

LABOR LAW POSTING COMPLIANCE: THE IMPACT OF ORGANIZATIONAL CHARACTERISTICS

LEE TYNER*
M. SUZANNE CLINTON**
JENNIFER BARGER JOHNSON***
JOHN CAMEY****

I. INTRODUCTION

The United States Government requires employers to prominently post all mandatory federal labor law postings, plus any state-specific notices as required. While these laws are widely published, there is little research on how many employers are in compliance with federal and state labor law requirements for employee notification. A survey in the Oklahoma City metropolitan area was conducted to determine what percentage of employers were in compliance with both state and federal posting requirements. It is important to understand the impact of an in-house human resource department or legal professional on compliance. For a better understanding of this area of law, it is also important to be familiar with the statutory authority, recent cases, and the range of damages and/or penalties for non-compliance.

The findings of this study suggest that many employers do not have an understanding of the federal and state requirements, nor do they comprehend the potential damages and/or penalties for non-compliance. Employers with in-house human resource professionals ought to have an advantage over employers who do not. Similarly, employers who have dedicated human resource support at the corporate level probably enjoy the same or a similar advantage. By adding this level of knowledge to the employer's knowledge base, compliance rates among small businesses ought to increase in both federal and state employee notification requirements, thereby reducing the damages that result from non-compliance.

II. FEDERAL LABOR LAW EMPLOYEE NOTIFICATION POSTING REQUIREMENTS

Numerous labor law postings are required under federal law for purposes of employee notification. While some contain basic informational data, such as the federal

* Ed.D., Assistant Professor of Management, University of Central Oklahoma, Edmond, OK.

** D.B.A., Associate Professor of Management, University of Central Oklahoma, Edmond, OK.

*** J.D., Assistant Professor of Legal Studies, University of Central Oklahoma, Edmond, OK.

**** Ph.D., Assistant Dean and Professor of Marketing, University of Central Oklahoma, Edmond, OK.

minimum wage¹ and hours available for work,² others require more technical information including the rights of soldiers and sailors during deployment³ and an employee's rights related to medical leave.⁴

Under the Fair Labor Standards Act (FLSA), for example, the law provides that employers must post the established minimum wage, rules regarding overtime pay, recordkeeping, and child labor standards as they relate to both full-time and part-time workers in the private sector and in federal, state, and local governments.⁵ More technical requirements imposed on employers by the Family Medical Leave Act (FMLA) require that covered employers must inform employees of their right to a total of 12 work weeks of unpaid leave during any 12-month period for certain events, including the birth and care of a newborn child of the employee, placement with the employee of an adopted or foster child, care for an immediate family member with a serious health condition, or medical leave when the employee is unable to work because of a serious health condition.⁶ Under Federal law,⁷ employers must provide the following notices to employees:

- Employee Polygraph Protection Act Notice;⁸ and
- Uniformed Services Employment and Reemployment Rights Act.⁹

Neither of those postings is required to be displayed in languages other than English. Additionally, federal law requires the following postings also be included in both English and Spanish:

- Federal Minimum Wage;¹⁰
- Your Rights Under the Family and Medical Leave Act;¹¹
- Equal Employment Opportunity is the Law;¹² and

¹ The Fair Labor Standards Act of 1938, 29 U.S.C. § 206 (2004).

² 29 U.S.C. § 207 (2004).

³ See generally, Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 4301 et seq. (2004).

⁴ See generally, Family Medical Leave Act of 1993, 3 U.S.C. § 412 et seq. (2004).

⁵ Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (2004).

⁶ Family Medical Leave Act of 1993, 3 U.S.C. § 412 et seq. (2004).

⁷ 40 U.S.C. § 276 et seq. (2004), and United States Department of Labor, *eLaws – Poster Page* (April 6, 2008), <http://www.dol.gov/elaws/asp/posters/posters.htm> (last visited April 6, 2008; author retains copy).

⁸ See generally, Employee Polygraph Protection Act of 1988, 29 U.S.C. § 2001 et seq (2004).

