

What businesses need to know about workplace posting compliance for remote workers, Newsday, ft. Keith Gutstein

Keith Gutstein, Co-Managing Partner of KD's Woodbury office and Co-Chair of the firm's Labor & Employment practice group, is featured in an article written by Jamie Herzlich published by Newsday on February 17, 2021.

Just because many employees are working remotely since the pandemic doesn't mean employers are off the hook in complying with federal worksite posting requirements.

The U.S. Department of Labor's Wage & Hour Division (WHD) has issued guidance that lays out for employers their responsibilities when it comes to distributing postings and notices electronically to remote workers.

Federally mandated postings are required to be physically placed in high-traffic areas like breakrooms, but with many employees now working off-site remote workers still need to have access to them, experts say.

Keith Gutstein, co-managing partner of the Woodbury office of Kaufman Dolowich & Voluck LLP, says he would "err on the side of caution" and in absence of state-issued guidance since the pandemic, employers should follow the federal guidance as best practice when it comes to state postings and notices.

So employers should still maintain physical postings in their break or lunch areas.

If not, says Gutstein, fines could add up.

While he's not aware of any client in the past getting a penalty solely for missing a posting or notice, it usually is added to a list of other violations by state or federal inspectors, he says.

"I would take this seriously," Gutstein adds. "Rather than penalize employers, the issuance of guidance at this time by the USDOL demonstrates a focus on compliance and outreach."