

June 2016



Catching up with our clients . . .

EEOC to Increase Poster Violation Fines By More than 50%

\$525 Fine Per Poster Violation

Failure of an employer to comply with Federal Equal Employment Opportunity (“EEO”) posting requirements is about to get a lot more expensive. Effective July 5, 2016, a new law mandates that employers found in violation of federal posting requirements pay a maximum fine of \$525.00.

The increase more than doubles the previous fine of \$210.00 per violation, and indicates that the Equal Employment Opportunity Commission (“EEOC”) is taking significant measures to ensure employer compliance with discrimination laws.

Additional Upward Adjustments Coming

Employers should also expect additional upward adjustments to posting violation fines in the future. One provision of the new law requires the EEOC to issue fine increases, aligned with changes in the Consumer Price Index, by January 15 of each year after 2016, so as to adjust for inflation the maximum civil penalty that may be imposed on employers.

Employers Advised to Check for Compliance

Employers with 15 or more employees are required to post a notice describing employee rights under federal laws prohibiting job discrimination based on race, color, sex, national origin, religion, age, equal pay, disability, or genetic information. The EEO posters are required to be placed in a conspicuous location in the workplace where notices to applicants and employees are customarily posted. Electronic posting may supplement the poster requirement, but it does not independently satisfy the physical posting requirement. Employers are advised to check their postings for compliance so as to avoid assessment of increased fines.

Other Posting Requirements

While this new law only applies to compliance with discrimination laws enforced by the EEOC, employers are reminded that many other employment statutes (state and federal) require posting, including state and federal wage and hour laws, the F.M.L.A., state discrimination laws, and the state earned sick leave law. We advise employers annually to replace their employment posters to ensure compliance.

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NEWS:

We are pleased to welcome our new Associate Mairead Blue.

Mairead spent three and a half years as an attorney in the Office of Commission Counsel of the Massachusetts Commission Against Discrimination. Prior to joining the firm, Mairead was an associate at Morgan, Brown & Joy where she worked on employment discrimination matters.