

## **WORKPLACE POSTING REQUIREMENTS IN CALIFORNIA**

California employers face some of the most employee-protective laws in the country. Among the burdens placed on California employers is the requirement of workplace postings. There are at least 17 notices that employers must place in an area frequented by employees where they may be easily read during the workday. The required notices consist of various California and federal employment laws, regulations, and protections that inform employees of their rights and their employer's responsibilities. While 17 is a daunting number of notices, they are broken down below according to state and federal requirements.

### **California**

California alone requires 12 different notices to employees. Employers must post a notice informing employees of the present minimum wage (1). As of January 1, 2016, the mandatory minimum wage in California is \$10 per hour. Along with the minimum wage notice, employers must notify employees of the time and place of the regularly scheduled payday (2). California's new Paid Sick Leave Law went into effect in July of 2015 and also requires a notice to employees detailing the law and the rights it affords employers (3).

Employers must also post notices that deal with work-related safety and injuries. The Division of Occupational Health and Safety, better known as Cal-OSHA requires employers to post the notice entitled "Safety and Health Protections on the Job" which informs employees of their rights and their employer's responsibilities in providing a safe workplace (4). Along with that notice, employers must also post the "Notice to Employees – Injuries Caused By Work" which informs employees of Workers' Compensation benefits (5). Along with both of these, employers must also provide a list of Emergency Phone Numbers to be used in the case of an emergency (6).

There are several required posters that notify employees of their rights to be free from discrimination for engaging in lawful activity. The Department of Fair Employment and Housing's (DFEH) "California Law Prohibits Workplace Discrimination and Harassment" notifies employees of their rights to be free of workplace discrimination (7). "Whistleblower Protections" is a notice which informs employees of their protected rights to disclose and seek redress of violations of local, state, or federal regulations, especially those that deal with worker safety (8). Finally, employers must post a notice that informs employees of their right to up to two hours of paid leave to participate in statewide elections, often referred to as "Time Off Work to Vote" (9).

California also requires employers to post notices regarding medical leave and insurance benefits available to employees. Employers must post a notice on Family Care and Medical Leave and

Pregnancy Disability Leave. There are two posters depending on how many employees the business has. “Notice A” (10) applies to businesses with 5-49 employees and “Notice B” (11) applies to businesses with 50 or more. Employers must also post information from the Employment Development Department (EDD) regarding Unemployment Insurance, Disability Insurance, and Paid Family Leave Insurance Benefits (12).

## **Federal**

In addition to the California posters, there are 5 additional federally mandated workplace posting requirements. While the California state minimum wage is higher than the federal minimum wage of \$7.25, employers are still required to post it (13). The federal equivalent of the DFEH discrimination and harassment put forth by the Equal Employment Opportunity Commission (EEOC) is entitled “Equal Employment Opportunity is the Law” (14) and is also required to be posted. Employers must also post a notice regarding the “Employee Polygraph Protection Act” which informs employees of their rights with respect to polygraph tests (15). A notice detailing the Family and Medical Leave Act (FMLA) must also be posted for employees (16). Finally, employers must provide a notice regarding the Uniform Services Employment and Reemployment Rights Act, entitled “Your Rights Under the USERRA” which informs service men and women of their rights regarding leaving and returning to employment (17).

In addition to the 17 posters noted above, each employer must also post the CA Industrial Welfare Commission’s (IWC) Wage Order that is applicable to the industry in which the employer operates. Excluding the Wage Order notice and other industry specific notices, most of the general notices can be purchased in the form of a large single poster. While the posting requirements noted above are substantial, employers may be required to post additional notices depending on the particular industry they operate within. If employers have any questions regarding which notices they are required to post in their workplaces, Ferber Law is here to provide guidance to ensure that employers are meeting their posting requirements.

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