



FEDERAL Labor Laws

FLSA

United States Department of Labor
Employee Rights Under the Fair Labor Standards Act

FEDERAL MINIMUM WAGE
\$7.25 PER HOUR
BEGINNING JULY 24, 2009

Discrimination

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against in work or in applying for a job, the EEOC may be able to help.

Who is Protected?

- Employees (current and former, including managers and temporary employees)
- Job applicants
- Union members and applicants for membership in a union

What Organizations are Covered?

- Most private employers
- State and local governments (as employers)
- Educational institutions (as employers)
- Businesses
- Staffing agencies

What Types of Employment Discrimination are Illegal?

- Failure to provide reasonable accommodation for a disability or a sincerely held religious belief
- Retaliation
- Sexual harassment
- Job training
- Classification
- Retaliation
- Obtaining or disclosing genetic information of employees
- Harassment or disclosing medical information of employees
- Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin

Executive Order 11246, as amended, prohibits employment discrimination by federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

Asking About, Disclosing, or Discussing Pay

Executive Order 11246, as amended, protects applicants and employees of federal contractors from discrimination based on inquiring about, disclosing or discussing their compensation or the compensation of other applicants or employees.

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210
1-800-397-4517 (toll free)
If you are deaf, hard of hearing, or have a speech disability, please dial 1-1-1 to access telecommunication relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at <https://helpdesk.ofccp.gov/> or by calling an OFCCP regional or district office. Read Department of Labor and OFCCP's Government Contractors' Guide to the OFCCP's Help Desk at <https://www.dhs.gov/ofccp>



FLORIDA Labor Laws

FLORIDA LAW PROHIBITS

DISCRIMINATION



MICHIGAN Labor Laws

Minimum Wage

Notice to Employees

Unemployment Ins.

Notice to All Employees: Information about Unemployment Benefits

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
UNEMPLOYMENT INSURANCE AGENCY

UIA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Department of Labor and Economic Opportunity
Unemployment Insurance Agency; Authority: Michigan Administrative Code, Section 9.01, 421.105; Paid for with federal funds.

This employer is covered by the MICHIGAN EMPLOYMENT SECURITY ACT. Unemployment benefits are payable to qualified and eligible workers of this employer through Michigan's Unemployment Insurance Agency.

File an unemployment claim online

If you become unemployed, you can file your new unemployment claim or reopen an established claim online through the Michigan Web Account Manager (MWMAM) at michigan.gov/ua. Click on MWMAM for Workers.

A claim for benefits begins the week it is filed. File your claim the first week you become unemployed.

For complete information about unemployment benefits, visit michigan.gov/ua.



MINNESOTA Labor Laws

Minimum Wage

Michigan Department of Labor and Economic Opportunity

Unemployment Ins.

Department of Employment and Economic Development

UNEMPLOYED? Have you lost your job or had your work hours reduced? You have the right to apply for Unemployment Insurance benefits.

This information is available in an alternative (accessible) format by calling 651-259-7223.

DEED is an Equal Opportunity Employer/Provider.
DEED - 50227 / 5.000

Apply online at: www.uimn.org

or by telephone:
651-296-3644 (Twin Cities)
800-898-9090 (Greater Minnesota)
TTY users: 1-866-814-1252

Age Discrimination

Department of Labor and Industry

Age Discrimination

Know your rights under Minnesota laws prohibiting age discrimination

an employer to:

person on the basis of age;

person on the basis of age;

employees (29 United States Code §630 (b)).

no longer meet job requirements.

contact the:
ment of Human Ri
51-539-1100

• www.dli.mn.gov

see this notice.

5 Reasons To Pay Attention To LABOR LAW POSTERS





5 REASONS TO PAY ATTENTION TO EMPLOYMENT LAW POSTERS

Labor law posting compliance seems so easy. All you need to do is hang the posters on the wall and make sure they stay there, right?

Well, not quite. Posting compliance isn't that simple. When it comes to workplace posters, a number of troublesome questions can crop up:

- Do we have the right posters on the wall?
- Are we posting everything we need?
- Are these posters outdated?
- Are these posters compliant?
- Does it matter if we are posting things that aren't required?
- What about our remote workers?

Nagging questions like these show that posting compliance is anything but easy. There are hundreds of labor law posters required under hundreds of laws. Figuring out which posters to display can be frustrating if you don't understand the challenges involved and how to overcome them.

WHY SO CHALLENGING?

If you find posting compliance complicated, you're far from alone. A number of factors make it difficult to figure out what you should post and when:

1. EACH POSTING IS REQUIRED BY A DIFFERENT LAW.

One reason posting compliance is complex is that there is no single law covering workplace posters. Instead there are more than 350 federal, state, and local laws that include a posting requirement.

