

Employers Scramble To Comply With New DOL Minimum Wage And Employee Polygraph Protection Act Posting Requirements

On July 26, 2016, the federal Department of Labor revised the Minimum Wage poster (applicable to all employers) and Employee Polygraph Protection Act poster (applicable to private employers). The Department of Labor gave little notice to employers, stating that revised posters were to be posted starting August 1, 2016.

Changes to the Minimum Wage poster include:

- New section relating to the rights of nursing mothers to receive reasonable break time to express breast milk;
- Revised information relating to tip credits;
- Revised information regarding enforcement by the DOL; and
- Additional information regarding incorrectly classifying workers as independent contractors.

Note that the federal minimum wage did not change.

The Employee Polygraph Protection Act poster was updated to change the DOL's telephone number and to delete mention of the penalty amount for violation of the law.

The Secretary of Labor can bring court actions and assess civil penalties for failure to post the current Employee Polygraph Protection Act poster. There is no stated penalty for failure to post the current Minimum Wage poster.

Employers will need to update their posters (available here <https://www.dol.gov/whd/regs/compliance/posters/flsa.htm> and here <https://www.dol.gov/whd/regs/compliance/posters/eppa.htm>)

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