

10 minutes well-spent: Audit your employee bulletin board

When was the last time you reviewed your company's bulletin boards in the break room or alongside the time clock? Do they show the correct, updated federal- and state-law posters?

A little time spent seeing what's there—and what's missing—will keep you in compliance with state and federal laws. Several state and federal laws require employers to post specific employment law-related information, and those laws do change.

Step 1: Remove all those handwritten advertisements for free kittens, solicitations for roommates and outdated company softball schedules. Unauthorized postings can cause problems.

Step 2: Spend 10 minutes auditing your posters. You'll save much grief—and maybe money, too. You can be fined for missing posters, and employees can use those mistakes against you in court.

Federal postings

Required federal posters fall into several categories:

Equal employment opportunity. Both the EEOC and the Office of Federal Contract Compliance Programs (OFCCP) publish a version of "Equal Employment Opportunity is the Law," which all private employers must post in a place most often frequented by employees and applicants. Either version is acceptable.

The EEOC version is available online at www.eeoc.gov/posterform.html. The OFCCP version is at www.dol.gov/esa/ofccp/regs/compliance/posters/ofccpost.htm.

Minimum wage and overtime. Every employer subject to the Fair Labor Standards Act's minimum wage provisions must post the Department of Labor's "Employee Rights Under the Fair Labor Standards Act" poster. Post it conspicuously in all your facilities. It's available online at www.dol.gov/esa/whd/regs/compliance/posters/flsa.htm.

FMLA. All employers covered by the FMLA must post Form WHD 1420, "Employee Rights and Responsibilities Under the Family and Medical Leave Act." Note that this form was substantially revised in January 2009. The latest version is available online at www.dol.gov/esa/whd/regs/compliance/posters/fmla.htm. Employers with at least 50 employees within 75 miles of a facility are covered by the FMLA.

Other laws. All employers must also post:

- The "Employee Polygraph Protection Act Notice," www.dol.gov/esa/whd/regs/compliance/posters/eppa.htm
- The "Your Rights Under USERRA" poster, www.dol.gov/vets/programs/userra/userra_federal.pdf.

Note that some employers may have additional, more specific posting obligations. For example, federal contractors and employers of agricultural workers should inquire about additional requirements.

State postings

State employment laws often grant employees additional rights that go beyond federal laws. For that reason, most states also establish their own mandates regarding the state-agency posters that must be displayed in workplaces.

To find links to the required posters in all 50 states, go to the Workplace Posters page at the Business.gov site: www.business.gov/business-law/employment/posters (scroll to bottom of page).

Final notes

If you have a diverse workforce, make sure your posters are available in all native languages. The DOL's Poster Page (see below) offers posters in Spanish and some other languages.

While plenty of vendors offer slick all-in-one workplace posters, remember that you can download required posters free from government agencies in almost all cases. If you decide to buy posters from private companies, remember that it's still up to you to ensure they are accurate and up-to-date.

Online resources: workplace posters

- U.S. Department of Labor Poster Page: www.dol.gov/osbp/sbrefa/poster/matrix.htm
- E-Laws Interactive Poster Advisor: www.dol.gov/elaws/posters.htm
- State posting requirements (links): www.business.gov/business-law/employment/posters (scroll to bottom of page).

Control your corkboard: The 4 key steps

1. Keep your bulletin board organized, with clearly labeled sections. Depending on your industry, such divisions might include: State and Federal Laws, Emergency Response Procedures, Safety Policies, Personnel Policies and Management Notices.

2. If you post company personnel policies, include any disclaimers, such as those that say the policies do not create a contract of employment or alter any employee's status as an at-will employee.

3. Limit bulletin board use to official business only. Prohibit employees from using the company bulletin board. Instead, use a second bulletin board for employees to post notices about yard sales, school fundraisers and so forth.

Include a statement on the board that management reserves the right to remove inappropriate notices, and specify that religious solicitations, sexually suggestive items, racially offensive items and political postings are prohibited.

If, however, you are concerned about union organizing activities, you may wish to ban employee postings of any kind anywhere. The law is unclear on whether you can allow personal postings but ban union-related ones.

4. Check both bulletin boards on a regular basis. When in doubt about required postings and permissible employee notices, consult your attorney.