

Department of Labor Issues Updated FLSA and FMLA Posters

Law and the Workplace on May 23, 2023

The U.S. Department of Labor (DOL) has released updated posters regarding the federal Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA). Employers covered by these laws are required to display copies of the posters in a conspicuous place where employees and applicants for employment can see them.

The [FLSA Minimum Wage poster](#) has been updated to reflect employers' obligations under the [Providing Urgent Maternal Protections for Nursing Mothers \(PUMP\) Act](#) which took effect in December 2022. Now under the PUMP Act, FLSA-covered employers (with limited exception) are required to provide all employees – whether classified as exempt or non-exempt – with reasonable break time and a space (other than a bathroom) that is shielded from view and free from intrusion to express milk in the workplace. Previously, the FLSA's lactation break protections applied only to non-exempt employees, as reflected in the prior version of the FLSA poster. To that end, the DOL states that previous versions of the poster, including the August 2016 version, no longer fulfill the FLSA's posting requirement and should be immediately replaced.

The [FMLA Employee Rights poster](#) has been redesigned and includes new language about how a “covered employer” is defined under the law, namely:

- a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year;
- an elementary or public or private secondary school, regardless of the number of employees; and
- a public agency, such as a local, state or federal government agency.

Notably, the DOL states that the prior April 2016 and February 2013 versions of the FMLA poster still fulfill the law's posting requirement such that employers are not obligated to replace them with the current version. However, it is good practice for employers to display the most current version of all workplace posters.

The DOL also notes that the U.S. Equal Employment Opportunity Commission (EEOC) is in the process of updating its [“Know Your Rights” poster](#) to address the [Pregnant Workers Fairness Act](#), which takes effect on June 27, 2023 and will require covered employers (including private and public sector employers with at least 15 employees) to provide reasonable accommodations to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship. As such, the DOL advises that covered employers that purchase “all-in-one” notice posters from third party vendors may wish to defer purchasing a new vendor-created poster until after the EEOC releases its updated poster in June 2023 and, in the interim, print and post the updated version of the FLSA poster separately.

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