

# LABOR LAW POSTERS 2018

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Your resource for office posting requirements

**Namely**  HR for Humans

## INTRODUCTION

It's one of HR's most important, and seemingly antiquated, responsibilities: hanging up workplace posters. Employers are federally required to display notices covering a broad range of topics, including the minimum wage, workplace safety, and family and medical leave.

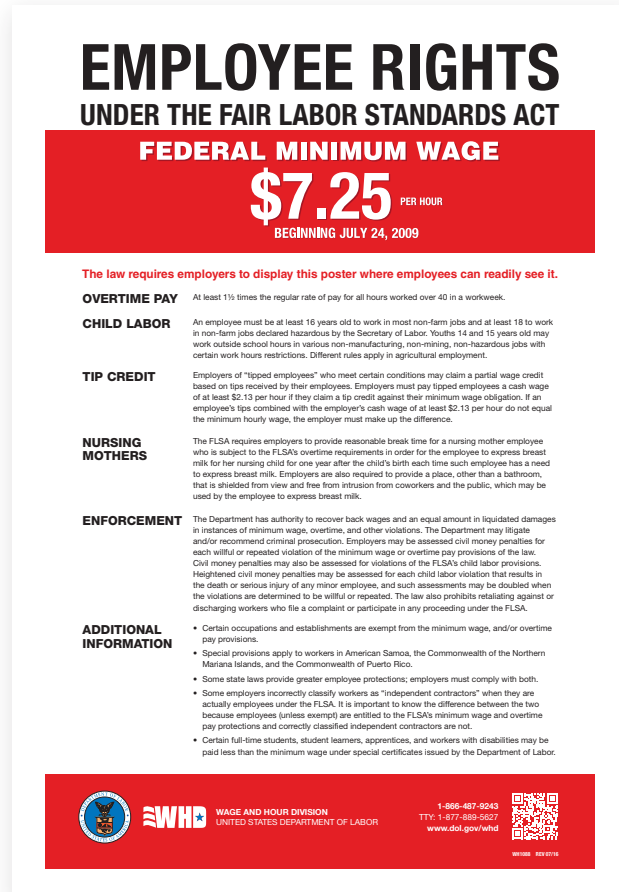
Try as you might to make your department's operations paperless, workplace posters have become a part of HR tradition and aren't fading from the scene any time soon. This guide will cover what posters you're federally required to display.



## “Employee Rights Under the Fair Labor Standards Act”

The [Fair Labor Standards Act](#) poster prominently displays the federal minimum wage and covers a broad swath of topics, including overtime, tipping, and child labor. It comes in a variety of languages, and certain industries like the agricultural sector have their own versions. Note that federal contractors have a special variation, as they are often subject to higher standards (like a minimum wage of [\\$10.20 per hour](#), for example).

Though this poster does not carry a size requirement, it must be printed legibly. The Department of Labor (DOL) recommends printing it on 11-by-17 paper.



## “Job Safety and Health: It’s the Law”

The Occupational Safety and Health Administration (OSHA) sets and enforces workplace safety standards. While you may think their reach extends only to hands-on work like construction, the agency’s rules cover all employers.

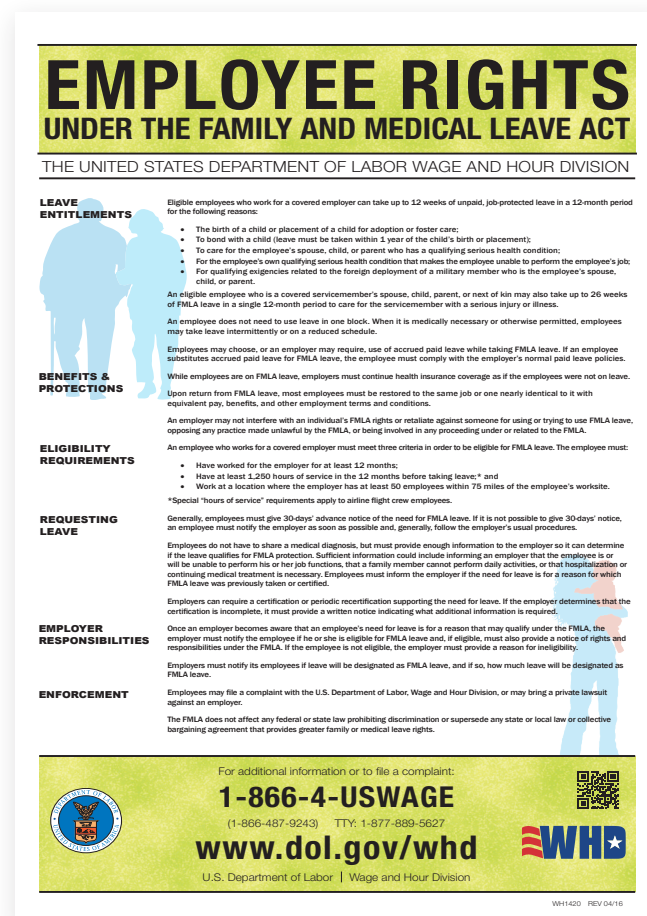
OSHA requires companies to display their poster, which outlines workers’ rights and employer responsibilities. Though businesses only need to display the English poster, the agency recommends displaying other versions depending on your demographics. [You can order a poster online or by phone.](#) If you decide to print your own, it’ll need to be, at a minimum, on legal size paper.



