

EMPLOYER POSTING REQUIREMENTS 2021

Many employers are aware 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.
<http://www.dir.ca.gov/dosh/doshreg/apndxb300afinal.pdf> - CALIFORNIA ONLY: July 2007
<https://www.osha.gov/sites/default/files/OSHA-RK-Forms-Package.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 3165-04R2019)
<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. WH Pub. 1462 (Most recent revision: July 2016)
<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)
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/minwageP.pdf> - English
<http://www.dol.gov/whd/regs/compliance/posters/minwagespP.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 notice must be posted prominently, where it can be readily seen by employees and applicants for employment. EEOC-P/E-1 (Most recent revision date: November 2009)
https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster.pdf - English
https://www.eeoc.gov/sites/default/files/migrated_files/employers/eeoc_self_print_poster_spanish.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. Where an employer's workforce is comprised of a significant portion of workers who are not literate in English, the employer shall provide the general notice in a language in which the employees are literate. 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” – Agricultural employers hiring temporary agricultural workers under H-2A visas must post and maintain in a conspicuous location at the place of employment a poster provided by the Department of Labor that sets out the rights and protections for H-2B workers and workers in corresponding employment. The employer must post the poster in English. To the extent necessary, the employer must request and post additional posters, as made available by the Department of Labor, in any language common to a significant portion of the workers if they are not fluent in English. (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. Public sector employers are exempt from this posting. (Most recent revision: December 2020)
<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. The poster must be printed in English, so employers with English-speaking workers who have the IWC order posted as required need not download and post the minimum wage notice. Employers with workers who speak and read only Spanish must post the minimum wage notice in Spanish because the IWC orders are only available in English. As of January 1, 2021, the California State minimum wage increased to \$14.00 per hour for employers with 26 or more employees. The California State minimum wage increased to \$13.00 per hour for employers with 25 or fewer employees. Additional posters may be required depending on your local minimum wage ordinance,
<https://www.dir.ca.gov/iwc/MW-2021.pdf>- English
<https://www.dir.ca.gov/iwc/MW-2021-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. 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. Sufficient posters in both English and Spanish shall be printed and posted at each location to which employees shall report each day. (Most recent revision: English version, October 2020. Spanish version, October 2020)
https://www.dir.ca.gov/dosh/dosh_publications/shpstreng012000.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. Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons must also post this notice in the appropriate language or languages. This poster may be obtained from the nearest district office of the Department of Fair Employment and Housing. You must post the Workplace Discrimination poster titled: California Law Prohibits Workplace Discrimination and Harassment / DFEH-E07P-ENG / January 2021).
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/10/Workplace-Discrimination-Poster_ENG.pdf - English
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/12/Workplace-Discrimination-Poster_SP.pdf - Spanish January 2021
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. (Labor Code section 3550)
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. DE 1857A Rev. 44 (Most recent revision: December 2020)
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 140000 of the Elections Code, which sets forth the statutory requirements regarding required time off to vote.
<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 public employers and employers with five (5) or more employees and all public employers must post this notice in a conspicuous location where it can be easily seen and read by all employees and job applicants. This notice satisfies the CFRA posting requirement. The text must be large and legible enough to be easily read when posted. If 10 percent or more of a company's workforce speaks a

language other than English, the posters must also be displayed in that language (or languages).
DFEH-100-21 January 2021
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/12/CFRA-and-Pregnancy-Leave_ENG.pdf - English
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2021/01/CFRA-and-Pregnancy-Leave_SP.pdf - Spanish

11. "Your Rights and Obligations as a Pregnant Employee" – Employees must be notified of their right to request pregnancy disability leave. All employers with five (5) or more employees must post this notice in a conspicuous place at the work site. The poster must be conspicuously displayed where it can be easily seen and read by all employees and job applicants. The text has to be large and legible enough to be easily read when posted. If 10 percent or more of a company's workforce speaks a language other than English, the posters must also be displayed in that language (or languages). DFEH-E09P January 2021
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/12/Your-Rights-and-Obligations-as-a-Pregnant-Employee_ENG.pdf - English
https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/12/Your-Rights-and-Obligations-as-a-Pregnant-Employee_SP.pdf - Spanish
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 print this document to 8.5 x 14-inch paper with margins no larger than one-half inch in order to conform to the statutory requirement that the lettering be larger than size 14-point type.
<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. Employers must post in English and Spanish where there are Spanish-speaking employees. 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 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.
16. Human trafficking - Effective April 1, 2013, the following businesses must post a notice regarding human trafficking: retail sales of alcoholic beverages, adult- or sexually oriented businesses as defined in the penal code, primary airports, intercity passenger rail or light-rail stations, bus stations, truck stops (meaning privately owned and operated facilities that provide food, fuel, shower or other sanitary facilities, and lawful overnight truck parking), emergency rooms within general acute-care hospitals, urgent care centers, farm labor contractors, privately operated job recruitment centers, roadside rest areas, businesses or establishments that offer massage or body work services for compensation, and hotels, motels and bed and breakfast inns, not including personal residences. The notice must be at least 8 1/2 inches by 11 inches written in 16-point font, and it 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 Attorney General of California has developed a "model notice"

available for download on the California Department of Justice's Internet website. (CA Civil Code Sec. 52.6).

https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HumanTraffickMandate_ENG.pdf - English

https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HumanTraffickMandate_SP.pdf - Spanish

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 – The Department of Fair Employment and Housing requires businesses with 5 or more employees to post this poster. The poster must be conspicuously displayed where it can be easily seen and read by all employees and job applicants. The text has to be large and legible enough to be easily read when posted. If 10 percent or more of a company's workforce speaks a language other than English, the posters must also be displayed in that language (or languages). DFEH-E04P (December 2019)

https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2019/08/DFEH_TransgenderRightsWorkplace_ENG.pdf- English

https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/06/DFEH_TransgenderRightsWorkplace_SP.pdf - Spanish

(October 2020)

19. 2021 COVID-19 Supplemental Paid Sick Leave – Effective March 29, 2021 all employers are required to post this notice in a conspicuous place that contains information about this leave. If employees do not frequent a workplace, the employer may satisfy the notice requirement by disseminating the notice through electronic means.

<https://www.dir.ca.gov/dlse/2021-COVID-19-Supplemental-Paid-Sick-Leave.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, all licensed barbers and cosmetologists, public works awarding bodies or contractors, those holding federal contracts over \$2,000.00, 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.

Failure to post updated state and federal workplace posters can result in fines. Each poster is tied to its own penalty as determined by the applicable governing agency. For example, failure to post the OSHA posters results in a maximum fine of \$13,653 per violation.