⁹ See generally, Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. § 43 et seq. (2004), and United States Department of Labor, *Your Rights Under USERRA* (April 6, 2008), http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf (last visited April 6, 2008; author retains copy).

¹⁰ See generally, Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (2004), and United States Department of Labor, *Fair Labor Standards Act (FLSA) Minimum Wage Poster* (April 6, 2008), <http://www.dol.gov/esa/regs/compliance/posters/flsa.htm> (last visited April 6, 2008; author retains copy).

¹¹ See generally, Family Medical Leave Act of 1993, 3 U.S.C. § 412 et seq. (2004), and United States Department of Labor, *Family Medical Leave Act Poster* (April 6, 2008), <http://www.dol.gov/esa/regs/compliance/posters/pdf/fmlaen.pdf> (last visited April 6, 2008; author retains copy).

- Job Safety & Health Protection.¹³

Specific employers are also required to post certain information. Employers of workers with disabilities are required to post a specific notice titled Notice to Workers with Disabilities.¹⁴ Employers of migrant workers are required to post a notice titled Notice to Migrant & Seasonal Agriculture Worker Protection Act.¹⁵ Additional postings are also required of employers working on federal or federally-financed construction projects¹⁶ and employers working on government contracts.¹⁷

The United States Department of Labor provides access to most of the required federal posters at its website free of charge.¹⁸ The website also provides a separate link to the Poster Advisor, which assists employers with compliance by helping to determine which posters are applicable to their individual business endeavors.¹⁹

III. OKLAHOMA LABOR LAW EMPLOYEE NOTIFICATION POSTING REQUIREMENTS

In addition to the federal labor law postings discussed above, there are also specific requirements for employee notification compliance under Oklahoma state law. Most of these rules mirror the federal law requirements but occasionally include state-specific nuances. The Oklahoma Minimum Wage Act provides definitions for both employer²⁰ and employee²¹ under Oklahoma law, as well as information regarding how the rule affects tips²² and uniforms in the workplace.²³

The state of Oklahoma requires the following postings to be provided by all employers with employees in the state:

¹² See generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* (2004); United States Department of Labor, *Equal Employment Opportunity* (April 6, 2008), <http://www.dol.gov/dol/topic/discrimination/index.htm> (last visited April 6, 2008; author retains copy); United States Department of Labor, *Equal Employment Opportunity is the Law poster* (April 6, 2008), <http://www.dol.gov/esa/regs/compliance/posters/pdf/eeopost.pdf> (last visited April 6, 2008; author retains copy).

¹³ See generally, Occupational Safety and Health Administration Act of 1970, 29 U.S.C. § 654 *et seq.* (2004), and United States Department of Labor, *Job Safety and Health: It's the Law* (April 6, 2008), <http://www.osha.gov/Publications/osh3165text.html> (last visited April 6, 2008; author retains copy).

¹⁴ See generally, Rehabilitation Act of 1973, 29 U.S.C. § 793 (2004).

¹⁵ See generally, Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 *et seq.* (2004).

¹⁶ See generally, Davis-Bacon Act, 40 U.S.C. 276 *et seq.*, and United States Department of Labor, *Notice to All Employees Working on Federal or Federally-Financed Construction Projects* (Revised January 1986), <http://www.dol.gov/esa/regs/compliance/posters/pdf/fedprojc.pdf> (last visited April 6, 2008; author retains copy).

¹⁷ See generally, McNamara-O'Hara Service Contracts Act of 1965, 41 U.S.C. § 351 *et seq.* (2004), and United States Department of Labor, *Employee Rights on Government Contracts* (Revised January 2007), <http://www.dol.gov/esa/regs/compliance/posters/pdf/govc.pdf> (last visited April 6, 2008; author retains copy).

¹⁸ The United States Department of Labor, *eLaws - Workplace Posters* (April 6, 2008), <http://www.dol.gov/elaws/posters.html> (last visited April 6, 2008; author retains copy).

¹⁹ United States Department of Labor, *eLaws - Poster Advisor* (April 6, 2008), <http://www.dol.gov/elaws/posters.htm> (last visited April 6, 2008; author retains copy).

