



HUMAN RESOURCES CONSULTANTS
INVESTIGATIONS

EMPLOYER POSTING REQUIREMENTS 2018

Many employers are unaware that certain governmental agencies require information to be posted for their employees' information; however, few employers realize the number of items to be posted, or their significance. The governing agencies which require the posting of information vary, but can be broken down into two groups – Federal and State.

FEDERAL POSTING REQUIREMENTS

1. "Annual Summary of Injuries and Illnesses" (U.S. Department of Labor, OSHA) – Employers with 11 or more employees, including public sector employers with the exception of those employers operating a school, must post OSHA Form #300A each year, from February 1 to April 30. Form #300 is a log listing each occupational injury which occurred within the previous calendar year. This log must then be maintained by the employer for five years. A copy of this form can be obtained from the federal or state OSHA office. The maximum fine for failure to post this notice is \$1,000.
<http://www.dir.ca.gov/dosh/doshreg/apndxb300afinal.pdf> - CALIFORNIA ONLY: July 2007
<https://www.osha.gov/recordkeeping/new-osha300form1-1-04.pdf> - FEDERAL VERSION: January 2004
2. "Job Safety and Health" – This poster is required for all employers (including public sector employers) and provides information regarding compliance with job safety and health requirements, as well as the handling of complaints and other employee rights. This poster may be obtained by writing the Department of Industrial Relations. **This poster need not be posted for those posting a state equivalent poster.** (Most recent revision: OSHA 3165, 04-2015R)
<http://www.osha.gov/Publications/osha3165.pdf>
3. "Notice to Employees of Polygraph Protection Act of 1988" (U.S. Department of Labor, Wage/Hour Publication) – All employers, including public sector employers, must post this poster describing the Employee Polygraph Protection Act of 1988, which limits or prohibits employers from using lie detector tests either for pre-employment screening or during the course of employment. All employers are obligated by the federal government to post this information. The maximum fine for failure to post this notice is up to \$10,000 per day. WH Pub. 1462 (Most recent revision: July 2016, must be printed 11 X 17)
<https://www.dol.gov/whd/regs/compliance/posters/eppac.pdf> - English
<https://www.dol.gov/whd/regs/compliance/posters/eppaspan.pdf> - Spanish
4. "Federal Minimum Wage" (U.S. Department of Labor, Wage and Hour Division) – All employers, including public sector employers, must post this poster which lists the federal minimum wage; however, remember that since state minimum wage law may vary from the federal, the highest minimum wage prevails. Even though state minimum wage differs from the federal, this poster is still a posting requirement. There is no stated penalty for not posting this information; however, failing to post could extend the statute of limitations for filing complaints. WHD Publication 1088 (Most recent revision: July 2016)
<http://www.dol.gov/whd/regs/compliance/posters/minwage.pdf> - English
<http://www.dol.gov/whd/regs/compliance/posters/minwagesp.pdf> - Spanish
5. "Equal Employment Opportunity is the Law" (U.S. Equal Employment Opportunity Commission) – Employers, including public sector employers, with 15 or more employees must post this notice listing the Federal law regarding the prohibition of discrimination for private employers, State and local governments, educational institutions, employers holding Federal contracts or subcontracts and programs or activities receiving Federal financial assistance. The maximum fine for failure to post this notice is up to \$1,000 for each offense, and failure to post could extend the statute of limitations for filing complaints. EEOC-P/E-1 (Most recent revision date: November 2009 with a supplement poster created September 2015)
<http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf> - English
http://www.dol.gov/ofccp/regs/compliance/posters/pdf/OFCCP_EEO_Supplement_Final_JRF_QA_508c.pdf
- English
<http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeosp.pdf> - Spanish
http://www.dol.gov/ofccp/regs/compliance/posters/pdf/OFCCP_EEO_Supplement_SP_JRFQA508c.pdf
- Spanish

6. "Your Rights Under the Family and Medical Leave Act of 1993" (U.S. Department of Labor) – Private sector employers with 50 or more employees, all public sector employers and private sector employers operating a school (even if they have less than 50 employees) must post this notice which lists excerpts from and summaries of pertinent provisions of the Family and Medical Leave Act of 1993. The maximum fine for failure to post this notice is \$100 for each offense. WHD Publication 1420 (Most recent revision: April 2016)
<https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf> - English
<https://www.dol.gov/whd/regs/compliance/posters/fmlasp.pdf> - Spanish
7. "Your Rights Under the Uniformed Services Employment and Reemployment Rights Act" (USERRA) (U.S. Department of Labor) - All employers, including public sector employers, must post a notice informing employees of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The notice explains an employee's right to re-employment after uniformed service, freedom from discrimination and retaliation for serving in uniform, and certain health insurance protections. (Most recent revision: April 2017)
https://www.dol.gov/vets/programs/userra/USERRA_Private.pdf
8. "Employee Rights Under the H-2A Program" – The United States Department of Labor Wage and Hour Division requires employers who employ H-2A workers to display this poster in the languages, as necessary, outlining their rights. (Most recent version: WHD 1490, April 2012)
http://www.dol.gov/whd/posters/pdf/WHD1491Eng_H2A.pdf - English
http://www.dol.gov/whd/posters/pdf/WHD1491Span_H2A.pdf - Spanish