## “Employee Rights Under the Family Medical Leave Act”

The Family Medical Leave Act (FMLA) entitles some workers to job-protected, unpaid leave for a variety of reasons, including giving birth to a child and caring for a health condition. The law also comes with a mandatory workplace poster, which outlines the FMLA’s scope and eligibility requirements.

Unlike the posters described previously, if a large number of a company’s employees have a preferred language other than English, a translated version of the poster must be displayed. While the DOL does not specify a size requirement, it does require that notice is “easy to read” and “fully legible.” Our recommendation is to err on the side of caution and go for legal size paper or larger.



## “Equal Opportunity is the Law”

The Equal Employment Opportunity Commission (EEOC) has its own mandatory poster, which outlines employee discrimination protections. It also features a list of all the protected classes (e.g., gender, race, national origin) and employee instructions on how to file a claim.

Neither the DOL nor EEOC require employers to display bilingual versions of the poster, and there is no specific size requirement. Note that this poster features a second page, which applies directly to federal contractors or companies receiving federal financial assistance.





## “Employee Rights - Employee Polygraph Protection Act”

Lie detectors might be all the rage on daytime television, but they’re a big no-no in the workplace. Federal law prohibits most businesses from using polygraph readers on individuals during the interview process or active employment. Trust us, we’re telling the truth.

With a few exceptions (federal, state, and local government offices), employers are required to prominently display a poster outlining the Employee Polygraph Protection Act’s prohibitions and exemptions. There are no size requirements.



# EMPLOYEE RIGHTS

## EMPLOYEE POLYGRAPH PROTECTION ACT

**The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening or during the course of employment.**


<b>PROHIBITIONS</b>	Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.
<b>EXEMPTIONS</b>	<p>Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities.</p> <p>The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.</p> <p>The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft, embezzlement, etc.) that resulted in economic loss to the employer.</p> <p>The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.</p>
<b>EXAMINEE RIGHTS</b>	Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.
<b>ENFORCEMENT</b>	The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
TTY: 1-877-889-5627  
[www.dol.gov/whd](http://www.dol.gov/whd)




WH-422 REV 01/16

## “Your Rights Under USERRA”

The Uniformed Services Employment and Reemployment Rights Act (USERRA), signed in 1994, protects non-career members of the military from losing their jobs or benefits when called into active service.

The law comes bundled with a posting requirement, which describes reemployment rights, insurance protections, and how individuals can report violations. As an alternative to posting this notice, employers may opt to share it digitally via email.



The poster is titled "YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT". It features a blue header with white stars and several official seals. The main text is in white and yellow. The poster is divided into sections: REEMPLOYMENT RIGHTS, HEALTH INSURANCE PROTECTION, ENFORCEMENT, and RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION. It includes detailed information about the rights of individuals who serve in the military, including reemployment rights, health insurance protection, and enforcement procedures. The poster also includes a disclaimer at the bottom and contact information for the U.S. Department of Labor, U.S. Department of Justice, and the ESRG.

**YOUR RIGHTS UNDER USERRA**  
**THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

**REEMPLOYMENT RIGHTS**

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION**

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.






**HEALTH INSURANCE PROTECTION**

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

**ENFORCEMENT**

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

U.S. Department of Labor  
1-866-487-2365

U.S. Department of Justice  
Office of Special Counsel

ESRG  
1-800-336-4590  
Publication Date — April 2017



# POSTING REQUIREMENTS


## E-Verify and Right to Work Posters

E-Verify is an optional, electronic service that supplements the traditional Form I-9. If a company does choose to opt-into the service, however, doing so comes with new posting requirements.

The Department of Homeland security mandates that E-Verify subscribers prominently display two posters, one confirming E-Verify participation and the other outlining foreign national labor protections. Both can be [downloaded](#) from the U.S. Citizenship and Immigration Services (USCIS) website.

