

# LEGAL UPDATE



## HIGHLIGHTS

- The DOL has issued a revised model FMLA poster, dated April 2023.
- Employers may use the new poster or continue to use previous versions from 2016 and 2013 to meet FMLA posting requirements.
- All employers must conspicuously post the model general notice in the workplace.
- Employers with FMLA-eligible employees must also provide the notice in any employee handbooks or other written employee materials about benefits, or provide it on hiring.

## DOL Issues New Model FMLA Poster

The U.S. Department of Labor (DOL) has published an updated model Family and Medical Leave Act (FMLA) [notice](#) for employers to use to meet the law's workplace posting requirement. The new poster is dated April 2023 and is available on the DOL's [website](#).

### New Model Poster

The new model poster meets the employer posting requirements of the FMLA, but in place of the model poster, employers may duplicate its text or use another format if they wish. The employer's poster must, however, include all the information contained in the model notice, at a minimum.

**The April 2016 and February 2013 versions of the model poster still fulfill the posting requirement.**

### FMLA Posting Requirement

The FMLA and its implementing regulations require employers covered by the law to post a notice on their premises explaining the law's provisions. The poster must also provide information on how to file complaints of FMLA violations with the DOL Wage and Hour Division.

This general notice must be posted prominently in conspicuous places where employees work and where it can be readily seen by employees and job applicants. The poster and the text must be large enough to be easily read and the text must be fully legible.

Employers may post the notice electronically as long as the electronic notice otherwise meets the law's posting requirements. Covered employers must post the general notice even if no employees are eligible for FMLA leave.

If a significant portion of an employer's workforce is comprised of workers who are not literate in English, the employer must provide the poster in a language in which the employees are literate.

Employers that willfully violate the posting requirement may be assessed a civil money penalty of up to \$204 for each separate offense.

### Employee Handbooks

FMLA-covered employers with FMLA-eligible employees must also provide the general notice to each employee by including it in employee handbooks or other written guidance about employee benefits or leave rights, if such materials exist. Alternatively, employers may meet this additional requirement by distributing a copy of the general notice to each new employee on hiring. Distribution may be electronic.