

Law requires some posters in workplace

Workplace Law

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Q: I know that there are laws that require employers put up certain posters in the workplace. As the director of human resources for a big company, I am worried about so many other matters that I sometimes forget to post some of them. Are there serious consequences?

| -- Harried H.R. Director

A: State and federal laws require employers to post certain information for employees in the workplace. The purpose of these postings is to keep employees informed about matters such as wages, their rights if they are injured in the workplace, and their rights to certain types of leave. Because postings must be conspicuous, many employers put them up in the employee break room because it is an area that is most likely frequented by all employees.

Posting requirements are dependent on the number of employed by your business. Because you describe your employer as large, I assume that it has 50 or more employees and is subject to all posting requirements. The consequences for failing to put up a posting can be harsh. The Labor Code requires that employers display a list of employees' rights and responsibilities under the whistle-blower laws, including the telephone number of the whistle-blower hotline. If an employer does not post that information, it is guilty of a misdemeanor punishable, in the case of an individual, by imprisonment in the county jail not to exceed one year, or a fine not to exceed \$1,000, or both. A corporation would be subject to a fine not to exceed \$5,000.

The Labor Code requires that employers post a notice specifying the regular pay days and the time and place of payment. If an employer fails to post that notice in a conspicuous location in the workplace, it is guilty of a misdemeanor, and the failure to post the notice is considered evidence of a violation of the code. Employers must post a workers' compensation carrier poster in a conspicuous place at the work site.

The poster provides employees with information on the company's workers' compensation coverage and where to get medical care for work injuries. Failure to post this information is a misdemeanor and can result in a fine of up to \$7,000.

In addition to the types of consequences listed above, a recent court decision has opened the door to another serious consequence for employers. In this particular case, the employer, the Ritz Carlton Hotel, had not posted notices of individual's employment rights mandated by the Equal Employment Opportunity Commission. Some employees filed claims with the Equal Employment Opportunity Commission but filed them too late. Normally, that would mean that they missed the statute of limitations and lost their right to bring those claims. However, in this case, the court held that if an employer has not met a posting requirement, the period of time to file claims is extended if the employee had no other actual or constructive knowledge of the procedures for filing a complaint.

Although this decision was not reached in a federal court in California, it is likely that the rule will be applied here.

In addition to the postings mentioned above, all employers, regardless of their size, must put up posters addressing the following matters: employee rights under the Fair Labor Standards Act, minimum wage, job safety and health protection, emergency phone numbers, the company's smoking policy, unemployment insurance, State Disability Insurance, Paid Family Leave, the right to take time off to vote, unlawful discrimination and harassment in the workplace, the Employee Polygraph Protection Act, employee rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the wage orders applicable to your industry.

Larger businesses must post information about pregnancy disability leave (five or more employees), annual summary of injuries and illnesses and a Proposition 65 Warning Notice if smoking is allowed in the workplace or if your business uses chemicals that cause cancer and/or reproductive health problems (10 or more employees), and the Family Medical Leave Act and California Family Rights Act (50 or more employees). Additionally, other posting obligations may apply to your particular business, and you should check with the Department of Labor and Cal/OSHA to determine specific requirements for your business.

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