These laws have one thing in common. They require employers to post information about employee rights. Other than that, they vary.

For example, all employers need to display the Fair Labor Standards Act (FLSA) poster. Only some employers need to post the Family and Medical Leave Act (FMLA) poster,

however. In addition, federal contractors must display certain posters, and some posters apply only to public employers. There are also state and local posting requirements. Plus, there are some posters that are only needed in certain situations. If you're in the transportation industry in New York, or use forklifts in California, you need to display a specific poster. The sheer number of posting requirements is enough to make your head spin.

2. NOT ALL EMPLOYERS NEED THE SAME POSTERS.

Because of the variety of posting requirements, not all businesses need the same posters. Every business with at least one employee will have some posting obligations, but some posters apply only to companies of a certain size or in a certain industry. Others are needed by businesses in a certain location. Understanding which ones are needed in a specific workplace requires knowledge of which laws apply.

All employers with 1 or more employees need the Fair Labor Standards Act (FLSA) poster. Employers with 50 or more employees also need the Family and Medical Leave Act (FMLA) poster.

3. SOME POSTING LAWS ARE VERY DETAILED.

In general, posting requirements call for employers to conspicuously display labor law posters in locations where they are visible to all employees. However, some laws contain additional details.

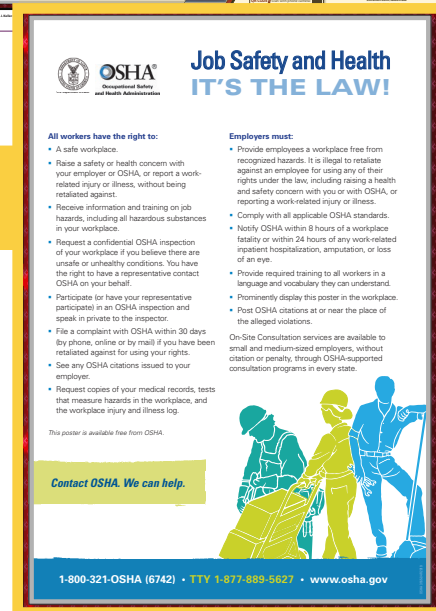
A poster might need to meet size requirements or have type that's a certain size. It might need to be posted in English and Spanish or another language. It might even need to be printed on a specific color of paper. To be compliant, a poster must meet all required specifications.

The Occupational Safety and Health Administration (OSHA) poster must be 8½" x 14" and have 10 point type.

4. THERE'S NO UNIVERSAL POSTER WEBSITE.

Federal, state, and local agencies make workplace posters available online, but there's no single website that has links to all the posters a workplace must display. Instead, the required posters are scattered across the internet on various agency websites. Finding the postings needed in your workplace can involve a time-consuming web search.

Checking two or three state websites for poster information may not seem like it would take a great deal of effort, but when a national employer has to



monitor numerous websites for all changes to federal postings as well as posting updates in 50 states, plus local posters, the District of Columbia and Puerto Rico, the process becomes extremely cumbersome.

Monitoring numerous websites for changes to federal and state postings is an extremely cumbersome process.



5. POSTINGS CAN UPDATE AT ANY TIME.

Many people associate January 1 with poster updates and that's certainly not a bad time to check for them. Minimum wage updates and regulatory changes frequently take effect at the beginning of the year, and these changes often trigger a mandatory posting change.

Posting updates can, however, occur at any time of year. New laws and regulatory updates take effect throughout the year and, when they impact a poster, the version with the new information needs to be displayed.

Over the past few years, hundreds of federal, state, and local posters have been updated, many of them with effective dates other than January 1. If you're not watching for these updates, your posters could be out of compliance. The large number of annual posting changes makes posting compliance daunting. A local, state, or federal agency might not publicize a poster update, and you may be surprised to learn that some of your posters are no longer compliant.



WHY BOTHER TO KEEP UP?

Given all the factors that make posting compliance complicated, you might wonder if it's worth the effort to ensure that your posters are up to date. Be assured that posting compliance is not something to neglect. Here are five reasons to stay on top of posting compliance:

1. PENALTIES KEEP GOING UP

Posting compliance is certainly not something federal, state, or local agencies have forgotten about. In fact, the maximum fine for federal posting violations has been increasing annually for years.