²⁰ 40 Okla. Stat. § 197.4(d) (2007).

²¹ 40 Okla. Stat. § 197.4(e) (2007).

²² 40 Okla. Stat. § 197.16 (2007).

²³ 40 Okla. Stat. § 197.17 (2007).

- Your Rights Under the Oklahoma Minimum Wage Act;²⁴
- Oklahoma Fair Employment Practice Act (Discrimination in Employment);²⁵
- Oklahoma Workers' Compensation Notice;²⁶ and
- Oklahoma Notice to Workers and Registration Certificate.²⁷

Additionally, all Oklahoma public sector employers must provide the Oklahoma Public Employee Job Safety and Health Protection²⁸ and Oklahoma Workplace Health and Safety Plain Language²⁹ postings to all employees.

IV. APPLICABLE PENALTIES AND RECENT CASES

Defendants can generally expect to be charged with a misdemeanor violation, which results in a fine or penalty of less than \$1,000 per offense. However, there are certain postings which do not have a specific penalty attached.³⁰ For example, under the FLSA, employers face civil penalties of up to \$11,000 for each violation related to youth employment provisions.³¹ Civil penalties of up to \$1,100 are provided for willful or repeated violations of the federal minimum wage or overtime provisions.³² The Family Medical Leave Act (FMLA) provides that a willful refusal to post may result in a civil monetary penalty not to exceed \$100 for each separate offense.³³ Under the Employee Polygraph Protection Act (EPPA), the Secretary of Labor can bring a court action for non-compliance and assess civil penalties of up to \$10,000 per violation for failing to post.³⁴ Employees under the EPPA can also seek employment, reinstatement, promotion, and payment of any lost wages or benefits. The employer has a right of review to an administrative law judge upon a finding against an employer. The employer also has a right to seek further review of the decision by the Secretary of Labor.³⁵

The Uniformed Services Employment and Reemployment Rights Act (USERRA) provides no citations or penalties for failure to notify.³⁶ The remedy under USERRA would be to seek compliance through a United States Department of Labor

²⁴ Oklahoma Minimum Wage Act, 40 Okla. Stat. § 197.1 *et seq.* (2007); Oklahoma Department of Labor, *Your Rights Under the Oklahoma Minimum Wage Act* (2008), <http://www.okdol.state.ok.us/wh/WHMWPosterPlainLanguage200710.pdf> (last visited April 6, 2008; author retains copy); Oklahoma Department of Labor, *Statutory Language - Your Rights Under the Oklahoma Minimum Wage Act* (2008), <http://www.okdol.state.ok.us/wh/WHMWPPosterStatLanguage200707.pdf> (last visited April 6, 2008; author retains copy).

²⁵ Oklahoma Fair Employment Act, 74 Okla. Stat. § 840-4.12 *et seq.* (2007).

²⁶ Oklahoma Workers' Compensation Notice, 85 Okla. Stat. 1981 §1 *et seq.* (2007).

²⁷ 40 Okla. Stat. §2-502. (2007).

²⁸ Oklahoma Occupational Health and Safety Standards Act of 1970, 40 Okla. Stat. § 401 *et seq.* (2007).

²⁹ 40 Okla. Stat. § 401 *et seq.* (2007).

³⁰ 29 U.S.C. § 201 *et seq.* (2004); and 29 U.S.C. § 2001 *et seq.* (2004).

³¹ 29 U.S.C. § 216 (2004).

³² *Id.*

³³ 3 U.S.C. § 412 (2004).

³⁴ 29 U.S.C. § 2005 (2004).