STATE OF CALIFORNIA POSTING REQUIREMENTS

1. "Industrial Welfare Commission (IWC) Orders Regulating Wages, Hours and Working Conditions" – The State of California has drafted 17 separately numbered IWC orders establishing minimum wages and standards for hours and working conditions for State of California employers in every industry. The applicable order for each employer is determined by the principal business of that employer. The type of business must, therefore, match the industry listed on the poster. The maximum fine for failure to post this notice is \$100 or, since this is a criminal misdemeanor, possible imprisonment for not less than 30 days, or both. Public sector employers are exempt from this posting. (Most recent revision: January 2017)
<http://www.dir.ca.gov/IWC/WageOrderIndustries.htm>
2. "State Minimum Wage" (Industrial Welfare Commission) – All employers, including public sector employers, must post this poster which lists the state of California's minimum wage. There is no stated penalty for not posting this information; however, violating provisions of this penalty may result in an employee filing a wage claim with the Labor Commissioner's Office or a lawsuit in court to recover the lost wages. As of January 1, 2018, the California State minimum wage increased to \$11.00 per hour for employers with 26 or more employees. The California State minimum wage will remain at \$10.50 per hour for employers with 25 or fewer employees.
<https://www.dir.ca.gov/iwc/MW-2017.pdf> - English
<https://www.dir.ca.gov/iwc/MW-2017-Spanish.pdf> - Spanish
3. "Emergency Phone Numbers" (Dept. of Industrial Relations, Division of Occupational Safety and Health) – All employers, including public sector employers, must post this poster which lists the telephone numbers of emergency services in the area. This poster shall be posted near the job telephone, telephone switchboard, or otherwise made available to the employees where no job site telephone exists. There is no stated penalty for not posting this notice. S-500 (Most recent revision: March 1990)
http://www.dir.ca.gov/dosh/dosh_publications/s500pstr.pdf
4. "Pay Day Notice" – All employers, with the exception of public sector employers, must post the day, time and place of the regular pay date. As a convenience, California provides a form for this purpose. However, use of the form is not required, and an employer may post this information in any understandable form. The maximum fine for failure to post this notice is \$1,000 or imprisonment for up to six months, or both. DLSE 8. (Most recent revision: June 2002)
<http://www.dir.ca.gov/dlse/PaydayNotice.pdf>
5. "Safety and Health Protection on the Job" (No version number) – This poster is required for all State of California employers (including public sector employers) and provides information regarding compliance with job safety and health requirements, as well as the handling of complaints and other employee rights. This poster may be obtained by writing the Department of Industrial Relations. The maximum fine for failure to post this notice is \$1,000 for each violation. (Most recent revision: October 2017)
https://www.dir.ca.gov/dosh/dosh_publications/shpstrenq012000.pdf - English
https://www.dir.ca.gov/dosh/dosh_publications/Spanish/shpstrspanish012000.pdf - Spanish