**This Organization  
Participates in E-Verify**

**Esta Organización  
Participa en E-Verify**



This employer participates in E-Verify and will provide the federal government with your Form I-9 information to confirm that you are authorized to work in the U.S.

If E-Verify cannot confirm that you are authorized to work, this employer is required to give you written instructions and an opportunity to contact Department of Homeland Security (DHS) or Social Security Administration (SSA) so you can begin to resolve the issue before the employer can take any action against you, including terminating your employment.

Employers can only use E-Verify once you have accepted a job offer and completed the Form I-9.

**E-Verify Works for Everyone**

For more information on E-Verify, or if you believe that your employer has violated its E-Verify responsibilities, please contact DHS.

**888-897-7781**  
**[dhs.gov/e-verify](https://dhs.gov/e-verify)**

**Este empleador participa en E-Verify y proporcionará al gobierno federal la información de su Formulario I-9 para confirmar que usted está autorizado para trabajar en los EE.UU..**

Si E-Verify no puede confirmar que usted está autorizado para trabajar, este empleador está requerido a darle instrucciones por escrito y una oportunidad de contactar al Departamento de Seguridad Nacional (DHS) o a la Administración del Seguro Social (SSA) para que pueda empezar a resolver el problema antes de que el empleador pueda tomar cualquier acción en su contra, incluyendo la terminación de su empleo.

Los empleadores sólo pueden utilizar E-Verify una vez que usted haya aceptado una oferta de trabajo y completado el Formulario I-9.

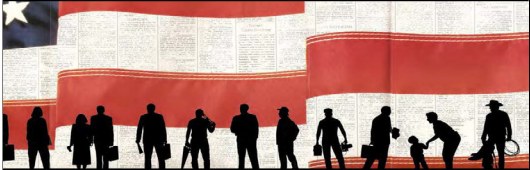
**E-Verify Funciona Para Todos**

Para más información sobre E-Verify, o si usted cree que su empleador ha violado sus responsabilidades de E-Verify, por favor contacte a DHS.

E-Verify is a service of DHS and SSA.  
The E-Verify logo and such are registered trademarks of Department of Homeland Security. Commercial sale of this poster is strictly prohibited.

English / Spanish Poster

**IF YOU HAVE THE RIGHT TO WORK**



**Don't let anyone take it away.**

There are laws to protect you from discrimination in the workplace.

**You should know that...**

In most cases, employers cannot deny you a job or fire you because of your national origin or citizenship status or refuse to accept your legally acceptable documents.

Employers cannot reject documents because they have a future expiration date.

Employers cannot terminate you because of E-Verify without giving you an opportunity to resolve the problem.

In most cases, employers cannot require you to be a U.S. citizen or a lawful permanent resident.


**Contact IER**

For assistance in your own language  
Phone: 1-800-255-7688  
TTY: 1-800-237-2515

Email us  
[IER@usdoj.gov](mailto:IER@usdoj.gov)

Or write to  
U.S. Department of Justice – CRT  
Immigrant and Employee Rights – NYA  
950 Pennsylvania Ave., NW  
Washington, DC 20530

If any of these things happen to you, contact the Immigrant and Employee Rights Section (IER).

 — DEPARTMENT OF JUSTICE —  
IMMIGRANT & EMPLOYEE RIGHTS SECTION  
— CIVIL RIGHTS DIVISION —

**Immigrant and Employee Rights Section**  
U.S. Department of Justice, Civil Rights Division

[www.justice.gov/ier](https://www.justice.gov/ier)

### Placement

As the saying goes, “location, location, location.” Workplace posters need to be displayed prominently. They should be in full view in a public area, unobstructed by doors, machinery, or strategically placed ferns. In particularly large offices, or those with multiple floors, cover your bases by hanging duplicate posters throughout. They may not mesh with the rest of your office decor, but at the very least you’ll be compliant.

Note that these posters aren’t just required to be visible to active employees. For example, the required FMLA poster needs to be visible to job applicants, too. It’s best practice to find a conspicuous location visible to both visiting candidates and employees. That may mean hanging your posters in a high-traffic hallway, in the kitchen, or even by the restrooms (make sure both the men and women’s rooms are covered). Additionally, companies with remote workers should make digital versions of the posters available via your HRIS or company intranet.

### Other Situations

Note that this guide only represents what is federally required, and that separate, [state-specific](#) posting requirements are available at your jurisdiction’s labor department website. Additionally, depending on your company’s industry, there may be additional federal posters you’ll need to display. Employers in the agricultural sector, for example, need to display the mandatory [Migrant and Seasonal Agricultural Worker Protection Act \(MSPA\) Notice](#). A comprehensive list of posting requirements can be found on the [Department of Labor’s website](#).