Employers must display required federal posters in a conspicuous place, and face penalties for noncompliance:

- The maximum penalty for willfully violating the Occupational Safety and Health Administration (OSHA) posting requirement could reach \$14,502;
- An employer violating any provision of the Employee Polygraph Protection Act of 1988, including the posting requirement, faces a fine of up to \$23,011;
- Covered employers who do not post a notice of anti-discrimination rights ("Know Your Rights: Workplace Discrimination is Illegal") face a fine of \$612; and

- Employers covered by the Family and Medical Leave Act (FMLA) who willfully refuse to display the notice could be fined \$189.

Federal regulations require agencies to adjust penalties for inflation each year under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

The increases underscore the importance of properly displaying labor law posters. While a fine for failing to display a poster is rare, and would likely only be levied in situations where an employer willfully violated the law, the fact that federal agencies are meticulous in adjusting the maximum penalties each year shows that the agencies take posting compliance seriously.

2. AUDITORS ARE CHECKING

Posting regulation compliance is also important because auditors often check to make sure current posters are properly displayed. Auditors want to make sure employers are following the law. When a poster is required, it's on their checklist.

For example, in 2018, the federal Wage and Hour Division investigated a city agency in Michigan to see if it was complying with the Break Time for Nursing Mothers provision of the Fair Labor Standards Act (FLSA). In addition to finding that the city did not provide enough lactation sites for employees, investigators found that the city failed to post FLSA posters, which include information about the law.

Employees might also be looking to make sure posters are properly displayed. Improperly displayed postings were part of a complaint filed by employees of a California restaurant in 2018. They said their employer denied their rights to overtime, sick time, and health care support, and that they could not read the poster that explained their rights because it was in English and was placed too high on the wall. As part of a lawsuit settlement, the owner agreed to post a Spanish-language announcement explaining workplace rights.

Good faith effort

Properly displaying labor law posters is a step you can take to document the fact that good-faith efforts are being made to be in compliance with government regulations. The purchase of posters can be documented to show that you are staying up to date with posting requirements.

The fact that the posters are hanging on the wall in conspicuous locations for all employees to see clearly demonstrates your efforts to make employees aware of their rights.

3. POSTERS CAN IMPACT LAWSUIT RISK

Properly displayed posters make employees aware of their rights under the law. Failure to properly display them deprives employees of vital information, and may give them additional time to file a lawsuit if they believe their rights have been denied. Courts have held that if posters are not displayed, the deadline to sue an employer may be extended.



POSTER COMPLIANCE IS IMPORTANT

because auditors often check to make sure that current posters are properly displayed.



Case No. 1: An employer failed to display a notice informing an employee of his rights under the Age Discrimination in Employment Act. This information was on the “Equal Employment Opportunity is the Law” poster (is it now on the “Know Your Rights: Workplace Discrimination is Illegal” poster) from the Equal Employment Opportunity Commission (EEOC).

Employees normally have 180 days from the day discrimination took place to file a lawsuit. Because the poster was not displayed, the employee was not aware of this time limit. The court noted that Congress included a posting requirement in the law to make sure employees would be informed of their rights. The employer’s failure to post the notice prevented the employee from learning about his rights when he was discharged. As a result, the court granted the employee additional time to file a lawsuit.

[Vance v. Whirlpool Corp., 716 F.2d 1010 (4th Cir. 1983)]

Case No. 2: A court issued a similar ruling in a case involving the Fair Labor Standards Act (FLSA) poster. An employee claimed she had not been paid the minimum wage, and her claims were initially dismissed because she had not filed them in time.

The court, however, found that the time limit did not apply because the FLSA poster was not displayed as required by the law. The employee’s lawsuit was allowed to proceed.

[Cruz v. Maypa et al., No. 13-2363 (4th Cir. 2014)]

An employer prevails

Being in compliance with posting regulations can benefit employers, as it can show that employees have been made aware of their rights under the law. In a case decided by the Seventh Circuit Court of Appeals in July 2016, displaying the proper posters helped an employer prevail in a lawsuit.

In the case, a restaurant employee contended that his employer violated the FLSA because it failed to give servers required wage information. The restaurant included some information in a handbook, but the employee said it did not provide enough details about the rules for tipped employees.

The employer did put up the FLSA minimum wage poster, which contains tip credit information. The court ruled that because the poster was displayed, the restaurant provided the necessary information to the employee. In its opinion, the court stated, “If posters don’t count, what’s the point of requiring them?”

Displaying posters is one thing you can do to demonstrate good-faith compliance efforts.

[Robert Schaefer, et al., v. Walker Bros. Enterprises, Inc., et al., No. 15-1058, United States Court of Appeals for the Seventh Circuit (2016)]



4. POSTERS REMAIN RELEVANT

Displaying posters might seem like an old-fashioned way to present information. However, it's far from out of style. Federal, state, and local agencies continue to point to posters as an essential means of communicating with employees and making them aware of their rights.

