



e-Alert

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e-Alert: DOL Issues Updated FLSA and FMLA Posters

Background

The Department of Labor (DOL) has recently released updated workplace posters regarding the Fair Labor Standards Act (FLSA) and the Family Medical Leave Act (FMLA). Covered employers must display certain federal and state labor law posters in a noticeable place at each worksite so that employees can easily see them. Some posters must be visible to job applicants as well. The DOL has expressly **stated** in a 2020 bulletin that sending posters electronically may be sufficient if all employees work remotely.

Summary

The **FLSA Minimum Wage poster** has been updated to address employer requirements under the Providing Urgent Maternal Protections for Nursing Mothers (PUMP) Act which took effect in December 2020. Employers covered under the FLSA are required to provide all employees with reasonable breaks and a non-bathroom space for lactation. The prior version of the poster indicated that these protections only applied to nonexempt employees, however this law applies to all employees, both exempt and nonexempt. Certain employees in the industry are excluded from the PUMP Act.

The **FMLA Employee Rights poster** has recently been revised, however the law itself has not changed. FMLA poster versions dated April 2016 and February 2013 still satisfy the

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requirements, therefore employers are not required to swap out their posters at this time, instead, best practice is to use the new version dated April 2023 as soon as practicable.

More Poster Changes are Coming

Additional workplace poster changes are on the horizon as the Equal Employment Opportunity Commission (EEOC) has announced an upcoming change to the [Know Your Rights poster](#) to include information about the Pregnant Workers Fairness Act. This change is scheduled to take effect June 27, 2023.

Employer Next Steps

We have summarized key steps employers may take to comply with this requirement.

- Employers may want to take this opportunity to verify that they have federal and state labor law posters visible at each of their worksites.
- If you have staff that work remotely, consider how you are providing these required notices. Click [here](#) to learn more about our ePoster Solution.
- If you are part of our workplace compliance poster program, you will be emailed an e-update of the new posting(s). Upon your subscription anniversary, you will be mailed the most up to date All-In-One poster.
- Given that more changes are expected, employers that are not part of our poster program may want to hold off on displaying a new poster until all mandatory changes are available.
- If you have any questions regarding this e-Alert, please [email us](#).