

February 13, 2023

New Electronic Posting Requirements for Employers in New York State

New York Labor Law Section 201

As a result of hybrid and remote work schedules now being the new normal, federal and state lawmakers are expanding existing workplace laws and policies to address the new digital workplace and protect employees' rights.

Governor Kathy Hochul signed a bill on December 16, 2022, that amended Section 201 of the New York State Labor Law. Previously, under Section 201, employers were only required to post physical copies of mandatory posters and notices in conspicuous areas in the workplace. Under the amendment, employers in New York must now provide employees with electronic copies of all required physical postings and notices.

This law applies to all mandatory state and federal postings and specifies that electronic copies should be made available via the employer's website or disseminated to employees by e-mail. Further, employees must be apprised of the availability and location of the electronic postings.

This new electronic posting requirement is in addition to employers' pre-existing duty to post physical copies. Like the physical posting requirements, employers who fail to satisfy the new electronic posting requirements will be subject to monetary fines. That failure can also be used as evidence to support an employee's claim that there has been a violation of their workplace rights.

New Mandatory Federal and State Posters

Employers should also be aware that new posters are required by the Equal Employment Opportunity Commission (EEOC) and the New York State Department of Labor (NYS DOL).

The EEOC released a "Know Your Rights" poster on October 19, 2022, replacing the "EEO Is the Law" poster. This poster is intended to prevent workplace discrimination and provide employees with information on filing a discrimination claim. There are several notable changes to the new EEOC poster, including clarification on what constitutes sex discrimination, identifying harassment as a form of discrimination, and a QR code that links employees to information on filing a discrimination claim. This federal posting requirement is applicable to all employers.

Effective January 1, 2023, the NYS DOL now requires employers with 50 or more employees to post a new "Veterans Benefits and Services" poster. This poster provides veterans with information on how to access a number of important resources. The "Veterans Benefits and Services" poster can be found [here](#) on the New York Department of Labor's website.

Key Considerations

All mandatory federal and state posters and notices must be provided to employees electronically in addition to physically posting them in the workplace. Posting requirements can be hard to navigate since they vary depending on statute. However, failure to comply with federal and state posting requirements

can expose your organization to risk and have serious financial consequences. To mitigate that risk, it is advisable to have your organization's posters and notices reviewed annually by counsel to ensure full compliance.

This alert is meant to provide general information only, not legal advice. If you have any questions about this Legal Alert, or posting requirements in general, please reach out to Jonal Hendrickson at jhendrickson@lawyersalliance.org. To become a client, visit www.lawyersalliance.org/becoming-a-client.

Lawyers Alliance for New York is the leading provider of business and transactional legal services for nonprofit organizations and social enterprises that are improving the quality of life in New York City neighborhoods. Our network of pro bono lawyers from law firms and corporations and staff of experienced attorneys collaborate to deliver expert corporate, tax, real estate, employment, intellectual property, and other legal services to community organizations. By connecting lawyers, nonprofits, and communities, Lawyers Alliance for New York helps nonprofits to provide housing, stimulate economic opportunity, improve urban health and education, promote community arts, and operate and advocate for vital programs that benefit low-income New Yorkers of all ages.