

Frequently Asked Questions (FAQs) - Posters

Question: I am looking for workplace posters. Where can I find them?

Answer: You can find them on the New Mexico Department of Workforce Solutions website under [Publications](#). The U.S. Department of Labor has designed the [elaws Poster Advisor](#) to help employers comply with the poster requirements of several laws administered by the U.S. Department of Labor. These laws require employers to display official posters where employees can readily observe them. Posters are provided at no cost to employers.

Question: I own a small business. Which federal and state posters does my company need to post?

Answer:

Federal Mandatory Postings

- Federal Minimum Wage
- Equal Employment Opportunity it's the Law
- Job Safety and Health Protection
- Employee Polygraph Protection Act
- Family Medical Leave Act
- Employee Rights under USERRA

State Mandatory Postings

- New Mexico Minimum Wage Act
 - Discrimination Poster
 - New Mexico Job Health and Safety Protection (State OSHA)
 - New Mexico Workers' Compensation Act and supply of Notice of Accident (NOA) Forms
 - Unemployment Insurance Notice (Department of Labor – This poster is issued at the time of initial UI Tax registration and never needs to be updated).
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Question: I know which federal and State posters I am required to post. Where can I get the posters?

Answer:

- You can download and print posters for free of charge directly from New Mexico Department of Workforce Solutions website at www.dws.state.nm.us/dws-publications.html; or
 - You may ask for U.S. Department of Labor (DOL) federal posters to be mailed to you by calling DOL's Office of Small Business Programs at 1-888-972-7332. Up to five of each type of poster can be sent to you free of charge. Please note that DOL only provides hard copies of the individual posters, not the "seven-in-one" or other combination posters.
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Question: Where in my place of business am I required to post posters?

Answer: Generally, federal workplace posters must be displayed or posted in a conspicuous place where they are easily visible to all employees – the intended audience. The FMLA, EEO, and EPPA posters are also required to be placed where they can be seen by applicants for employment. Note: Not all posters must be posted by all employers.

Question: Which posters have to be posted where “applicants” as well as employees can see them?

Answer: Generally, federal workplace posters must be displayed or posted in a conspicuous place where they are easily visible to all employees – the intended audience. The **FMLA**, **EEO** and **EPPA** posters are also required to be placed where they can be seen by applicants for employment.

- The [Family and Medical Leave Act \(FMLA\) Poster](#) must be displayed in a conspicuous place where employees and applicants for employment can see it. IF an employer is covered by the FMLA, a poster must be displayed at all locations, even those where there are no FMLA eligible employees.
- The [Equal Employment Opportunity \(EEO\) Poster](#) (“Equal Employment Opportunity is the Law”) must be posted in conspicuous places available to employees and applicants for employment. Federal contractors and subcontractors covered by [Executive Order 11246](#) must also post the notice where it can be readily seen by representatives of each labor union with which the covered contractor or subcontractor has a collective bargaining agreement.
- The [Employee Polygraph Protection Act \(EPPA\) Poster](#) must be posted in a prominent and conspicuous place in every establishment of the employer where it can readily be observed by employees and applicants for employment.

Question: With the January 2008 change in the Family and Medical Leave Act (FMLA), do I have to change my FMLA poster?

Answer: Yes. The U.S. Department of Labor has provided a new [FMLA poster](#).

Question: OSHA issued a new poster in 2007. Do I have to replace all my Safety and Health Posters?

Answer: Employers do not need to replace the previous version of the OSHA Job Safety and Health: It’s the Law poster, unless it is no longer legible.

If you need a new poster, it is available for free at <http://www.dws.state.nm.us/dws-posters.html>

Question: I have seasonal employees and want to know if they “count” in deciding whether to post the Family and Medical Leave Act (FMLA) poster.

Answer: Every employer covered by the FMLA is required to post the FMLA poster. Any employer in the private sector who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year is covered. “Seasonal” employees count toward the 50-employee requirement. Please contact the Wage and Hour Division for additional assistance

Albuquerque (505) 841-4400

Santa Fe (505) 827-0091

Las Cruces (575) 524-6195

Question: Can I use one of the “all in one” posters?

Answer: Yes, employers can post the “seven-in-one” poster. This poster is provided by the New Mexico Department of Workforce Solutions free of charge and may be picked up at any New Mexico Workforce Connection Office. Click [here](#) to find your local office.

Question: We have break rooms on each floor in our building. Do I have to post the posters in each break room on each floor or can I just post them in the lunch room?

Answer: If all your employees regularly visit the lunch room, then you can post all of the required posters there. If not, then post the posters in the break rooms on each floor or in another location where they can readily be seen by employees on each floor.