³⁵ *Id.*

³⁶ 38 U.S.C. §§ 4311-4319 (2004).

investigation, or by filing a private enforcement action requiring the employer to provide notice to all employees.³⁷

Similar to federal law, Oklahoma state law allows misdemeanor charges for each violation.³⁸ The Oklahoma Minimum Wage Act, for example, provides for criminal penalties in the form of misdemeanor charges with a fine of up to \$500, up to six months in jail, or both.³⁹ The act also allows civil penalties of wages due plus an additional ten percent⁴⁰ of those wages, as well as attorney fees and court costs.⁴¹ Other laws treat each day of non-compliance as a separate offense.⁴²

When an employer is found to have failed to post according to Oklahoma law, the statute of limitations is tolled for purposes of filing claims.⁴³ In the mid-1980s, a variety of cases tested this provision.⁴⁴ In *Derryberry v. City of McAlester* (hereinafter referred to as *Derryberry*) the Oklahoma Supreme Court tolled the statute of limitations⁴⁵ of the Oklahoma Workers' Compensation Act because it was shown that an employer failed to advise an injured employee of his right to file a claim for workers' compensation benefits.⁴⁶ At the time of this case, the statute of limitations under the Workers' Compensation Act provided:

The right to claim compensation under the Workers' Compensation Act shall be forever barred unless, within one (1) year after the injury or death, a claim for compensation thereunder is filed with the Administrator. Provided, however, claims may be filed at any time within one (1) year from the date of last payment of any compensation or remuneration paid in lieu of compensation or within one (1) year from last authorized medical treatment.⁴⁷

The city employee had filed his Workers' Compensation claim outside the statutorily-required period in *Derryberry*. Under Oklahoma law, the court recognized that once an employer has received actual notice of an employee's injury, the employer is required to advise the injured employee of his or her right to file under the Workers' Compensation Act.⁴⁸ Since the City of McAlester failed to notify its employee of this right, the statute of limitations that would normally apply would be tolled.⁴⁹ This decision was upheld less than a month later in a similar case also decided by the Oklahoma Supreme Court.⁵⁰

Since the publication date of both of these cases, the Oklahoma Legislature expanded the statute of limitations to a two-year statute of limitations after the date of

³⁷ *Id.*

³⁸ 74 Okla. Stat. § 840-4.12 *et seq.* (2007); and 40 O.S. § 401 *et seq.* (2007).

³⁹ 40 Okla. Stat. § 197.13 (2007).

⁴⁰ 40 Okla. Stat. § 197.8 (2007).

⁴¹ 40 Okla. Stat. § 197.9 (2007).

⁴² 40 Okla. Stat. § 401 *et seq.* (2007).

⁴³ 85 Okla. Stat. § 1 *et seq.* (2007).

⁴⁴ See generally, *White v. Loffland Brothers Equipment*, 689 P.2d 311 (Okla.1984); *Armco, Inc. v. Holcomb*, 694 P.2d 937 (Okla. 1984); *Derryberry v. City of McAlester*, 1985 OK 12, 695 P.2d 853; and *York Mfg. Co. v. Fields*, 1985 OK 17, 705 P.2d 688.

⁴⁵ 85 Okla. Stat. §43 (1981).

⁴⁶ 1985 OK 12, 695 P.2d 853, ¶3.

⁴⁷ 85 O.S. § 43 (1981).

⁴⁸ 85 O.S. § 1 *et seq.* (2007).

⁴⁹ 1985 OK 12, 695 P.2d 853, ¶3.

⁵⁰ *York Mfg Co. v. Fields*, 1985 OK 17, 705 P.2d 688.

accidental injury or death.⁵¹ This expansion from one to two years also applies to the last date of any insurance payment or other remuneration paid in lieu of compensation.⁵²

As illustrated by the inaction of the two different employers in the *Derryberry* and *York Manufacturing* cases, employers often do not do what is required under both state and federal law. The extent to which employers do not comply with posting laws and adequately notify their employees is important to determine.

V. METHOD AND INSTRUMENT

In order to investigate whether or not employers adequately notify employees of their rights, graduate and undergraduate students were enlisted and encouraged to assist in data collection. Students were advised that they were welcome to collect data from their employers, employers of family members, or randomly selected employers.

The potential for repeated collection of data from the same employers was addressed with students as noted in paragraph two of the Appendix. Students were notified that each location of a multi-unit organization (e.g., McDonald's or Wal-Mart) would count as a different location and thus was acceptable unless previously collected by another student.

