Two mandatory federal posting changes take effect

Federal agencies have released a pair of mandatory posting changes. To comply with the updates employers must display the:

- April 2023 version of the Employee Rights Under the Fair Labor Standards Act posting from the Department of Labor (DOL).
- June 2023 version of the Know Your Rights: Workplace Discrimination is Illegal posting from the Equal Employment Opportunity Commission (EEOC).

What’s new?

**Fair Labor Standards Act (FLSA):** Information about the Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act has been added to the FLSA poster.

The section on Nursing Mothers is now called Pump at Work. It notes that the law requires employers to provide reasonable break time for a nursing mother to express breast milk and must provide a place, other than a bathroom, that is shielded from view which may be used by the employee.

Previously, the poster stated that this right to break time only applied to employees subject to the FLSA’s overtime requirements.

The poster also notes that certain narrow exemptions apply.

**Know Your Rights:** The poster adds information about employee rights under the Pregnant Workers Fairness Act (PWFA), which took effect on June 27, 2023. It notes that:

- Employers may not discriminate against employees on the basis of pregnancy, childbirth, or related medical conditions.
- Failure to provide reasonable accommodation for pregnancy, childbirth, or related medical conditions can be discriminatory.

The agency has also added information about threatening conduct to the poster. It lets employees know that:

- Discriminatory conduct can include conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination or pregnancy accommodation.
- Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation can be illegal types of employment discrimination.

What should employers do?

Because the updated FLSA poster was released a few months before the revised Know Your Rights poster was available, employers may have displayed a temporary version of the April 2023 FLSA posting next to their all-in-one poster while waiting for the Know Your Rights change.

Now that all changes are available, employers can take down the temporary FLSA posting and old all-in-one poster and display the new 2023 all-in-one poster containing the April 2023 FLSA posting and June 2023 Know Your Rights posting.
Remote employees need access to federal changes

It’s relatively easy to comply with recent mandatory federal posting changes by displaying a new poster for workers who are in the office. But what do you do for remote workers?

When some employees work in an office and some work remotely, it is always a best practice to make electronic postings available.

Here is what a pair of federal agencies say about the issue:

**Department of Labor (DOL):** “Where an employer has employees on-site and other employees teleworking full-time, for example, the employer may supplement a hard-copy posting requirement with electronic posting and the Department would encourage both methods of posting.” (Field Assistance Bulletin 2020-7)

**Equal Employment Opportunity Commission (EEOC):** “In addition to physically posting, covered employers are encouraged to post the notice digitally on their web sites in a conspicuous location.” (“Know Your Rights: Workplace Discrimination is Illegal” Poster, www.eeoc.gov/poster)

**What if all employees work remotely?**

When all employees work remotely, then electronic posting is the best way to meet posting obligations when employees have access to a computer.

The DOL notes that electronic posting fulfills poster requirements when all employees work remotely, and the EEOC states that an electronic posting may be the only one used when employees do not regularly visit the workplace.

**Make posters easy to find**

As with physical posters, your electronic postings need to be easily accessible to employees. They can be posted on your company’s intranet or placed in a shared file that all employees can access.

Employees should not need to ask for permission to view electronic posters.

---

**All employees remote**

• Electronic posting can be substituted for physical posting

**Employees on-site & remote**

• Physical posters required on-site
• Electronic posting strongly encouraged for remote workers

**All employees on-site**

• Physical posters required
• Electronic posting can supplement physical posters
Recent changes: Federal and State postings

• Federal: Employee Rights Under the Fair Labor Standards Act; Know Your Rights: Workplace Discrimination is Illegal

• Arkansas: Wage and Hour Notice

• Connecticut: Pregnancy Discrimination and Accommodation

• District of Columbia: Minimum Wage

• Georgia: Bill of Rights for the Injured Worker

• Kentucky: Wage and Hour

• Louisiana: Earned Income Credit (EIC)

• Nevada: Minimum Wage, Overtime, Safety and Health Protection on the Job, AB 307 Required Posting, Rules to be Observed by Employers

• New Jersey: SAFE Act

• Oregon: Minimum Wage, Workplace Accommodations

Recent changes: Local specialty postings

• Los Angeles, California: Fair Workweek

• Santa Monica, California: Hotel Worker Minimum Wage

• West Hollywood, California: Hotel Worker Minimum Wage

• Chicago, Illinois: Fair Workweek

• Ann Arbor, Michigan: Living Wage

Recent changes: Local postings

Minimum wage updates

California:

• Alameda
• Berkeley
• Emeryville
• Fremont
• Malibu
• Milpitas
• San Francisco
• Santa Monica

Illinois:

• Chicago
• Cook County

Minnesota:

• St. Paul

Other updates

• Denver, Colorado: Discrimination

Potential changes: State postings

• Florida: Minimum Wage

• Illinois: Paid Leave

• Maryland: Family and Medical Leave Insurance

• Michigan: Discrimination

• Texas: Workplace Violence Reporting
Which summer blockbuster are you?

This year’s pair of mandatory federal posting changes arrived just in time for summer blockbuster season. That got me thinking: Which movie best describes your relationship with labor law posters?

Would it be:

- **Rocky** — You’re always fighting to stay on top of it
- **Grease** — You just let it slide
- **Jaws** — Stay out of the water (Or maybe — We need a bigger poster!)
- **Star Wars** — Out of this world excitement

There’s no doubt I’m in the Star Wars camp, fighting an exhilarating battle for posting compliance.

Don’t worry if that’s not your style. No matter how you feel about labor law posters, if you have our Labor Law Poster Update Service you’re covered with automatic shipments whenever there is a mandatory change.

I’m happy to wield a light saber against posting’s Dark Side. You can sit back and enjoy the show.

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.