



SPECIAL REPORT

ARE YOU IN COMPLIANCE WITH STATE AND FEDERAL NOTICE POSTING REQUIREMENTS?

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Is your company in compliance with the following state and federal posting requirements?

- Federal Minimum Wage Poster
- Michigan Minimum Wage Poster
- “Equal Employment Opportunity is the Law” Poster
- Employee Polygraph Protection Act Poster
- Michigan Anti-Discrimination Poster
- “Michigan Safety and Health Protection on the Job” Poster
- Michigan Youthful Employment Poster
- Michigan Whistleblowers’ Protection Act Poster
- Michigan Material Safety Data Sheets Poster
- “Your Rights Under the Family and Medical Leave Act” Poster
- Michigan Employment Security Act Poster
- Federal Job Safety and Health Protection Poster
- “Notice to Workers with Disabilities Paid as Special Minimum Wages” Poster
- “Your Rights Under USERRA” Poster
- Military Family Leave Poster
- “Check Your Withholding” Poster
- OSHA Work-Related Injuries and Illness Poster

This report is intended to assist employers in complying with the various state and federal laws which require specific notices to be posted in the workplace. Compliance with applicable posting requirements is crucial as a failure to do so can result in substantial monetary fines.

Please note that many of the notices are required of all employers, regardless of the number of employees. Other posters, however, are required only if the organization employs a threshold number of persons. Still others must be posted only if the employer is covered by the statute described in the notice.

You should carefully review the applicability of each posting requirement as it applies to your organization.

If you are uncertain which postings apply to your organization, you can log onto the Department of Labor’s “First Step Poster Advisor” at <http://www.dol.gov/elaws/posters.htm> for assistance.

In this report, we have itemized the notices to be posted and provided a brief narrative for each. We have also provided the telephone numbers and Internet addresses, if applicable, of the various state and federal agencies from which original copies of these posters can be obtained. All of the posters are available without charge from the respective state or federal agency.

We recommend using original copies of these posters whenever possible. Many of the posters have specific prohibitions against the use of reproductions which are smaller in size than the original. Additionally, the originals are designed to be reader-friendly.

As a practical matter, we recommend that these posters be laminated to prevent tearing, discoloration and handwritten alterations or marks. Posters should always be displayed in a central and conspicuous location where employees will be sure to notice them.

Failure to comply with the state and federal laws requiring specific notices to be posted can result in substantial monetary fines. Moreover, the failure to display posters addressing health and safety issues could create a hazard in the workplace.

1. Minimum Wage Posters

All employers in Michigan are required to display state and federal minimum wage posters.

An employer is subject to the Fair Labor Standards Act if their employees:

- i) Conduct interstate commerce;
- ii) Work for enterprises which have an annual gross volume of sales made or business completed which exceeds \$500,000;
- iii) Work for hospitals, or “an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution,” preschools, elementary schools, or institutions of higher learning; or
- iv) Work for public agencies.

The Michigan Minimum Wage Law is much broader than its Federal counter-part, since Michigan’s law is applicable to any employer of two or more employees.

A. Federal Minimum Wage

The Fair Labor Standards Act is the federal law which establishes the federal minimum wage rate and the method to determine hours worked by an employee for purposes of calculating overtime compensation.

Under this law, employers must pay their employees at least \$6.55 per hour as of July 24, 2008. As indicated below, employers in Michigan must comply with the higher **Michigan minimum wage rate of \$7.40 per hour as of July 1, 2008.**

Where an employee works in excess of 40 hours in a 7-day work period, the employee is entitled to at least 1 1/2 times the regular rate of pay for all hours worked over 40.

The Fair Labor Standards Act provides limited exceptions to the minimum wage and overtime laws for bona fide executive, administrative, professional and outside sales employees. Again, this is a very limited exception. More information on this issue or any wage and hour issue can be found at www.wagehour.dol.gov.

Copies of the Federal Minimum Wage Poster can be obtained by calling the U.S. Department of Labor, Wage and Hour Division at 1-

866-487-9243. A copy of the poster can also be downloaded from the Internet at www.wagehour.dol.gov by clicking on “Minimum Wage Poster.”

B. Michigan Minimum Wage

The Michigan Minimum Wage Law is the state statute which establishes the Michigan minimum wage and corresponding guidelines for determining hours worked for purposes of calculating overtime compensation. The Michigan Department of Labor & Economic Growth, Wage and Hour Division has created a Michigan minimum wage law poster.

Since most employers are subject to both the federal and state minimum wage laws, the **higher of the two minimum wage rates must be paid which is the state minimum wage rate of \$7.40 per hour as of July 1, 2008.**

For copies of the Michigan poster, please call the Michigan Department of Labor & Economic Growth, Wage and Hour Division, at 517-335-0400. A downloadable a copy of the poster is available from their website at www.michigan.gov/wagehour under “Minimum Wage & Overtime” and then under “Posting Requirements for Employers.”