Students were informed that the only stipulation for data collection provided was that the employer being inspected must have at least 15 employees. Students were also informed that the authors would audit ten percent of the inspections. Additional information shared with students about speaking with the employer and the specific items to be located during the inspection is located in the Appendix. Students were told to identify and report the following information:

- Organization name
- Location
- Type of business
- Approximate number of employees
- Whether or not the organization has multiple locations
- Whether or not the organization receives HR support from a corporate location
- Whether or not the organization employs people under the age of 18
- Whether or not the organization employs migrant workers
- Whether or not the organization is a government employer (federal or state)

Refer to the actual instrument in the Appendix for additional information.

The method for using the instrument was to provide the survey to students who would then visit organizations and gather information. This approach produced survey data from a total of 239 unique locations. The participation of students in the data collection process allowed sampling of a wide variety of employers including manufacturers, service providers, and governmental agencies of multiple sizes.

⁵¹ 85 O.S. § 43(A) (2007).

⁵² 85 O.S. § 43(A) (2007).

VI. ANALYSIS AND STATISTICAL RESULTS

After collection, the data were analyzed to identify statistically significant organizational characteristics that might be used to identify the predictive likelihood of compliance with posting requirements. Although no specific hypotheses are stated, the authors identified specific organizational differences that were expected to be statistically significant. These expectations were investigated based on the following research questions:

1. Are small or large businesses more likely to be in compliance?
2. Are businesses with multiple locations more likely to be in compliance?
3. Are employers with human resource assistance more likely to be in compliance?

A. BUSINESS SIZE AND COMPLIANCE

The investigators' initial expectation was that organizational size would be statistically significant in the likelihood of meeting requirements and that larger business would be more compliant than smaller ones. The authors originally intended to band employers by number of employees and to use the following band sizes: 1 to 14 employees, 15 to 49 employees, 50 to 99 employees, 100 to 199 employees, 200 to 399 employees, 400 to 999 employees, and 1000 or more employees. It was determined that the sample size within these small bands was insufficient to support effective statistical analysis. Therefore, the authors re-banded the data into employers of less than 200 employees (small businesses) and employers of 200 or more employees (large businesses). As expected, employers with 200 or more employees exhibit a significantly higher average rate of compliance with state, federal, and combined requirements than employers with fewer than 200 employees. Results are illustrated in Table 1.

	< 200 EE's	> 200 EE's	t Statistic	Significance
Federal	39.4%	49.6%	2.988	.003
State	44.8%	52.5%	2.117	.035
Combined	41.3%	50.6%	2.964	.003

B. MULTI-UNIT ORGANIZATIONS AND COMPLIANCE

The next investigative pursuit was to examine organizations based on the number of locations. During the data collection process, businesses were simply identified as being a single location or having multiple locations. As a result, a business with as few as two locations was grouped with those businesses having hundreds of locations. There was an overall expectation that those with multiple locations would be more compliant; however, there was some concern that the data grouping would mask any differences. As illustrated in Table 2 below, even with the uneven grouping of the data,

businesses with multiple locations were more likely to be in compliance with posting requirements than were businesses with a single location.

Table 2: Compliance – Single Location versus Multiple Locations

	Multi Loc.	Single Loc.	t Statistic	Significance
Federal	48.9%	31.2%	5.394	.000
State	52.1%	38.8%	3.499	.000
Combined	50.0%	33.8%	5.043	.000

C. HUMAN RESOURCE ASSISTANCE AND LIKELIHOOD OF COMPLIANCE

Finally, the authors looked at the influence of the corporate human resources function on compliance. It was expected that organizations that had the benefit of guidance from a centralized human resources office would be more likely to be in compliance. As expected, and as illustrated in Table 3, this was found to be the case. Employers with a corporate HR office have significantly higher compliance than those without a corporate HR office.