Question: We don't interview or process applicants in a central location but at individual supervisors' offices. What do we do about notices that must be posted where applicants for employment can see them?

Answer: Employers must post notices in conspicuous places, available to employees and applicants for employment. Consequently, if applicants are being processed and/or interviewed in supervisors' offices, then the poster should be posted in these locations as this is where the notice would be available to these individuals.

Question: Our Company has many buildings. Our employees report directly to the building where they work, and there is no requirement that they must first report to our main office or headquarters location prior to commencing work. Do I have to post the notices/posters in each of our buildings?

Answer: Yes. Where an employer has employees reporting directly to work in several different buildings, the employer must post all required federal posters in each building, even if the buildings are located in the same general vicinity, e.g., in an industrial park or on a campus.

Question: Where employees of two different employers are working at the same location, is each employer required to post all of the federal workplace posters that apply to them and their respective employees?

Answer: Where two or more employers have employees sharing the same worksite, and all the required federal posters are conspicuously posted where all the employees can see them, then only one set of posters is required.

However, different employers may have different posters requirements. Therefore, since the posters required of both employers must be posted and visible to employees, each employer at that worksite is responsible for ensuring that all the federal workplace posters that pertain to his or her employees are posted and readily visible as required.

Also remember that some posters must be posted where applicants for employment can see them.

Question: I am a homebuilder, and my construction crews do not report to our main office before commencing work but report directly to various construction sites. Where should I post the required federal posters?

Answer: The required posters should be posted at the location to which employees report each day.

Question: I'm a homebuilder and my salespeople/employees are required to report to the main office only once a week. Can I just post the posters there?

Answer: Yes.

Question: Our employees must report to our main office headquarters each morning, and then go off to work at our different worksite locations. Do we have to post the federal posters at all of those other worksite locations?

Answer: Where employees are required to report to a main office, a central headquarters location or the same worksite on a regular basis, there is no requirement for employers to post notices at their other worksite locations. The employer may post all of the required federal posters in the main office/headquarters where all employees report so long as they are displayed prominently and are readily visible to all employees.

Question: Does the Department of Workforce Solutions offer the 'all-in-one' posters?

Answer: Yes. The Department of Workforce Solutions offers a seven in one poster free of charge. The poster includes

- Your Rights under the Fair Labor Act
- Your Rights under USERRA The Uniformed Services Employment and Reemployment Rights Act
- The Immigration Reform and Control Act (IRCA) Prohibits Employment Discrimination
- Employee Polygraph Protection Act
- Your Rights under the Family & Medical Leave Act of 1993
- Equal Employment Opportunity is THE LAW!
- OSHA

These posters may be picked up at your local New Mexico Workforce Connection office. To find the office near you click [here](#).

Question: For companies that have an Intranet that every employee can access, may electronic postings satisfy the posting requirements?

Answer: The U.S. Department of Labor is currently studying whether electronic means could be used to satisfy notice posting obligations. At present, however, physical posting of paper notices is required.

Question: I work for a non-profit organization (e.g., a church). Does my organization have to post posters?

Answer: Yes. Whether the organization is non-profit or for profit has no bearing on whether it is required to post posters.

Question: I have no employees but one of my contractors has employees working at my workplace. Who is responsible for posting the required federal posters?

Answer: In general, your contractor should post the posters at your workplace for the contractor's employees. However, in some cases, you may be considered a joint employer of these employees, so you should make sure the required posters are posted if the contractor does not do so.

Question: I am the business owner. I have no employees and no contract employees. Do I have to post posters?

Answer: no, but if you start hiring employees you will need to post the required posters.

Question: If New Mexico's minimum wage law provides greater protection than the federal minimum wage, do I still have to post the federal Fair Labor Standards Act/Minimum Wage poster?

Answer: Yes. If New Mexico has a higher minimum wage than the federal minimum wage the employer still has to post the federal Fair Labor Standards Act (FLSA)/ Minimum Wage poster.

Question: I have only unpaid volunteers – do I still have to post posters?

Answer: In order to be exempt from federal and state poster requirements, the employer must use only workers who qualify as bona fide volunteers under the Fair Labor Standards Act, bona fide volunteers are individuals who donate their services for public service, religious or humanitarian objectives, without contemplation of being paid.

Question: I pay my employees by commission – do I still have to post the Minimum Wage Poster?

Answer: Yes. How an employee is paid is not relevant to whether you must post the Fair Labor Standards Act (FLSA)/ Minimum Wage Poster.