

# 2022 poster compliance for in-person and remote employees

Federal & State regulations have increased more this year than in previous years. When it comes to poster compliance, there have been federal and statewide poster mandates based on COVID-19, Paid Leave, Sexual Harassment Training, Ban the Box, Salary Ban questions upon hiring, and Pay Equity. Employers should not take poster compliance for granted. Failure to display the correct state and federal employment law notices can result in penalties, fines, and lawsuits. Additionally, regulatory agencies are auditing poster compliance across all federal and state Employers.

Labor law posters are the mandated state and federal employment law notices that employers with at least one employee or more are required to conspicuously post in an area frequented by all employees. Employers must get prepared for all the employment regulations scheduled to be effective in 2022 and beyond. Employers are required to have posters conspicuously posted at each organizational facility. Required posters must be displayed so they are easily visible to the intended audience, according to the DOL. There are also some posters that must be visible to applicants.

Many companies nationwide are aware they are required to have labor posters in places where their employees congregate. However, did you know that not all states have the same requirements? Additionally, more states have different Poster regulations within their own counties.

It is critical for companies to have the appropriate posters for their state and industry in order to be compliant with the poster regulations or risk fines and penalties. There are over 25-30 new poster regulations. Can Employers keep up?

## The Future of Electronic Posters

If there is a hybrid of on-site and remote workers, employers must continue to display the posters in the physical workspace and are encouraged to also post the notices electronically.

If the workforce is fully remote, employers can satisfy the posting requirements by delivering the posters electronically if three conditions are met:

- All of the employer's employees exclusively work remotely.
- All employees customarily receive information from the employer via electronic means.
- All employees always have readily available access to the electronic posting.

In addition, the DOL bulletin indicates that, "if the employer has not taken steps to inform employees of where and how to access the notice electronically, WHD will not consider the employer to have complied with the posting requirement."

For notices such as the Service Contract Act that are a one-time notice requirement and not a continuous posting obligation, employers may use email to distribute the notice to remote employees if the employees customarily receive emails from the employer.