Table 3: Compliance – No Corporate Human Resources Assistance versus Corporate Human Resources Assistance available

	No Corp. HR	Corp. HR	t Statistic	Significance
Federal	34.9%	48.0%	3.908	.000
State	42.6%	50.8%	2.286	.000
Combined	37.6%	48.9%	3.701	.000

However, some of expected differences were not discovered. The most surprising of these findings was in the comparison between government and non-government employers. The authors certainly expected to find government employers complying at a much higher rate than non-government employers since the posting requirements are imposed and enforced by the various governmental agencies. This expectation was not met. No significant difference in compliance was found to exist between government and non-government employers. Finally, employers who employ migrant workers were compared to those who do not, and employers who have employees less than 18 years of age were compared those who do not. No differences in compliance were found between these groups.

VII. ANCILLARY OBSERVATIONS

In addition to the empirical findings, ancillary observations occurred during the data collection phase. These observations clarified some of the confusion held by business owners due to misinformation, misunderstandings, a disregard for the requirements, or simply a lack of concern for both the spirit and the letter of the law. The following observations were reported from the field by those in pursuit of empirical evidence.

A. MINIMUM WAGE

While gathering data at a local restaurant, one investigator encountered a manager who stated that the restaurant did not have to post the employee notices since it employs wait staff who are exempt from minimum wage. While the FLSA indeed allows wait staff to be paid less than the \$5.85 per hour required by minimum wage law, this does not exempt the employer from posting required compliance notices.⁵³ Furthermore, it can be argued that in this scenario, it is particularly important to post the FLSA notice since employees are being paid less than the current minimum wage.

B. STATE VERSUS FEDERAL REQUIREMENTS

While inspecting a business that specializes in providing temporary staffing, one investigator noticed that the organization only had federal postings posted. The investigator asked where the State of Oklahoma postings were located. The manager erroneously indicated that the Oklahoma Department of Labor does not require his organization to display state postings.

C. INACCESSIBLE DOCUMENTS

The second most common ancillary observation by the investigators was that the compliance postings were either poorly displayed or inaccessible. In many cases the investigator was denied access to complete the inspection. This indirectly points to non-compliance since many of the postings are required to be accessible by applicants as well as employees. Thus, the postings should be available to the public. At other organizations, investigators were allowed to review the postings but reported that the notices were often posted in a broom closet or other area that employees typically did not visit. One investigator reported that the employer had all required postings, but that they were posted in the women's restroom, and not the men's. Another investigator found all required English postings but no Spanish postings. Upon inquiring if Spanish postings were located elsewhere, the investigator was told that the Spanish versions were on the backside and to take the posters down, flip them over, review the postings, and then return them to the bulletin board.

D. FEAR

The most common ancillary observation was fear exhibited by the business owner or manager. Many investigators were not allowed to conduct the review even after notifying the appropriate person that the organization names, individual names, and/or other identifying markers would not be released. One investigator reported a

⁵³ Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (2004).

manager who took the instrument to the employee break room and completed the questionnaire while the investigator waited in the lobby. Of the 239 organizations inspected, only one requested information on how to ensure compliance in terms of employee notification.

E. MISINFORMATION

While conducting this research, one investigator noticed an article in *Convenience Store / Petroleum* (CSP) magazine,⁵⁴ which is an industry trade magazine that provides nationwide market information to convenience store owners. The article included a map of the U.S. that listed wages by state. A color key was used to identify which states have a minimum wage that is above, below, or the same as the federal minimum wage. Thus, a reader could reasonably perceive that he or she could pay wages beneath the federal minimum wage. Furthermore, the article described how some convenience store chains had chosen to pay above the state minimum wage level.⁵⁵ Additionally, the article stated that “[t]here is no minimum wage law in South Carolina, which gives retailers more latitude in their pay scales.”⁵⁶ These comments are contrary to the requirement that employers follow the law which greater benefits the employee when federal and state laws are incongruent. While the misinformation provided by CSP magazine has not been proven to have a causal relationship with compliance postings, it suggests that small business owners have ample opportunity to remain confused in the absence of a qualified human resource or legal representative.

