

Employment Law Poster Report

A Feature of the J. J. Keller Employment Law Poster Update Service

COVID-19 legislation brings new workplace posting

The Department of Labor (DOL) has released new mandatory posters for employers covered by the Families First Coronavirus Response Act (FFCRA).

The act provides support to employees and employers coping with difficulties brought about by the COVID-19 pandemic.

Who needs to post?

An FFCRA poster is required to be posted by:

- Employers with fewer than 500 employees, and
- Public agencies

The DOL has released one poster for federal employers and one poster for other covered employers.

Which poster do I need?

The poster titled "Federal Employee Rights" only needs to be posted by federal employers, such as the Department of Labor or U.S. Postal Service.

All other covered employers need to post the poster titled "Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act."

What's on the poster?

The FFCRA poster includes information about paid leave entitlements, employee eligibility, and qualifying reasons for leave related to COVID-19.

It also states that the Wage and Hour Division has the authority to investigate and enforce compliance.

When does it need to be posted?

The posting requirement took effect on April 1.

How long is the posting requirement in effect?

The posting requirement is in effect through December 31, 2020.

FEDERAL
Employment Laws

Department of Labor
Employee Rights under the FFCRA

POSTER COMPLIANCE DATE 04/2020

EMPLOYEE RIGHTS
PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

➤ **PAID LEAVE ENTITLEMENTS**
Generally, employers covered under the Act must provide employees:

- Up to two weeks (80 hours), or a part-time employee's two-week equivalent of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage.
- 100% for qualifying reasons #3 below, up to \$531 daily and \$5,310 total;
- 2/3 for qualifying reasons #4 and #5 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to \$200 daily and \$1,200 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over the period.

➤ **EXIGIBLE EMPLOYEES**
In general, employers of full-time employees with fewer than 500 employees, and certain public sector employees, are eligible for up to two weeks of fully paid expanded family and medical leave for COVID-19-related reasons listed below. Employees who have been employed for at least 30 days prior to their leave may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

➤ **QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19**
An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. Is caring for his or her child whose school or place of care is closed or his or her child's care provider is unavailable due to COVID-19 related reasons; or
6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

➤ **ENFORCEMENT**
The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and/or enforcement action by WHD.

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd WHT422

REV. 03/2020

To update your employment law posters contact J. J. Keller & Associates, Inc.
JJKeller.com/LLPoster
800 327-6868

TWO ways to verify poster compliance
ENTER JJKeller.com/LLVerify
Email: 80868@JJKeller.com

Does a physical poster need to be displayed?

Yes. The poster must be placed in a conspicuous place where employees may view it.

What if my employees are working remotely?

If employees are not able to access information at the worksite, you can also post the notice electronically on an employee information website. The poster could be mailed to employees without internet access.

Is there a size requirement?

No. The law does not include any size requirements for this poster.

Does this poster need to be displayed in Spanish?

There is no requirement to post a Spanish version of the poster, but a Spanish version is available. It is part of Spanish labor law poster sets from J. J. Keller & Associates.

Posting for remote workers **Page 2**

Posting changes on the way **Page 2**

Recent posting changes **Page 3**

Editor's Message: Pandemic posting compliance **Page 4**

In This Issue


J. J. Keller
& Associates, Inc.
Since 1953

Electronic posting a great option for remote workers

The COVID-19 pandemic forced many in-office employees to become remote workers, leading to many questions about how to comply with posting requirements for people who work from home.

While there is no specific requirement to have remote workers post a physical labor law poster in their home, remote workers still need to be made aware of their rights under the law.

Electronic posting is a great way to accomplish this. While each posting is required under a different law, and most of these laws were written before online posting was an option, making labor law postings available on your company's intranet is a practical way to share the information about employee rights that the posters contain.

Do some laws mention online posting?

A few laws do mention electronic posting. Most recently the Families First Coronavirus Response Act (FFCRA) noted that posting on a company intranet is an option for employees who are working at home.

The Family and Medical Leave Act (FMLA) also mentions electronic posting, and the Uniformed Services



Employment and Reemployment Rights Act (USERRA) notes that the text of the USERRA poster can be shared through electronic means such as email.

Perhaps the best posting guidance for your at-home workers comes from the Equal Employment Opportunity Commission (EEOC). It notes that placing the Equal Employment Opportunity (EEO) is the Law poster on a company's intranet may be required if employees telework and do not regularly visit the employer's workplace.

Are paper posters still necessary?

The EEOC adds that physical posting is still required in the office, even if an employer places electronic versions of posters on its intranet.

Most laws require posters to be placed in a visible and conspicuous location in the workplace.

So while electronic posting will help you communicate employee rights to your remote workers, make sure that the most up-to-date physical versions of your labor law posters are on display when you're in the office.

