More states require electronic posting

On January 1, Illinois will become the latest state to require employers to make labor law posters available online.

All Illinois employers with remote workers will need to make information about these laws available electronically:
- Minimum Wage & Overtime
- Equal Pay
- Wage Payment and Collection Act
- Child Labor

In addition, employers covered by the Illinois Day and Temporary Labor Services Act must electronically display the Required Posting for Day & Temporary Labor Service Agencies.

How to comply

Illinois employers with remote workers can comply with the electronic posting requirement by making the Your Rights Under Illinois Employment Laws posting available online for remote workers or by emailing it to employees. The posting includes information about the state’s minimum wage, equal pay, wage payment, and child labor laws.

Day and temporary services agencies also need to make the Required Posting for Day & Temporary Labor Service Agencies poster available electronically, and can post it online or email it to employees.

State electronic posting requirements

These states require one or more labor law postings to be displayed online:

- **Colorado**: The Paid Leave, Whistleblowing & Protective Equipment posting must be displayed where it is easily accessible to remote workers.
- **Illinois**: Employers with remote employees in Illinois must make the Your Rights Under Illinois Employment Laws posting available via email or post it on their website or intranet site. Day and temporary service agencies must post or email the Required Posting for Day & Temporary Labor Service Agencies poster.
- **New York**: Employers with employees in New York must make labor law posters and other posted documents available electronically.
- **Oregon**: The Paid Family and Medical Leave Insurance poster must be provided to employees who work remotely. It can be provided electronically, through hand delivery, or regular mail.
Attention construction contractors:
Davis-Bacon poster due for an update

The Department of Labor’s update of the Davis-Bacon and Related Acts will require covered construction contractors to display a revised poster.

The acts, which set compliance requirements for federal construction contracts, have not had a comprehensive regulatory review in almost 40 years. The final rule containing the changes takes effect on October 23 and will:

• Update the procedures for determining the prevailing wages and fringe benefits applicable to laborers and mechanics working under a covered contract,
• Allow for periodic adjustments to wage determinations,
• Include modern examples of covered construction, including wind turbines, solar panels, broadband installation, and installation of electric car chargers,
• Clarify the circumstances under which transportation of material is covered,
• Change many references to “employee” to “worker,” as the Davis-Bacon labor standards apply even when there is no employment relationship between a contractor and a worker, and
• Add anti-retaliation protections for workers or job applicants who make a complaint or cooperate in an investigation.

Information about anti-retaliation protections will be added to the Davis-Bacon poster.

Who must post the updated Davis-Bacon poster?
The Davis-Bacon and Related Acts apply to federal contracts for $2,000 or more for the construction, alteration, or repair of public buildings or public works.

The updated poster will be required under contracts entered into after October 23, 2023. Federal contractors will need to display the updated poster when entering into a new covered contract after that date.

Covered contractors and subcontractors must post the Davis-Bacon poster at all times at the site of the work in a prominent and accessible location where it can be easily seen by workers.

Recent changes: State postings

- Alaska: Safety and Health Protection on the Job
- Arkansas: Notice to Employer and Employee
- Colorado: Paid Leave & Whistleblower; Employment Anti-Discrimination Notice
- Connecticut: Pregnancy Discrimination
- Georgia: Workers’ Compensation
- Kentucky: Wage and Hour
- Louisiana: Genetic Discrimination
- New Mexico: Human Rights Act
- Oregon: Minimum Wage, Workplace Accommodations
- Vermont: Sexual Harassment
- Virginia: Job Safety and Health Protection

Recent changes: Local postings

- Bloomington, Minnesota: Earned Sick and Safe Leave
- Minneapolis, Minnesota: Minimum Wage
- Santa Rosa, California: Minimum Wage
Potential changes: Local postings

Arizona
- Flagstaff
- Tucson

California
- Belmont
- Burlingame
- Cupertino
- Daly City
- East Palo Alto
- El Cerrito
- Foster City
- Half Moon Bay
- Hayward
- Los Altos
- Menlo Park
- Mountain View
- Novato
- Oakland
- Palo Alto
- Petaluma
- Redwood City
- Richmond
- San Carlos
- San Diego
- San Francisco
- San Jose
- San Mateo
- Santa Clara
- Sonoma
- South San Francisco
- Sunnyvale
- West Hollywood

Colorado
- Denver
- Edgewood

Maine
- Portland

Minnesota
- St. Paul

New Mexico
- Albuquerque
- Bernalillo County
- Las Cruces
- Santa Fe (March 1)

Washington
- Seattle
  All changes are for minimum wage except San Francisco (Health Care Security Ordinance).

Potential changes: State postings

- **Alaska**: Minimum Wage
- **Arizona**: Minimum Wage
- **California**: Minimum Wage
- **Colorado**: Overtime & Minimum Pay Standards
- **Connecticut**: Minimum Wage; Paid Sick Leave
- **Illinois**: Your Rights Under Illinois Employment Laws; Paid Leave for All Workers
- **Maine**: Minimum Wage; Regulation of Employment; Veterans’ Benefits and Services
- **Maryland**: Minimum Wage
- **Massachusetts**: Paid Family and Medical Leave
- **Minnesota**: Minimum Wage; Veterans Benefits
- **Montana**: Minimum Wage*
- **New Jersey**: Minimum Wage
- **New York**: Minimum Wage
- **Nevada**: Domestic Violence Bulletin
- **Ohio**: Minimum Wage
- **Oregon**: Paid Family Leave
- **Rhode Island**: Minimum Wage
- **South Dakota**: Minimum Wage*
- **Vermont**: Minimum Wage
- **Washington**: Paid Family Leave, Minimum Wage*

*In these states, display of a minimum wage poster is not mandatory, however, the poster is an effective way to make workers aware of the state's new minimum wage rate.

Potential changes: Federal contractor postings

- Executive Order 13658 (Federal contractor minimum wage)
- Executive Order 14026 (Federal contractor minimum wage)
- Davis-Bacon (Federal construction contractors)
Is there a Form I-9 poster?

When new employees are hired, one of their first tasks is to fill out the Form I-9. The form is used to verify an employee's identity and eligibility to work in the United States. It just underwent an update and the new version of the form needs to be used as of November 1.

We’ve been asked if the updated form requires any posting changes. The answer is no; there is no required Form I-9 poster, so no posting changes will happen because of the form update.

There are posters associated with the E-Verify system, which is related to the Form I-9, however. An employer may enroll in E-Verify and use the electronic system to verify whether an employee is eligible to work in the United States. The employer enters information from the Form I-9, and the system lets the employer know whether the information entered matches government records.

Employers using the system need to display E-Verify and Right to Work posters. After an employer logs into E-Verify, the posters can be downloaded from the Resources section of the website.

No posters are needed if an employer is using the Form I-9, but not E-Verify.

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