VIII. CONCLUSION

Employers have a variety of requirements under federal law, but there is little research on how many employers are in compliance with federal and state labor law requirements for employee notification. Because employee notification is mandated by state and federal law, it is important for employers to be in compliance. Although the penalties for not posting the notices are not always defined in terms of specific dollar amounts, the cost of a workers’ compensation or sexual harassment claim will substantially increase when the employee/claimant can state that he or she was never informed of his or her fundamental rights as an employee. Educating employers on federal and state employment law requirements is important in assuring that the rights of employees are not violated.

⁵⁴ A. Segal, *Federal Markup: Some Retailers Consider Selling Stores, Slashing Hours to Absorb Minimum Wage Increase*, CONVENIENCE STORE / PETROLEUM 154-158 (December 2007).

⁵⁵ *Id.*

⁵⁶ *Id.*

Appendix: Compliance Posting Inspection

Name: _____ Course: _____

Class Time: _____ Day of Week: _____

These inspections will be used as part of a research project being conducted by Drs. Barger, Clinton, and Tyner. The findings will be reviewed and presented at a conference hosted by the United States Association for Small Business and Entrepreneurship. If you have any questions, please contact the professor that provided this document.

Each inspection is worth 20 points. You are welcome to use your or a family member's employer, or you may randomly select an employer. However, duplicate inspections (more than two for the same employer/location) cannot be used for this project. In the event that numerous inspections are submitted for the same employer/location, one of the professors will contact you and allow you to inspect another employer/location. The first student to turn in their assignment will get credit if there are duplications. Please note that each McDonald's or Wal-Mart (or other "franchise-type" entity) counts as a different location and thus is allowable (provided that another student hasn't inspected that particular location). Also, you are welcome to inspect "Mom & Pop" businesses, wholesale, retail, non-profits, veterinarian offices, government agencies, paint stores, restaurants, call centers, service providers, etc. **The only requirement is that the employer being inspected have at least 15 employees.**

Your professor(s) will audit 10% of the inspections that are received for legitimacy. **If it is determined that you falsely completed an inspection, you will receive an F for the course, no exceptions.**

If needed, upon entering an organization introduce yourself as a student from UCO working on a research project. Ask where the Employment Postings are located and if you may look at the postings that they have listed. Keep in mind that some posters have multiple postings, commonly referred to as a 5-in-1, 4-in-1, or even a 9-in-1. Thus, you need to look at the titles of the postings to ensure that you are checking for the appropriate posting. Also, you will need to ask a few questions.

Please complete both sides of this document and submit it by October 1st.

Company Name: _____

Location: _____

Type of Business: _____

Approximate Number of Employees: _____

Is this the only location for this business?	Y	N
Does this organization receive HR support from a corporate location?	Y	N
Does this organization employ people under the age of 18?	Y	N

Does this organization employ migrant workers? Y N

Is this a government employer? Y N

If so Federal or State

Appendix cont'd

Note: Some employers use posters that are referred to as a 5-in-1, a 4-in-1, or even a 9-in-1. These are posters that contain multiple notices on one poster board. You need to look at the titles of the postings on the posters to ensure that you are checking for the appropriate posting.

Federal Postings		
Poster	Is it Posted?	
	Yes	No
Minimum Wage - English		
Minimum Wage - Spanish		
It's The Law OSHA Notice - English		
It's The Law OSHA Notice - Spanish		
Equal Employment Opportunity - English		
Equal Employment Opportunity - Spanish		
Employee Polygraph Protection Act - English		
Employee Polygraph Protection Act - Spanish		
Family Medical Leave Act - English		
Family Medical Leave Act - Spanish		
Uniformed Services Employment & Reemployment Rights Act		
Notice to Workers with Disabilities - English		
Notice to Workers with Disabilities - Spanish		
Migrant & Seasonal Agriculture Worker Protection - English		
Migrant & Seasonal Agriculture Worker Protection - Spanish		

State of Oklahoma Postings		
Poster	Is it Posted?	
	Yes	No
Unemployment Insurance		
Workers Compensation		
Your Rights - Minimum Wage Act		
Oklahoma Law Prohibits Discrimination in Employment		
Child Labor Law		
Work Place Plain Language Poster*		
State Public Occupational Safety & Health Poster*		

*Only required for state of Oklahoma government employees.