



Newsletter April 2011

Labor Law Posters.... Where and When?

There has been some confusion lately on the issues of where to display Federal and State Labor Law Posters and how often they need to be updated. Some have asked if they can post them on the company's intranet sites. Although intranets are effective tools for communicating some information to employees, especially if employees are geographically scattered, displaying Federal and State Posters solely on the intranet may not relieve you of your obligations. Please see the regulations below governing the various posters:

- **FLSA:** The Fair Labor Standards Act (FLSA) regulations require employers to physically display posters "in conspicuous places in every establishment where such employees are employed so as to permit them to observe readily a copy" (29 CFR 516.4.)

All required posters (Federal and State) must be displayed "so they are easily visible to the intended audience," (existing and new employees) according to the U.S. Department of Labor instructions found in Workplace Poster Requirements for Small Businesses and Other Employers.

- **Executive Order No. 11246**, which governs affirmative action by federal contractors, indicates that required posters must be displayed in "conspicuous places accessible to all employees, job applicants and union representatives" (41 C.F.R 60-1.42).
- **FMLA:** The Family and Medical Leave Act (FMLA) requires employers with 50 or more employees and Public Entities

to post a notice "prominently where it can be readily seen by employees and applicants for employment" (29 CFR 825.300). Furthermore, FMLA states that "where an employer's workforce is comprised of a significant portion of workers who are not literate in English, the employer shall be responsible for providing the notice in a language in which the employees are literate." The FMLA does not clarify what constitutes a significant portion, so employers may wish to err on the side of increased communication.

Ultimately, you will have to decide where to display the posters. We suggest that they be on display in every facility you own or operate in a place that is conspicuous and accessible to all the employees in that facility. If you have a company Intranet site, I would encourage employers to display posters there as well.

As you are painfully aware, there are several companies who try to sell you their version of the All-in-One Posters. It is important to note, however, that ALL of the various State and Federal Posters are available FREE of charge on the following website:

<http://www.dol.gov/elaws/firststep/q2.htm?fs>

Simply follow the step-by-step instructions identifying your State, Industry, # of Employees, etc. and the software will generate the necessary posters in a .pdf format that you can print from your office. You can return to this website as often as necessary to see if there are any new Federal or State updates.

Call OHR for assistance with your require compliance poster questions. Courtesy of LGE, Todd Anderson, SPHR

These articles should not be construed as legal advice or as pertaining to specific situations. Consult with your legal counsel for further information.

Stay “In The Know” in 2011 –

Educational Seminars

We have a variety of educational seminars planned for 2011. Some will be live from the office of our partner in Campbell. Others will be conducted using “Go To Meeting” web conferencing.

Leavitt Pacific Insurance Brokers
695 Campbell Technology Parkway, Ste 250
Campbell, CA 95008

April Educational Session

COBRA

Join us Thursday, April 28th at 10:00 AM for an information session on COBRA with Ray Davis of National Benefit Services. This session will focus a COBRA update and tips for employers who must manage their own COBRA administration.

RSVP [COBRA Register](#) here by Monday, April 25th. This is a “Go To Meeting” via web conferencing application. This is not a live session.

May Educational Session

**Social Security Administration Speaker --
Asencion Mata Jr.**

Asencion will be presenting a broad overview of the benefits and services offered by the Social Security program.

Agenda:

- Benefits provided by Social Security Administration
- How to earn credits -- The credits are based on the amount of your earnings

- Understanding the benefits -- Today, about 164 million people work and pay Social Security taxes and about 50 million people receive monthly Social Security benefits
- Most of our beneficiaries are retirees and their families-about 34 million people
- Update for 2011 -- Tax rates and earning limits
- Disability Benefits -- Understand the programs available

This session will be informative and interactive. Attendees will have the opportunity to address specific questions of impact to their businesses.

RSVP to [SSA Update](#) by Monday, May 23rd. This is a webinar, not a live session.

June Educational Session

OHR’s Quarterly Harassment Prevention Training for Managers

As a service to your business we have a quarterly Harassment Prevention Training. Those sessions occur each quarter on the last Thursday of the month at 1:00 PM. Mark your calendars for March, June, September and December. We also do individual sessions for your offices, including Managers and Supervisors and non supervisory employees.

The next OHR Harassment Prevention Training for Managers session is scheduled for **Thursday, June 28th at 1:00 pm** in Campbell, CA. To register please RSVP for the live session at [Harassment Prevention Training](#)

MyOHR provides key Human Resources consulting and support for small, emerging and mid-size companies. Focusing on Human Resource Legal Compliance, MyOHR assists business in achieving operational efficiency by providing the infrastructure necessary to manage the workforce in compliance with State and Federal requirements. MyOHR is cost effective for companies that have not budgeted for a full-time HR position. Contact Jaime Orendac, SPHR-CA at JaimeO@MyOHR.com.