Requirement added: In 2014, the federal government realized that the lack of a posting requirement left a communications gap. That year the Department of Labor (DOL) published a rule establishing a minimum wage for federal contractors.

As proposed, it did not include a posting requirement. However, the agency added a posting requirement to the final version because of comments that the proposed rule did not include a way to keep covered workers informed of their rights.

The posting requirement was included as an effective way to raise awareness. In addition, the agency continues to use the poster as a way of keeping workers up to date on the law's requirements. Each year, the agency updates the poster with the latest rate information.

States and cities see value: Over the past few years, many states and cities have passed new laws that include a posting requirement. Here are a few of them:

- Colorado: Paid Leave, Whistleblowing, Personal Protective Equipment
- New Mexico: Paid Sick Leave
- New Jersey: Employee Misclassification
- New York: Whistleblowing
- Virginia: Seizure First Aid, Reasonable Accommodations for Disability
- Foster City, California: Minimum Wage
- San Carlos, California: Minimum Wage
- Hayward, California: Minimum Wage
- Half Moon Bay, California: Minimum Wage
- West Hollywood, California: Minimum Wage
- Howard County, Maryland: Minimum Wage

Critical information: During the COVID-19 pandemic, the DOL again demonstrated its faith in posters by including a posting requirement in the Families First Coronavirus Response Act (FFCRA). The act required covered employers to provide employees with leave for reasons related to COVID-19.

To make employees aware of their rights under the law, the agency created two posters (one for private employers and one for public employers). These posters delivered important information to workers about their leave rights.

Although the FFCRA posting requirement expired at the end of 2020, and employers no longer need to display the posting, the fact that the agency included it in a law at a time of national crisis shows how much it values posters.

When employees work from home, electronic posters are a great way to make them aware of their rights under the law. The DOL has provided some guidance on when they are required:

ALL WORKERS ARE REMOTE

If all workers are remote, and the company usually communicates with employees electronically, then electronic posters meet DOL posting requirements. Essentially electronic posters are required if all employees work remotely.

SOME REMOTE WORKERS

If some workers are in the office and other workers are remote, the use of electronic posters is encouraged by the DOL.

Note: Another federal agency, the Equal Employment Opportunity Commission (EEOC), says electronic posting may satisfy posting requirements for remote employees, so electronic posting is highly recommended for all remote workers.

ALL WORKERS ON-SITE

Physical posters must be displayed at the worksite. Electronic posters may be used to supplement the physical posters.



Remote workers: The popularity of remote work has led the DOL to address posting compliance for this segment of the American workforce. Because many employees were working from home during the pandemic, the DOL allowed employers to satisfy the FFCRA posting requirement by emailing or mailing the notice to employees, or posting it on a website. In addition, in December 2020, the DOL released general guidance on fulfilling other posting requirements for remote workers. This concerted effort shows the agency's commitment to using posters to share information about employee rights with all employees, no matter where they work.

5. CHANGE HAPPENS

It's important to pay attention to posters to make sure they're not outdated. Federal, state, and local agencies make many mandatory changes to labor law posters each year.

Updates may be due to:

- A minimum wage increase
- Additional anti-discrimination protections
- New accommodation provisions
- Changes to unemployment regulations
- Workers' compensation law updates
- A new law taking effect
- Other regulatory changes

Some changes, such as minimum wage updates, typically occur on a regular schedule. Other changes are less predictable. Whether you're expecting a change or not, however, an updated poster must be displayed when the change is mandatory.

The chart of annual posting updates, at right, shows that states have been very active in making mandatory posting changes. In addition, the federal government stepped in with a mandatory posting change in 2022 with the release of the "Know Your Rights" posting.

NUMBER OF LABOR LAW STATE POSTING CHANGES

YEAR	NUMBER OF CHANGES
2017	41
2018	48
2019	66
2020	61
2021	57
2022	68
2023	25 and counting

MANDATORY FEDERAL CHANGE

In October 2022, the EEOC released the "Know Your Rights: Workplace Discrimination is Illegal" posting. The posting, which replaces the "Equal Employment Opportunity is the Law" posting, must be displayed by employers with 15 or more employees. The new poster is the first mandatory federal posting change since 2016, and the first update to the EEOC's poster since 2009.

Under the radar

While government agencies view posters as an effective way of raising employee awareness of their workplace rights, agencies do not always make it easy to stay on top of posting changes. Even an employer who is aware of the importance of displaying the most current version of employment law posters can be surprised by a required update.

