What is the status of your poster?

If you’re wondering whether the labor law poster on your wall is up-to-date, you can easily check the status. Scan the QR code on your J. J. Keller & Associates, Inc. poster and it will show:

**This Poster is Compliant:** The poster meets posting regulations and contains the most recent mandatory version of each posting. No action is needed.

**This Poster is being Updated:** A new poster will need to be displayed soon. The poster on the wall is still in compliance, but an updated version is on the way. For example, an updated poster may need to be displayed when a new minimum wage rate takes effect. Update Service subscribers will automatically receive the new poster, and non-subscribers can order the new version.

**Your Poster is Out of Compliance:** This poster needs to be replaced because a new mandatory version of a posting has been released. A new poster will be shipped to Update Service subscribers. Non-subscribers can order a new poster to get into compliance with posting requirements.

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What must be posted in a shared workspace?

When employees report to a company’s physical worksite, labor law posters need to be displayed in a visible location.

Do the same requirements apply to a shared workspace that isn’t owned by your company?

Regulations don’t address the shared workplace directly. Each posting is required under a different law, and the laws typically don’t go into detail about how to comply with posting requirements in various working arrangements.

Physical posters typically required

In general, however, labor law posters must be conspicuously and visibly displayed when employees report to a worksite. This makes employees aware of their rights under employment laws.

Using this logic, if the shared workspace is the employee’s worksite, then physical posters would need to be displayed there.

Who pays?

As far as who posts and maintains the required labor law posters, that might be addressed in the contract between the employer and the shared workspace provider.

If up-to-date posters are displayed in a visible and conspicuous location, that will satisfy posting requirements. Each employer using the workspace would not need to display its own set of posters.

What about electronic posters?

Electronic posters are a great option when a remote employee works from home. When an employee reports to a worksite, however, physical posters are generally required.
Federal agencies release update plans

On June 21, the Spring 2022 Unified Agenda of Regulatory and Deregulatory Actions was released. This biannual agenda offers a look at what federal agencies are working on, and gives employers a heads-up on possible changes that could impact businesses.

Here are four key agenda items from the Department of Labor (DOL) and National Labor Relations Board (NLRB):

<table>
<thead>
<tr>
<th>Agency</th>
<th>Agenda Item</th>
<th>Rulemaking Stage</th>
<th>Posting Impact</th>
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<tbody>
<tr>
<td>Wage and Hour Division (WHD)</td>
<td>Overtime Rule/White Collar Exemptions: WHD is reviewing the regulations which implement the exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act’s minimum wage and overtime requirements.</td>
<td>Proposed Rule: A Notice of Proposed Rulemaking (NPRM) is expected in October 2022.</td>
<td>It is unlikely that changes to these exemptions will bring a mandatory posting change, as the Fair Labor Standards Act poster addresses these exemptions in very general terms.</td>
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<td>Wage and Hour Division (WHD)</td>
<td>Davis-Bacon Act: WHD proposes to update and modernize the regulations implementing the Davis-Bacon and Related Acts to provide greater clarity and enhance their usefulness in the modern economy.</td>
<td>Final Rule: Anticipated for December 2022.</td>
<td>Depending on how the act is updated, this could bring a mandatory change for federal contractors covered by the Davis-Bacon Act.</td>
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<td>Occupational Safety and Health Administration (OSHA)</td>
<td>Workplace Violence: Prevention of Workplace Violence in Health Care and Social Assistance.</td>
<td>Prerule: OSHA is preparing to initiate the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA) in September 2022.</td>
<td>It is possible but unlikely that this will bring a mandatory posting requirement for employers in these industries; OSHA does not require many postings outside of the Job Safety and Health poster.</td>
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<td>National Labor Relations Board (NLRB)</td>
<td>Joint Employer: The NLRB will engage in rulemaking to determine whether two employers, as defined in the National Labor Relations Act (NLRA), are a joint employer under the Act.</td>
<td>Proposed Rule: The NLRB plans to issue an NPRM in September 2022.</td>
<td>This is unlikely to have a posting impact, as courts have ruled that the NLRB cannot enforce posting requirements for general employers.</td>
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Recent changes: Local postings

- Tucson, Arizona — Minimum Wage
- Alameda, California — Minimum Wage
- Berkeley, California — Minimum Wage
- Emeryville, California — Minimum Wage
- Fremont, California — Minimum Wage
- Los Angeles, California — Minimum Wage
- Malibu, California — Minimum Wage
- Menlo Park, California — Minimum Wage
- Pasadena, California — Minimum Wage
- San Francisco, California — Minimum Wage
- Santa Monica, California — Minimum Wage
- West Hollywood, California — Minimum Wage
- Chicago, Illinois — Minimum Wage, Sexual Harassment
- Cook County, Illinois — Minimum Wage
- Howard County, Maryland — Minimum Wage
- Montgomery County, Maryland — Minimum Wage
- Albuquerque, New Mexico — Minimum Wage
- Santa Fe, New Mexico — Minimum Wage
- New York, New York — Pregnancy and Employee Rights
MESSAGE FROM THE EDITOR

Living the dream with city posting updates

I once knew a newspaper reporter from a small Midwestern city whose dream was to “cover city government.”

By age 27, he had reached his goal: He was a city government reporter! He was a little sad about it, however. Where, he wondered, did he go from there?

One thing he could have done was to find a job in posting compliance. It provides insight into the workings of not just one city government, but local governments across the country.

Specifically, it provides a look at what they’re doing with minimum wage, paid sick leave, and sexual harassment laws. In the past few years, that’s brought new ordinances, and posting requirements, to places such as:

• Chicago, Illinois
• Foster City, California
• West Hollywood, California
• Allegheny County, Pennsylvania

Employers in these areas need to comply with the new laws, and display labor law posters so their workers know about them, too. It’s our job to make sure businesses have these posters, and receive updated versions when they’re required.

As communities across the country keep passing new laws, and requiring new posters, this is one dream job that won’t be ending any time soon.

Terri Dougherty
Terri L. Dougherty, PHR, SHRM-CP, is an editor on the human resources publishing team at J. J. Keller & Associates, Inc. in Neenah, Wis. She oversees the editorial content of the labor law poster and sign lines and keeps the products up-to-date. She has written articles and white papers about posting compliance and answers customer questions about posting requirements.