



Workplace Posters

Q & A

Q1: *Is my agency in compliance with workplace poster requirements if we purchase and use an all-in-one poster?*

- A. It depends on the poster you purchase. Agencies who choose to use an all-in-one poster may use the Workplace Posters toolkit on this website to ensure the document meets both the federal and state requirements and presents the workplace notices appropriate for state employers.

Below are a few items to review closely before purchasing an all-in-one poster:

- Oftentimes these posters will include the Occupational Safety and Health Administration (OSHA) notice that is not applicable to Georgia state employers, and could in fact be misleading to employees.
- Additionally, agencies should ensure the all-in-one poster contains the Employee Rights Under the Fair Labor Standards Act notice specific to state and local government employers. Typically, the posters include a version of this notice applicable to private, rather than public employers. The notice for private employers includes information misleading to state employees such as a requirement to provide overtime pay, rather than compensatory time.

Vendors selling the all-in-one posters can generally tailor the poster to a specific state to ensure required state notices are included. If the vendor can also tailor the poster to public employment in Georgia, such that the notices in the Workplace Posters toolkit are the notices on the poster, then you will be in compliance.

Q2: *Is my agency in compliance with workplace poster requirements if we choose to only post notices electronically?*

- A. The answer depends on the poster. Below is a discussion of posting requirements.

FEDERAL POSTERS:

Generally, federal workplace posters must be displayed or posted in conspicuous places where they are easily visible to all employees. Additionally, certain posters are required to be placed where they can be seen by applicants for employment. Most poster regulations were written prior to widespread use of the Internet. The USDOL recommends that until the regulations are revised, employers who choose to post notice requirements electronically should ensure that the notices are placed in a prominent place on the employer's website accessible to both current employees and applicants. The USDOL goes on to



Workplace Posters

Q & A

state that “*posting the notices on the employer’s website is not a substitute for posting notice posters in conspicuous places on the employer’s premises where otherwise required.*” Each poster may have unique posting requirements as outlined below:

- *Family and Medical Leave Act (FMLA) Poster:* The poster must be displayed in a conspicuous place where employees and applicants for employment can see it. A poster must be displayed at all locations even if there are no eligible employees. FMLA regulations were revised to allow for electronic posting as long as such posting otherwise meets the requirements of the regulations.
- *Equal Employment Opportunity is the Law Poster:* The poster must be posted in conspicuous places available to employees and applicants for employment.
- *Employee Rights Under the Fair Labor Standards Act (FLSA) Poster:* The poster must be posted by every employer who employs employees subject to the FLSA’s minimum wage provisions. Employers must keep the notice posted in a conspicuous place in all of their establishments.
- *E-Verify Participation and the Department of Justice, Office of Special Counsel Right to Work Posters:* The posters must be displayed by enrolled employers in both English and Spanish formats. Employers are not permitted to electronically link official (non-sample) E-Verify posters to external web sites. Employers who wish to post E-Verify materials to their website may scan/upload printed E-Verify posters or use digital logos as permitted by their Guidelines and Licensing Agreement.
- *Your Rights Under USERRA Poster:* Employers are required to provide persons covered by USERRA a notice of the rights, benefits, and obligations of the employees and employers under USERRA. Employers may post the notice where employer notices are customarily placed, mail it, or distribute it via e-mail.

STATE POSTERS:

State specific workplace posters must be displayed or posted in conspicuous places where they are easily visible to all employees and applicants for employment. The Georgia Department of Labor allows electronic posting for required workplace posters so long as an agency ensures that the links to the documents are placed in a prominent place on the agency website and are



Workplace Posters Q & A

accessible to both current employees and applicants. Agencies should also ensure that employees and applicants are provided with clear instructions on where these posters are located and how to access them.

Q3: *Why are state agencies not required to post the Occupational Safety and Health Administration (OSHA) notice?*

- A. OSHA covers private sector employers and excludes government workers (except in state plan states). Georgia does not have a state plan; therefore, state agencies are not required to post OSHA notifications. Although state agencies do not face any fines or penalties for posting OSHA notifications, the notice could be misleading to employees regarding OSHA's authority over state agencies.