



# **8 STEPS** TO PREPARE FOR A LABOR LAW POSTER AUDIT

# INTRODUCTION

It's one thing to simply display a set of labor law posters on a bulletin board. It's another to make sure hundreds, or even thousands, of locations are compliant, as you never know when you could face a labor law poster audit.

Auditors take labor law poster display seriously. They look for small details you may not know about. Plus, an investigation of other matters that uncovers noncompliant labor law posters is an indicator of overall issues with compliance.

## **As you consider your program, you may ask yourself:**

- Are my locations' labor law posters displayed in the correct area and in the right format?
- When was the last time I sent updated labor law posters to my locations?
- Are my labor law posters meeting all my employees' needs?

You may not think a labor law poster audit will happen to you, but if and when it does, you need to be ready.

## **In this guide, you will learn:**

- How to prepare for a labor law poster audit
- What auditors look for during their analysis
- Best practices for labor law poster display

## Step 1. Display all required federal, state, county and city labor law posters

Although it may seem obvious, many employers do not have a clear understanding of whether their labor law posters meet all federal, state, county and city requirements.

Often, employers display federal and state posters, but are unaware of the additional county and city posters required for their locations.

Take, for example, the Westfield Valley Fair Mall in California, which straddles the cities of San Jose and Santa Clara. In this instance, employers in different areas of the mall would be required to display different labor law posters. Don't rely on ZIP codes alone to determine the employment laws that apply to your locations.

Check that your locations not only have these posters, but also properly display them for all employees.



## Step 2. Make sure your labor law posters are up to date

So, you have all the required postings for federal, state, county and city levels at your locations. However, are you sure the posters are up to date?

Just think, since Jan. 1, 2006, there have been nearly 2,687 mandatory labor law poster updates. And through the first eight months of 2022, there were 220 mandatory updates for employers to monitor: federal (5), state (90), city/county (113), U.S. territory (3) and Canadian province (9).

### COMPLIANCE TIP

One way GovDocs helps clients ensure posters are current is by providing a date for compliance. GovDocs changes this date when there's a mandatory update or a poster is reprinted for inventory.

While subscribers to the GovDocs Update Program don't need to worry about out-of-date posters, if you're not a GovDocs client, check with your HR manager or an online resource such as the applicable department of labor website, a state agency's website, etc.

### Step 3. Display your labor law posters in a conspicuous area

Labor law posters must be displayed in a conspicuous area, such as a breakroom or kitchen.

Also, if you have multiple buildings and/or floors, and all your employees do not frequently visit a central location, you are required to display the posters in each building, on each floor, etc.

Depending on the physical layout of your locations, this can become an issue. Ensure your location managers understand where posters need to be displayed, whether you need more than one version of the same poster, and display them appropriately.



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### Step 4: Don't forget your remote employees

These days, you can't forget about your remote employees. Although they may not work in a corporate office space, companies still need to provide remote employees with current labor law posters.

Here are a couple of ways you can reach out to your remote employees:

- Provide digital sets of labor law posters
- Place the latest labor law posters on your intranet

Check out the [GovDocs Intranet Poster Program](#) to easily provide online access to current labor law posters.

Making labor law posters available to all employees helps you maintain compliance and ensure they are aware of their rights and company policies. But note that providing digital labor law posters doesn't free you from needing updated physical posters in your locations.



## Step 5: Complete fill-in-the-blank posters

When a location receives an updated labor law poster, the first step most managers take is to immediately display it. However, did you know some labor law posters have fill-in-the-blank information?

These sections are to be filled in by each individual company location, as the information varies based on that location's state, county, city and more. Examples include:

- Emergency contacts
- Unemployment insurance
- Workers' compensation carrier
- Area hospitals

### COMPLIANCE TIP

If this information is not completed, your labor law posters may not be compliant. So, double-check (or have your location managers check) by performing a quick audit of each fill-in-the-blank poster to ensure they reflect the most updated information. Check out our [Fill-in-the-Blank Guide](#).

## Step 6: Display your labor law posters in all required languages

Do you have employees that speak languages other than English? If so, you might need to display posters in additional languages. Spanish, of course, is the most common type of non-English poster to display.

