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**CLIENT ALERT: Dept. of Labor Issues Guidance on Electronic Posters  
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In response to the significant increase of remote workers during the COVID-19 pandemic, on December 29, 2020 the U.S. Department of Labor issued guidance regarding an employer's ability to post notices electronically. The guidance is contained in Field Assistance Bulletin No. 2020-7 ("FAB 2020-7"), which we summarize below. A copy of the guidance is accessible [here](#). For more information, please contact Peter Lowe at [plowe@brannlaw.com](mailto:plowe@brannlaw.com).

Employers must "post and keep posted" notices explaining employees' rights under certain federal statutes, including the Fair Labor Standards Act, Family and Medical Leave Act, Employee Polygraph Protection Act, and Service Contract Act. Employers must post hard copies of notices in conspicuous places of the workplace, such as a well-traveled hallway, kitchen, or break room.

The DOL's new guidance explains that if employers meet the following standards, they may post notices electronically: 1) all of the employer's employees exclusively work remotely, 2) all employees customarily receive information from the employer via electronic means, and 3) all employees have readily available access to the electronic posting at all times. Employers who meet these standards may post notices electronically on their intranet site, internet website, or shared network drive or file system. Employers should post the notices in an easily accessible place, inform employees where the notices are posted, and how to access the postings electronically. Employers who have employees working both on-site and remotely are encouraged to post notices at the worksite and electronically.

The DOL reminds employers that FMLA notices must be "posted prominently and text must be large enough to be easily read and contain fully legible text." Additionally, employers' FMLA notices must be accessible to applicants, not just current employees. Where hiring is being conducted remotely, it will be especially important for employers to post FMLA notices online.

Additionally, the DOL explains that if an employee ordinarily receives information from the employer electronically, the employer may deliver individual notices via email, as well.