2. “Equal Employment Opportunity is the Law”

The EEOC is a Federal agency charged with the enforcement of anti-discrimination laws for employers. This EEOC poster provides an overview of the numerous federal laws which prohibit discrimination on the basis of race, color, religion, sex, national origin, age and disability. Employers with 15 or more employees must display this poster.

Copies of this poster can be obtained by calling the U.S. Department of Labor, Wage and Hour Division at 1-866-487-9243. You may also download a copy of the poster from the Internet at: www.dol.gov/esa/regs/compliance/posters/eeo.htm.

3. Federal Polygraph Protection Act

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests either for pre-employment screening purposes or during the course of employment. Limited exceptions do exist. Pursuant to this federal law, all employers are required to post this notice.

Copies of this poster may be obtained by calling the U.S. Department of Labor, Wage and Hour Division at 1-866-487-9243. You may also download a copy of the poster from the Internet at: www.dol.gov/esa/regs/compliance/posters/eppa.htm.

Michigan also has a polygraph testing law. Michigan's law is more restrictive than federal law but does not include a notice requirement. Prior to engaging in any polygraph testing practices, individual legal consultation should be sought.

4. Michigan Civil Rights

In Michigan, it is unlawful to discriminate on the basis of religion, race, color, national origin, age, sex, marital status, height, weight, arrest record or disability. All Michigan employers with one or more employees are required to post this notice which defines each of the protected classes. In addition, this poster alerts employees with disabilities that they must notify the employer in writing within 182 days after the need for an accommodation is known.

Original copies of this poster may be obtained by calling the Michigan Department of Civil Rights at 1-800-482-3604. You may also download a copy of the poster from the Internet at: www.michigan.gov/images/new_poster_8818_7.jpg.

5. Michigan Safety and Health Protection on the Job

The Michigan Occupational Safety and Health Act (MIOSHA) of 1974 requires all employers to post the "Michigan Safety and Health Protection on The Job" notice. The contents of this poster describe many important provisions of MIOSHA which are intended to provide job safety and health protection for Michigan employees through the

maintenance of safe and healthful working conditions. In addition to posting this notice, the Marsh and McLennan Agency LLC recommends that all employers develop a safety program within their organization.

Requests for more information about MIOSHA regulations or additional copies of the poster should be made to the Michigan Department of Labor & Economic Growth, MIOSHA at 517-322-1814. A copy of the poster may be downloaded at:

www.cis.state.mi.us/email_parser/safety_posters.htm.

6. Federal Job Safety and Health Protection

All covered employers are required to display and keep displayed a poster prepared by the U.S. Department of Labor informing employees of the protections of the Occupational Safety and Health Act P.L. 91-596, December 29, 1970 and its amendments.

Copies of the poster may be obtained by contacting the U.S. Department of Labor/OSHA at 202-693-1888. You can find a copy of the poster for download at: www.osha.gov/Publications/poster.html.

7. Occupational Injury Log and Summary

Both the federal Occupational Safety and Health Act (OSHA) and the Michigan Occupational Safety and Health Act (MIOSHA) require employers with more than 10 employees to maintain in each establishment a log of all reportable occupational injuries and accidents. This information is to be maintained on Form 300. Use of this form satisfies both federal and state requirements.

Form 300A, Summary of Work-Related Injuries and Illnesses, is to be posted each year from February 1 to April 30. The Marsh and McLennan Agency LLC recommends that you read the instructions carefully to distinguish report-able and non-reportable injuries and accidents. Employers should also carefully review the instructions which are designed to protect confidentiality.

Please note that a new OSHA Form 300 is in effect as of January 1, 2004. This revised form and related information are available on OSHA's website at: www.osha.gov/recordkeeping/new-osha300form1-1-04.pdf.

The new OSHA 300A summary form that now includes the hearing loss column should be posted as of February 2005.

8. Legal Requirements Governing Employment of Minors

The Michigan Youth Employment Act requires employers who employ minors to post a notice of the legal requirements governing the employment of minors. The notice provides an overview of the various age thresholds, work schedule restrictions, occupation limitations and other relevant legal stipulations relating to the employment of minors.

Copies of the poster may be obtained by contacting the Michigan Department of Labor & Economic Growth, Wage and Hour Division, at 517-335-0400. A copy of this poster is available on the Internet at: www.michigan.gov/documents/poster90_28803_7.pdf.

9. Michigan Whistleblowers' Protection Act

The Michigan Whistleblowers' Protection Act is a state statute which makes it illegal for employers to discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee reports or is about to report a violation or a suspected violation of federal, state or local laws, rules or regulations to a public body. This statute further provides that it is illegal for employers to discharge, threaten or otherwise discriminate against an employee with regard to the employee's compensation, terms, conditions, location or privileges of employment because of the employee's participation in a public hearing, investigation, inquiry or a court action.

The Whistleblowers' Act requires employers to post notices and use other appropriate means to keep its employees informed of their protections and obligations under the Act but does not require that any specific notice be used.