Potential changes: Federal



- **Fair Labor Standards Act** — Proposed changes to tipped employee regulations

Potential changes: State postings



- **Connecticut** — Minimum Wage
- **District of Columbia** — Discrimination, Minimum Wage
- **Nevada** — Minimum Wage, Overtime
- **New Jersey** — Employee Misclassification
- **New Mexico** — Discrimination
- **New York** — Minimum Wage, Discrimination
- **Puerto Rico** — Women's Bill of Rights

Potential changes: Local postings



California

- Alameda
- Berkeley
- Emeryville
- Fremont
- Los Angeles
- Milpitas
- Pasadena
- San Francisco
- San Leandro
- Santa Monica

Illinois

- Chicago — Fair Workweek Ordinance
- Chicago — Minimum Wage
- Cook County — Minimum Wage

Michigan

- Ann Arbor — Living Wage

New Mexico

- Bernalillo County — Employee Wellness Act Paid Time Off

Maximum posting fine increases: It's now over \$35,600

The maximum fine for violating federal posting penalties is now \$35,649, following annual increases from the Department of Labor (DOL) and Equal Employment Opportunity Commission (EEOC).

The agencies are required to adjust penalties for inflation each year under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

The EEOC set its new posting penalty of \$569 in March. The new rate applies to violations assessed after March 18, 2020.

In January, the DOL set the following maximum fine amounts:

- Family and Medical Leave Act (FMLA): \$176
- Job Safety and Health: It's the Law (OSHA): \$13,494
- Employee Polygraph Protection Act (EPPA): \$21,410

The DOL's updated penalties apply to violations assessed after January 15, 2020.

While in reality a fine for failure to display a poster is rare, the penalties are part of the law. A fine would likely only be levied in situations where an employer willfully violated the law.

However, the fact that the EEOC and DOL are meticulous in adjusting the maximum penalties each year shows that the agencies take posting compliance seriously.

Recent changes: Local postings



Florida

- Pinellas County — Wage Theft

Pennsylvania

- Pittsburgh — Paid Sick Days Act
- Philadelphia — Fair Workweek (for retail, hospitality, and food service employers)

New Mexico

- Santa Fe — Minimum Wage



Employers can stay in compliance by conspicuously displaying up-to-date employment law posters in areas where employees are likely to view them.

Compliance guarantee

The FMLA, EPPA, Job Safety and Health, and EEO is the Law postings are included on the all-in-one posters from J. J. Keller and Associates, Inc. If a mandatory posting change occurs, Update Service subscribers automatically receive a new poster.

Posting Penalty Summary

Posting Name	2019 fine	2020 fine
Family and Medical Leave Act	\$173	\$176
Job Safety and Health: It's the Law	\$13,260	\$13,494
Employee Polygraph Protection Act	\$21,039	\$21,410
EEO is the Law	\$559	\$569
Total	\$35,031	\$35,649

Recent changes: State postings



- **Colorado** — Minimum Wage
- **Kentucky** — OSHA
- **Louisiana** — EIC
- **Maine** — Workers' Compensation
- **Michigan** — Unemployment Insurance
- **Nevada** — OSHA
- **Virginia** — EITC

Recent changes: Federal



- **Employee Rights:** Paid Sick Leave and Expanded Family and Medical Leave under the FFCRA
- **Federal Employee Rights:** Paid Sick Leave and Expanded Family and Medical Leave under the FFCRA



MESSAGE FROM THE EDITOR

Posting compliance during a pandemic? That's right

It may seem odd to be consumed by a posting requirement in the midst of the COVID-19 pandemic, but that's what much of my work life has revolved around recently.



The Families First Coronavirus Recovery Act (FFCRA) was signed into law on March 18 and includes a posting requirement that unleashed many questions: Just who is a covered employer? When does it need to be displayed? How do I display it if I'm working remotely?

We understand that your life is consumed by much more than posting compliance these days. That's why we included the answers to those FFCRA questions in this newsletter and have even more answers for you [online](#).

And of course, we're always here to answer your posting compliance questions. You can contact us at hreditors@jjkeller.com or through the [Employment Law Poster Management Center](#).

When I look back on this challenging time, it's going to be odd that one of the things I remember is a poster. But really, it's about more than that.

We're happy to do what we can to make your life a little easier. You can concentrate on the safety and health of your family and workers. We've got posters covered for you.



Terri Dougherty

Terri L. Dougherty, PHR, SHRM-CP, is an editor on the human resources publishing team at J.J. Keller & Associates in Neenah, Wis. She oversees the editorial content of the employment law poster and sign lines and keeps the products up-to-date. She has written articles and white papers about posting compliance and answers customer questions about posting requirements.

Copyright 2020 J. J. Keller & Associates, Inc., Neenah WI USA

Neither the Employment Law Poster Report nor any part thereof may be reproduced without the written permission of the publisher. The articles in this newsletter do not necessarily express the viewpoints or opinions of J. J. Keller & Associates, Inc.

Editor: Terri Dougherty

For Subscription Information, call 1-844-840-3449



CALENDAR

April 1

Families First Coronavirus Response Act (FFCRA) posting requirement effective

July 1

New minimum wage rates take effect in the District of Columbia, Nevada, Oregon

July 4

Independence Day



July 15

Extended personal income tax deadline

December 31

FFCRA posting requirement expires