Get ready for posting updates: Changes in store for 2023

The beginning of 2023 will be a busy time for labor law poster updates, and it’s never too early to start preparing for changes. Here’s a look at what’s changing and why:

- **Alaska: Minimum wage**
  A minimum wage increase based on inflation will bring a mandatory change to the state’s minimum wage poster, effective January 1, 2023.

- **Arizona: Minimum wage**
  Arizona employers can also expect to see a January 1 change due to the annual inflation-adjusted increase in the state’s minimum wage.

- **California: Minimum wage**
  A minimum wage increase and mandatory posting change are also in store for California, although the reason for the mandatory change is a little different. The state’s poster currently lists a $15 per hour minimum wage for 2023. Because of a regulatory provision that takes effect when inflation is more than 7 percent, the 2023 minimum wage will increase to $15.50 per hour. A new poster will be needed to show the new rate.

- **Colorado: Minimum wage**
  The Colorado Overtime & Minimum Pay Standards Order (COMPS Order) will be revised to show the state’s 2023 minimum wage rate.

- **Illinois: Multiple changes**
  A number of regulatory updates will bring changes to the Your Rights Under Illinois Employment Laws posting, which provides brief summaries of a number of state labor laws. This includes the:
  - **One Day Rest in Seven Act.** Employers will need to provide at least 24 hours of consecutive rest in every consecutive seven-day period (rather than in a calendar week).
  - **Child Labor.** An employer in the entertainment industry may apply for a waiver to allow children under the age of 16 to work until 10 p.m. when certain conditions are met.
  - The state’s **bereavement and sick leave acts** will also be updated. Information about these laws might be added to the poster.
  - All changes take effect on **January 1, 2023**.

- **Louisiana: Earned Income Credit**
  The state’s Earned Income Credit posting is updated each year to show new income limits. The change is effective as of January 1, although the updated posting is usually released later.

- **Maine: Minimum wage**
  A minimum wage increase based on inflation will bring a mandatory posting change that’s effective as of January 1, 2023.

- **Maryland: Minimum wage**
  The state’s minimum wage will increase each January 1 through 2026. The rate will go up to $13.25 per hour in 2023, bringing a mandatory posting change.

- **Massachusetts: Leave**
  The state adjusts its Paid Family and Medical Leave benefit amount and payroll contribution each year. This will bring a mandatory change to the poster, which lists the amounts for the current year.

- **Minnesota: Minimum wage**
  An inflation-based minimum wage adjustment will bring a mandatory posting change.

- **Missouri: Minimum wage**
  An inflation-based minimum wage adjustment will also bring a mandatory posting change to the Show-Me State.

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• **Montana: Minimum wage**
  An updated minimum wage poster will be needed in Montana as well, although the change here is not technically mandatory. Yes, the minimum wage will go up due to an annual adjustment for inflation and a new poster will be released by the state. The state does not require employers to display a minimum wage poster, however, so technically, an updated poster is not required. Displaying the 2023 version is recommended, to make employees aware of the new rate and to avoid posting outdated information.

• **New Jersey: Minimum wage**
  New Jersey’s minimum wage increase will be greater than expected, and this will bring a mandatory posting change effective January 1, 2023. An increase to $14 per hour had been scheduled to take effect under state law, and this information is currently on the state's minimum wage poster. However, the law calls for a higher increase if warranted because of significant increases in the Consumer Price Index. Because of this year’s high inflation rate, the minimum wage for most employees will increase to $14.13 per hour and businesses will need to display a poster showing the new rate. The minimum wage for tipped workers will be $5.26 per hour.

• **New Mexico: Minimum wage**
  On January 1, New Mexico’s minimum wage will increase to $12 per hour under state law and an updated poster will be needed.

• **New York: Minimum wage**
  New York’s annual minimum wage increase will take effect on New Year’s Eve rather than New Year’s Day. As of December 31, 2022, inflation-adjusted rates will take effect and a new poster will be needed.

• **Ohio: Minimum wage**
  The state’s minimum wage is adjusted for inflation each year, bringing a mandatory posting change that’s effective on January 1.

• **Oregon: Leave**
  Oregon employers must post a Paid Leave posting by January 1, 2023.

• **Rhode Island: Multiple changes**
  Big posting changes are in store for Little Rhody in January. Three are on the horizon: An annual minimum wage increase, a discrimination update, and a new pay equity posting.