Some posters require Spanish when 5 percent or more of employees speak Spanish. Also, some require posters in Spanish when employers are of a certain size. Lastly, some can combine the two. For example, 26 or more employees of which 5 percent or more speak Spanish.

Others require you to display these posters due to your location. In Philadelphia, the city's Fair Workweek poster is required in Spanish for retail, hospitality and food establishment employers with 250 or more employees worldwide and 30 or more locations worldwide and who have more than 5 percent Spanish-speaking employees.

Elsewhere, large employers in San Francisco must display the Public Health Emergency Leave poster in English, Chinese, Spanish and Tagalog.



## Step 7. Clean up your labor law poster display

Labor law poster display is just as important as a poster's content. Be sure your posters are in good shape, not torn and easy to read.

Posters are to be protected from wear and tear, as some are required to remain intact and/or unaltered. For example, the Occupational Safety and Health Association (OSHA) states "each employer is required to take steps to ensure that such notices are not altered, defaced or covered by any material."

At GovDocs, we [print our posters on a biodegradable material](#) designed to withstand the heavy wear and tear inside – or outside – the location. Posters are tear-, water-, grease-, chemical- and even UV ray-resistant, perfect for outdoor areas. Plus, the edges won't curl, delaminate or fray over time.



### COMPLIANCE TIP

Just because you print a labor law poster on your desktop printer, doesn't mean your location is compliant. Many labor law posters must be a specific size.

For example, the Occupational Safety and Health Association (OSHA) Job Safety and Health posting must be 8.5 by 14 inches to be compliant. It also must feature a minimum 10-point font. Often, auditors will take out a measuring tape and physically measure the font or poster's size. These requirements must not be taken lightly.

## Step 8. Be prepared for an audit of other compliance elements

Labor law posters and general compliance directly align, so be prepared to answer other questions or provide information related to compliance outside of your labor law posters, such as:

- Data on all individuals employed during the past few years, including names, addresses, rates of pay, job titles, shifts, exempt status, phone numbers, etc.
- Recordkeeping details for the last payroll period
- Information on the company's seven-day workweek, such as how overtime is calculated
- Meal and break period details
- Copies of independent contracts to ensure employees are not misclassified

# SUMMARY

When creating your labor law poster compliance strategy, remember these tips to ensure you're always ready for a labor law poster audit:

## **1. Display all required federal, state, county and city labor law posters**

Don't forget about your local labor law posters! Federal and state aren't enough anymore to meet your locations' compliance needs.

## **2. Make sure your labor law posters are up to date**

When's the last time you checked the dates on your labor law posters? There may have been updates since then, so double-check you're displaying the correct posters.

## **3. Display your labor law posters in a conspicuous area**

Now that you have the posters, make sure they're displayed in an area that is easily accessible to all employees, such as a breakroom or kitchen.

## **4. Don't forget your remote employees**

Making labor law posters available to all employees (including those who work from home) helps you maintain compliance and ensure they are aware of their rights and company policies.

## **5. Complete those fill-in-the-blank posters**

Fill-in-the-blank posting information varies by location, so make sure your locations have the correct information to remain compliant.

## **6. Display your labor law posters in all required languages**

Do you have non-English speaking employees or specific language requirements in your locations' jurisdictions? You may need labor law posters in additional languages.

## **7. Clean up your labor law poster display**

Get rid of any old or damaged posters. Also, make sure your up-to-date posters are well maintained and meet the font and size requirements.

## **8. Be prepared for an audit of other compliance elements**

Auditors might ask for other compliance information, such as:

- Data on all individuals employed during the past few years, including names, addresses, rates of pay, job titles, shifts, exempt status, phone numbers, etc.
- Recordkeeping details for the last payroll period

# ABOUT GOVDOCS

## Employment Law Compliance. *Simplified.*

GovDocs simplifies employment law compliance for multi-jurisdiction employers in the U.S. and Canada. The [GovDocs software platform](#) integrates three solutions in one convenient place to help you master the employment laws impacting your business. Whether you manage a labor law poster, minimum wage or paid leave program, our products cut through research time, provide proactive insights into the everchanging landscape of employment laws and reduce the risk of noncompliance.

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