6. "California Law Prohibits Workplace Discrimination and Harassment" – This poster describes the California Fair Employment and Housing Act and is a posting requirement for all California employers, including public sector employers. This poster may be obtained from the nearest district office of the Department of Fair Employment and Housing. The maximum fine for failure to post this notice is \$1,000 or imprisonment for up to six months, or both. DFEH has recently made some design changes to the posters that do not change the posting obligation. You may post any version of the Workplace Discrimination poster (titled: California Law Prohibits Workplace Discrimination and Harassment / DFEH-E07P-ENG / formerly DFEH-162) from December 2014 to the present. DFEH-E07P-ENG (Most recent revision: May 2017)
http://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH_WorkPlaceDiscriminationHarassmentPoster-1.pdf - English
7. "Notice of Compensation Carrier" – This poster is a requirement for employers, including public sector employers, and is available through an employer's workers' compensation insurance carrier. This poster must state the name of the employer's current workers' compensation insurance carrier, or that the employer is self-insured, listing the name of the individual responsible for claims adjustment. The penalty for not posting this notice is a criminal misdemeanor punishable by up to one year in jail, or a fine up to \$1,000, or both.
8. "Notice to Employees of Unemployment Insurance, State Disability Insurance and Paid Family Leave" – This poster provides information regarding unemployment, state disability insurance and paid family leave which can be obtained from the local Employment Development Department office. All California employers, including public sector employers, must post this notice. The penalty for not posting this notice is a criminal misdemeanor punishable by imprisonment not to exceed six months, or a \$1,000 fine, or both. DE 1857 A Rev. 43 (Most recent revision: May 2018)
http://www.edd.ca.gov/pdf_pub_ctr/de1857a.pdf - English
http://www.edd.ca.gov/pdf_pub_ctr/de1857as.pdf - Spanish
9. "Time Off to Vote Notice" – All California employers, including public sector employers, are required to post this notice not less than ten days before every statewide election. There is no required form that must be used, but the notice must list Section 14351 of the Elections Code, which sets forth the statutory requirements regarding required time off to vote. There is no stated penalty for not posting this notice.
<http://elections.cdn.sos.ca.gov/pdfs/tov-english.pdf> - English
<http://elections.cdn.sos.ca.gov/pdfs/tov-sp.pdf> - Spanish
10. "Family Care and Medical Leave (CFRA Leave) and Pregnancy Disability Leave" – All employers, including public sector employers, must post this notice; however, California Family Rights Act of 1993 requirements only applies to those employers who are covered by FMLA (see the federal list noted above). Employers with 5 to 49 employees must post only the PDL poster: (DFEH-100-21 May 2017). You may post any version of the CFRA/Pregnancy Disability Leave notice (DFEH-100-21) from May 2017 to the present.
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/CFRA_PregnancyLeave_English.pdf
11. "Your Rights and Obligations as a Pregnant Employee" – Employees must be notified of their right to request pregnancy disability leave. Covered employers must post this notice in a conspicuous place at the work site. You may post any version of the Rights and Obligations as a Pregnant Employee notice (DFEH-100-20) from April 2016 to the present.
<https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-100-20rv201604.pdf>
12. "Protection for Employee Whistleblowers" (Office of the Attorney General) – It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation. All employers, including public sector employers, must post this notice. In addition to other penalties, an employer that is a corporation or limited liability company is liable for a civil penalty not exceeding ten thousand dollars (\$10,000) for each violation of this section.
<http://www.dir.ca.gov/dlse/WhistleblowersNotice.pdf>
13. "Notice to Employees – Injuries Caused By Work" (State of California – Department of Industrial Relations – Division of Workers' Compensation) – Advises employees of workers' compensation benefits. Employers, including public sector employers, must post this notice in a conspicuous place at the work site. This poster provides employees information on the company's workers' compensation coverage and where to get medical care for work injuries. Failure to post this notice is a misdemeanor that can result in a civil penalty of up to \$7,000 per violation. DWC 7. (Most recent revision: January 2016)
<http://www.dir.ca.gov/dwc/NoticePoster.pdf> - English and Spanish

14. "Medical Provider Network – Plan Modification" – Employers who are implementing, changing or terminating a Medical Provider Network (MPN) must post this notice next to the 'Notice to Employees – Injuries Caused by Work" poster as of October 8, 2010. Form DWC form 9767.8. (Most recent version: August 2014)
https://www.dir.ca.gov/dwc/FORMS/MPN_MaterialModification.pdf - English
15. "No smoking" signage - Signs must be posted designating where smoking is prohibited/permitted in a place of employment. This law is enforced by local law enforcement agencies [Labor Code section 6404.5(c)(1)] and is required by all employers. Violation of the law can subject employers to fines of \$100 to \$500.
16. Human trafficking - Effective April 1, 2013, the following businesses must post a notice regarding human trafficking: restaurants that serve alcoholic beverages, adult- or sexually oriented businesses as defined in the penal code, primary airports, intercity passenger or light-rail stations, bus stations, truck stops (meaning privately owned facilities that provide food, fuel, shower or other sanitary facilities, and lawful overnight truck parking), emergency rooms in general acute-care hospitals, urgent-care centers, farm labor contractors, privately operated job recruitment centers, roadside rest areas, and massage or body work service businesses not covered by the business and professions code. The notice must be at least 8 1/2 inches by 11 inches written in 16-point font, and it must provide specific information on rights, remedies, and resources for individuals who are being forced to engage in any activity and are unable to leave the situation. The notice must be in English, Spanish, and one other language that is the most widely spoken in the county where the business is located and for which translation is required by the federal Voting Rights Act. The state Department of Justice has developed a sample model. (CA Civil Code Sec. 52.6).
<http://www.justice.gov/usao/can/documents/Human%20Trafficking%20Is%20Illegal%20Information.pdf>
17. Healthy Workplaces/Healthy Families Act of 2014 - Paid Sick Leave – Effective January 1, 2015, all businesses must post a notice regarding paid sick leave. An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
[http://www.dir.ca.gov/DLSE/Publications/Paid_Sick_Days_Poster_Template_\(11_2014\).pdf](http://www.dir.ca.gov/DLSE/Publications/Paid_Sick_Days_Poster_Template_(11_2014).pdf)
18. Transgender Rights in the Workplace – Effective January 1, 2018 businesses with 5 or more employees must post the DFEH-E04P-ENG dated November 2017.
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/11/DFEH_E04P-ENG-2017Nov.pdf

***Please note employers with employees who speak languages other than English will need to post the required poster in that language, as available.

IMPORTANT NOTICE:

Additional posting requirements may be required for employers using hazardous or toxic substances, those who operate forklifts and other types of industrial trucks or tow tractors, farm labor contractors, public works awarding bodies or contractors, those holding federal contracts over \$2,000.00, and contractors subject to the Railway Labor Act, the McNamara-O'Hara Service Contract Act, and/or the Walsh-Healey Public Contracts Act, those using E-Verify, and those located within cities mandated by local minimum or living wages.