• **South Dakota: Minimum wage**
  As in Montana, the minimum wage will increase on January 1 and an updated posting showing the new rate is recommended, although not required.

• **Vermont: Minimum wage**
  A minimum wage change based on inflation will bring a mandatory posting change to the Green Mountain State on New Year’s Day.

• **Virginia: Minimum wage**
  Virginia will also ring in the New Year with a minimum wage increase on January 1. An updated poster showing the new rate is recommended for all employers.

• **Washington: Leave, minimum wage**
  Information about the wage replacement cap is part of the Paid Family Leave posting, and an adjustment to the cap will bring a mandatory posting change. In addition, the state’s optional minimum wage poster will be updated to show the rate for 2023.

**Update Service subscribers are covered**
When a mandatory posting change occurs, a business must put the new version on the wall. One easy way to remain in compliance is with a subscription to the Labor Law Poster Update Service from J. J. Keller & Associates. Subscribers receive an updated poster each time a mandatory change occurs.

**Additional potential changes: Federal and State postings**

- **Federal**: Federal Contractor Minimum Wage
- **Colorado**: FAMLI Act
- **District of Columbia**: Paid Family Leave
- **New Hampshire**: Paid Family Leave
- **New York**: Discrimination

**Potential changes: Wage Orders**

- **California**
- **New Jersey**
- **New York**
Do we need to display a sexual harassment poster?

There is no federal sexual harassment posting requirement, although employers with 15 or more employees must post the Equal Employment Opportunity is the Law posting. This posting includes information about employee protections against sex discrimination.

Some states require an employer to display a separate sexual harassment poster. These include Alaska, Connecticut, Delaware, Illinois, Massachusetts, Oregon, Rhode Island, and Vermont. In addition, a sexual harassment posting is required for employers in New York City and Chicago.

Rarely, a state will only require a sexual harassment poster for a specific industry. This is the case in Illinois, where higher education institutions need to display a sexual harassment poster containing information for students.

When a state or municipality requires a sexual harassment poster, a posting meeting state requirements is included in the all-in-one J. J. Keller labor law poster for that state or municipality.

When a sexual harassment poster is required for a specific industry, we offer this as a specialty poster. Employers in states where a sexual harassment poster is not required can display a Workplace Policy poster on that topic to underscore the fact that sexual harassment will not be tolerated in the workplace.
MESSAGE FROM THE EDITOR

List of required postings keeps growing

If it seems like there are more posting requirements to keep track of than there used to be, it’s not your imagination.

I knew we had been busy adding new postings to our labor law posters over the past few years, and thought it would be easy to compile a list. When I started looking into it, however, I was surprised by how many changes I found. In addition to eight new postings in 2020, we added these in 2021 and 2022:

- **Louisiana**: Pregnancy Accommodation
- **Nevada**: AB 190, SB209, and AB307 required postings
- **New Mexico**: Paid Sick Leave
- **New York**: Whistleblower Rights
- **Oklahoma**: Uniformed Services Employment and Reemployment Rights Act
- **Virginia**: Minimum Wage, Disability Accommodations, Seizure First Aid
- **Federal Contractors**: EO14026 Minimum Wage

And we’re not done yet. Colorado, Oregon, and New Hampshire have paid leave laws that will take effect in 2023 and 2024 and new posting requirements are likely. In addition, state legislatures haven’t been shy about passing new employment laws that require posters.

No matter what’s in store, we’re up to the task. Bring on the new posting requirements! You could say we’ve had plenty of practice.

**Terri Dougherty**

Terri L. Dougherty, PHR, SHRM-CP, is an editor on the human resources publishing team at J. J. Keller & Associates 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.

CALENDAR

**November 6, 2022**
**Daylight Saving Time Ends**
The first Sunday in November is the end of Daylight Saving Time (DST). Also known as “fall back,” the end of DST means that most of us will turn our clocks back one hour, which equates to more light in the morning. Third shift nonexempt workers typically will have to work an extra hour, but will also earn one more hour of pay, which can impact overtime. Hawaii and most of Arizona do not observe DST.

**November 24, 2022**
**Thanksgiving**
Celebrated on the fourth Thursday in November, this holiday is a time to give thanks. Remind employees about policies on taking vacation, calling in sick, or using FMLA leave before and after a holiday.

**January 1, 2023**
**New Year’s Day**
Does your city or state have a minimum wage increase that takes effect today? If so, check your labor law posters! Make sure they show the new rate.