year poster updates. Here’s a look at what’s on the way:

**Connecticut — Paid Family Medical Leave**
Starting in July 2022, every employer is required to provide employees with written notice describing job-protected leave provided under the Connecticut Paid Family and Medical Leave Act. While there is currently no requirement to post this information, we are watching for updates and the possible release of a mandatory Paid Family and Medical Leave Act poster.

**Louisiana — Earned Income Credit**
The state is expected to update the posting with 2022 income limits.

**Nevada — Minimum Wage; Overtime; Work Rules**
These postings will be updated with the new state minimum wage rate that takes effect on July 1, 2022.

**New Jersey — Employee Misclassification**
The state’s employee misclassification law has been strengthened, and this may bring a posting update.

**New Mexico — Healthy Workplaces Act**
Proposed rules implementing the Healthy Workplaces Act call for employers to display a poster. The act takes effect on July 1, 2022.

**New York — Electronic Monitoring**
Employers must post a notice regarding electronic monitoring of telephone calls and email. We are watching for the state to release a posting that fulfills this requirement, which takes effect May 27, 2022.

**Oregon — Minimum Wage**
The state’s minimum wage rates will increase on July 1, 2022, and employers will need to display a posting showing the new rates.

**Washington, D.C. — Minimum Wage; Paid Family Leave**
The district’s minimum wage will increase on July 1, 2022, bringing a posting update. In addition, the amount of paid parental, family, and medical leave will increase to 12 weeks as of July 1, 2022, and this will likely bring a mandatory change to the Paid Family Leave posting.

**Surprise updates?**
State legislative action, such as revisions to New York’s discrimination laws, could bring additional posting updates. J. J. Keller & Associates is constantly monitoring state postings for changes. Subscribers to the Labor Law Poster Update Service automatically receive a new poster whenever a mandatory posting change is made.
EEOC, DOL increase posting penalty maximums

Federal posting penalties have increased, with some fines going up several hundred dollars.

Federal agencies are required to adjust maximum posting penalties for inflation each year. This is required under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

Here’s a look at how the 2022 penalties compare:

### Posting Penalty Summary

<table>
<thead>
<tr>
<th>Posting Name</th>
<th>2021 fine</th>
<th>2022 fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family and Medical Leave Act (FMLA)</td>
<td>$178</td>
<td>$189</td>
</tr>
<tr>
<td>Job Safety and Health: It’s the Law</td>
<td>$13,653</td>
<td>$14,502</td>
</tr>
<tr>
<td>Employee Polygraph Protection Act (EPPA)</td>
<td>$21,663</td>
<td>$23,011</td>
</tr>
<tr>
<td>Equal Employment Opportunity (EEO) is the Law</td>
<td>$576</td>
<td>$612</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$36,070</strong></td>
<td><strong>$38,314</strong></td>
</tr>
</tbody>
</table>

The higher fines for the FMLA, EPPA, and Job Safety and Health postings apply to penalties assessed after January 15, 2022. These penalties are enforced by the Department of Labor (DOL).

The EEO is the Law posting penalty is enforced by the Equal Employment Opportunity Commission (EEOC). The new fine level for this posting applies to penalties assessed after February 23, 2022.

While posting fines are typically only levied if an employer willfully and repeatedly violates the law, the fact that federal agencies adjust them each year shows that the agencies take posting compliance seriously.

When employers properly display Federal or All-in-One State and Federal posters from J. J. Keller and Associates, fines are not a concern, however. The FMLA, EPPA, Job Safety and Health, and EEO is the Law postings are included on Federal and All-in-One State and Federal posters from J. J. Keller and Associates, Inc.

### Recent changes: State and local postings

- Illinois — Your Rights Under Illinois Employment Law (minimum wage); Victims’ Economic Security and Safety Act (VESSA)
- Iowa — Job Safety and Health
- New Jersey — Wage and Hour Law Abstract (minimum wage)
- New York — Notice of Employee Rights, Protections, and Obligations under Labor Law Section 740 (whistleblower rights)
- Nevada — Job Safety and Health
- Oklahoma — Oklahoma USERRA
- Oregon — Family Leave; OSHA
- New Mexico Local Posting
  - Santa Fe Minimum Wage
Hiring young workers? Make sure you’re in compliance

Today’s tight labor market is giving many young workers the opportunity to land their first job. When filling job openings with young workers, remember that there are additional rules to follow.

The federal Fair Labor Standards Act (FLSA) poster notes that employees must be at least 16 to work in most non-farm jobs and at least 18 to work in hazardous non-farm jobs.

In addition, under the FLSA:

- Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain restrictions. They cannot work more than:
  - 3 hours a day on school days;
  - 18 hours per week in school weeks;
  - 8 hours a day on non-school days;
  - 40 hours per week when school is not in session.

- 14- and 15-year-olds may not work before 7 a.m., or after 7 p.m., except from June 1 through Labor Day, when their permissible hours are extended to 9 p.m. Under a special provision, youth 14 and 15 years old who are enrolled in an approved Work Experience and Career Exploration Program may be employed for up to 23 hours during school weeks and 3 hours on school days (including during school hours).

- Youth of any age may:
  - Deliver newspapers;
  - Perform in radio, television, movie, or theatrical productions;
  - Work in businesses owned by their parents (except in mining, manufacturing, or hazardous jobs); and
  - Perform babysitting or perform minor chores around a private home.

States may have more restrictive laws, and may also require employers to display a child labor law poster. When this poster is required, it is on the all-in-one poster from J. J. Keller & Associates.

In some states, employers must also post a schedule of hours for minors. This required posting may be on a state labor law poster, or employers may need to get a form from a state agency or create their own schedule.
Don’t go in the basement
Where not to display your labor law posters

Each labor law posting regulation is a little bit different, but posters must generally be placed in a conspicuous location where they are readily visible to employees.

I recently received a question that flipped that on its head — is there anywhere posters should not be displayed?

Posting laws and regulations don’t address this, but the Department of Labor (DOL) touched on the topic in guidance on electronic postings. Noting that posters should not be hidden, the DOL said posting them in a custodial closet or little-visited basement would not be compliant.

I don’t know about you, but I wouldn’t want to visit a little-used basement for any reason, let alone to look at labor law posters, so I find this to be very good advice.

The DOL also noted that when electronic postings are used, they need to be readily available. Employees must have access to them at all times, so a link should not be placed in a spot that’s difficult to access (the electronic equivalent of a closet or neglected basement).

To avoid fines and lawsuits, employers need to make employees aware of their rights. Placing updated posters in a readily accessible spot makes it easy for employees to see them, and keeps employers out of the dark corners of the basement as well.