

2011

New Year, New Posters, New Laws

Employers need to be aware of new laws to take effect in 2011. Most importantly, they should know that their 2010 California and federal notice posters will be outdated, and certain employers may be required to post additional notices.



There are new 2011 versions of the required federal posters for all employers, including "Federal Minimum Wage," "Equal Employment Opportunity is the Law," and "Safety and Health Protection on the Job." There are also new 2011 required posters for California, such as "California Minimum Wage" "Your Rights Under USERRA (Veterans Benefits)," and "Notice Employee Polygraph Protection Act" posters, among others. All employers must display these posters at each work site where they are accessible to all employees and applicants.

In addition to these posters, in 2011, certain employers will also be required to display additional posters as follows:

Workers' Compensation: The posting and notice requirements were amended in 2010 to require all employers using Managed Professional Networks (MPNs) to provide treatment for workers' compensation claims to give employees information regarding the MPN(s) being used. Therefore, in addition to the required "Notice to Employees - Injuries Caused by Work" that all employers must display, they must also display additional information about the MPN(s). Also, any pamphlet distributed by the employer regarding workers' compensation must also include information regarding the employer's MPN(s).

San Francisco: The San Francisco minimum wage increased as of January 1, 2011 from \$9.79 per hour to \$9.92 per hour. Employers are required to display a poster regarding the minimum wage in each workplace in English, Spanish, Chinese, and any other language spoken by at least five percent of the workforce. A notice regarding the minimum wage containing the employer's name, address, and telephone number must also be given to every employee at the time of hire.

Besides the new posters, there are new laws that have either recently gone into effect or will go into effect this year, including the following:



Leaves of Absence for Organ and Bone Marrow Donation: California employers with 15 or more employees must provide paid leaves to employees who choose to donate organs or bone marrow. Organ donors must be provided a 30-workday leave of absence in any one-year period and bone marrow donors must be provided a leave of absence up to five workdays in any one-year period. These donor leaves do not run concurrently with leaves provided for by the Family Medical Leave Act (“FMLA”). However, federal law overrides state law, so if an employer is covered by FMLA (i.e., has 50 or more employees) and the employee is eligible for FMLA leave, then a leave for organ or bone marrow donation may run concurrently with the FMLA.

Americans with Disabilities Act: The Justice Department’s Americans with Disabilities Act regulations were revised to take effect on March 15, 2011 and include revisions to the ADA Standards for Accessible Design, which set the minimum requirements for newly designed and constructed or altered government facilities, places of public accommodations, and commercial facilities to be readily accessible to and usable by persons with disabilities.



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