Nonetheless, the Department of Labor & Economic Growth has developed a sample notice for use by Michigan employers. You may download a copy of the poster at:

www.michigan.gov/documents/cis/wsh_whistleblowers_203828_7.pdf.

10. Your Rights Under the Family and Medical Leave Act

Employers with 50 or more employees must comply with the Family and Medical Leave Act (FMLA). Employers subject to the FMLA are required to satisfy a posting requirement.

The FMLA is a complex law which establishes the criteria for employees to be eligible for up to a 12-week leave of absence. The statute and regulations specify in great detail the eligibility criteria, as well as the terms, conditions and reinstatement criteria. If you need a copy of the statute or the interpretive guidelines, please visit the website at www.wagehour.dol.gov.

Copies of the FMLA Poster are available by calling the U.S. Department of Labor, Wage and Hour Division at 1-866-487-9243. You may also download a copy of the poster at www.dol.gov/esa/regs/compliance/posters/pdf/fmlaen.pdf.

11. Michigan Employment Security Act

The Michigan Employment Security Act requires all employers to post a notice to employees that unemployment benefits are payable to qualified workers through the MESC.

Copies of this poster can be obtained by calling the Bureau of Workers' Unemployment Compensation at 1-800-638-3994. You may also download a copy of the poster at www.michigan.gov/documents/uia_UC1710_76109_7.pdf.

12. Michigan Material Safety Data Sheets

Under the Michigan Right to Know Law, employers must communicate to all employees information regarding the safe handling of hazardous chemicals. Employers must maintain Material Safety Data Sheets for any hazardous chemical produced or used in the workplace and must notify employees of the location of the Material Safety Data Sheets and the name of the person from whom the sheets can be obtained.

Depending upon the amount of the substance maintained, ordinary household items such as bleach, window cleaner, toilet bowl cleaner, oven cleaner, etc. may necessitate compliance with this Michigan law. As a general rule, the Michigan Right to Know law applies to those household items that are used more frequently than a consumer would use them in a typical household. Since many manufacturing facilities use these chemicals more frequently than a typical household, the employer may be required to comply with this Michigan law.

The Michigan Department of Labor & Economic Growth has created posters for use by employers in communicating the required information to employees. The posters are available by calling 517-335-0400. You may also download a copy of the poster from the Internet at www.cis.state.mi.us/email_parser/safety_posters.htm.

If you have additional questions or are in need of training assistance, you can contact the Michigan Department of Labor & Economic Growth, MIOSHA at 517-332-1814.

13. Notice to Workers with Disabilities Paid at Special Minimum Wages (New Requirement)

Any employer who employs workers with disabilities under special minimum wage certificates authorized by the Fair Labor Standards Act, the McNamara-O'Hara Service Contract Act, and/or the Walsh-Healey Public Contracts Act shall display a poster prescribed by the U.S. Department of Labor Wage and Hour Division explaining the conditions under which special minimum wages may be paid.

The poster shall be posted in a conspicuous place on the employer's premises where employees and the parents or guardians of workers with disabilities can readily see it.

Copies of the poster may be obtained by contacting the U.S. Department of Labor at 1-866-487-2365. You may also download a copy of the poster at www.dol.gov/esa/regs/compliance/posters/pdf/disabc.pdf.

14. Uniformed Services Employment and Reemployment Rights Act (USERRA)

Employers are required to provide to persons entitled to the rights and benefits under the USERRA a notice of the rights, benefits and obligations of such persons and such employers under USERRA.

Copies of the “Your Rights Under USERRA” poster may be obtained by contacting the U.S. Department of Labor at 1-866-487-2365. You may also download a copy of the poster at www.dol.gov/vets/programs/userra/USERRA_Private.pdf.

15. Military Leave Act

In early 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for FY 2008 (NDAA). Among other things, section 585 of the NDAA amends the Family and Medical Leave Act of 1993 (FMLA) to permit a “spouse, son, daughter, parent, or next of kin” to take up to 26 workweeks of leave to care for a “member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.”

The NDAA also permits an employee to take FMLA leave for “any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.”

A copy of the Military Leave Act poster may be downloaded from the U.S. Department of Labor website at www.dol.gov/esa/whd/fmla/ndaaamndmnts.pdf.

16. “Check Your Withholding”

This IRS bulletin board poster advises workers to consider whether they need to file a new Form W-4 with their employer.

A copy of the “Check Your Withholding” poster may be downloaded from the IRS website at www.fedforms.gov. Enter search text 213 and then click on the prompt for Check Your Withholding.

Conclusion

The itemized list of employment notices and the corresponding narratives which summarize the relevant state and federal statutes are general in nature. Each statute referenced in this report is complex and requires thorough analysis which is beyond the scope of this report.

The Marsh and McLennan Agency LLC recommends that every employer consult with an attorney in an effort to review all aspects of the employer’s business to determine whether any other state or federal notices or statutes may be applicable to your business.

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