Some local, state, and federal poster changes are widely publicized, but some can be obscure, creating challenges in staying current with required postings.

Mandatory federal posting update: In October 2022, the EEOC released a new mandatory posting, “Know Your Rights: Workplace Discrimination is Illegal.” The posting used simplified language and a bulleted format to summarize employee anti-discrimination rights. The posting, which replaced the “Equal Employment Opportunity is the Law” posting, also clarified employee protections against sex discrimination and harassment.

Because the agency released the new poster without advance warning, the update caught many off guard. The mandatory posting change did not bring a news alert from major media outlets, and employers may not have been aware of the new required posting unless they were monitoring EEOC updates.

State updates: Sometimes the delayed release of a poster update makes it challenging to stay on top of required changes. A state agency may update its poster long after a law has taken effect. For example:

- Illinois updated its Victims’ Economic Security and Safety Act (VESSA) posting with a mandatory change in March 2021 due to a change in the law that took effect in January 2020.
- Louisiana updates its Earned Income Credit posting each year with a change that takes effect on January 1. However, the state may release the updated poster any time between February and July.
- The act requiring the New Jersey Gender Equity Notice was signed into law in September 2012. Due to a lengthy commentary period and review process, the posting was not issued until January 2014.

The timing of poster updates can make them easy to miss. No matter when a revised posting is released, however, an employer needs to display the new mandatory version.

MINOR VS. MANDATORY

Not every change made to a labor law posting requires a new poster to be displayed. A change to a poster may be minor or mandatory.

MINOR CHANGE

A state may revise a poster to include a new telephone number, address, or commissioner name. In these cases, it’s likely that the revision is minor and the revised version of the poster is not required. A business would remain in compliance with the most recent mandatory version of the poster.

MANDATORY CHANGE

When a poster is revised in response to a change in the law, the change is mandatory. An employer is required to display the updated version of the poster to remain in compliance. This change may involve significant changes to the poster text, or the addition of only a few words.

It’s not the amount of text that changes, but the reason it changed that determines whether a change is minor or mandatory.

HOW CAN I TELL?

The nature of a posting update might not be obvious, but things to watch for include:

- An announcement from a federal, state, or local agency of a mandatory posting update,
- A notice of an update on an agency posting website, and
- A change in the law that relates to the updated posting.



CONCLUSION

Posting compliance is certainly not something to take lightly. Actions by federal agencies show that they take posting regulations seriously and continue to consider workplace posters to be a significant means of keeping employees apprised of their rights under the law.

It's important to stay on top of changes and new requirements. If an employee has questions about an employment right, your posters need to include the most recent required information. In the event of an audit, your posters need to be current and compliant.

While posting compliance is an important part of running a solid business, keeping up with posting requirements can be time-consuming and cumbersome. The solution for an employer that wants to remain compliant with posting requirements, but lacks the staff and expertise to do so, may be to find a reliable service that will ensure all of the company's locations are kept up to date with compliant employment law posters.

The service should be experienced in monitoring local, state, and federal websites for changes, have a deep base of knowledge in applicable laws, and be in regular contact with government agencies in order to respond to changes as soon as they occur. In addition, the service should readily communicate information about mandatory posting changes and be forthcoming about which posters are needed by a particular workplace.

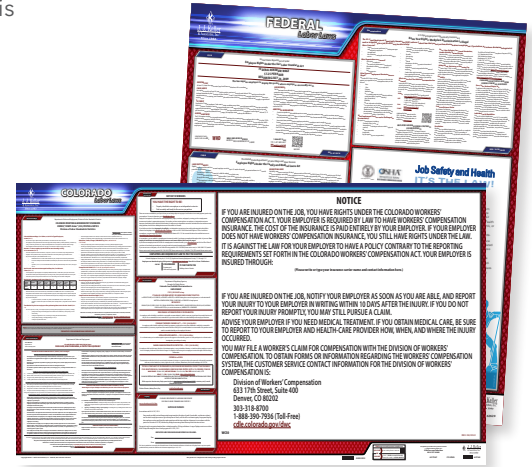
Whether you decide to keep track of changes in-house or delegate that responsibility to an update service, it's important to keep on top of posting changes so the correct versions of required posters are on display. Postings are a proven way to keep workers aware of their rights and responsibilities, and show that you are making a good-faith effort to comply with government regulations. In addition, an employer who ignores posting regulations can be at risk of incurring significant fines. While it's not always easy to keep up with the latest posting requirements, the significant role posters play in regulatory compliance makes it worth the effort.

WE'RE HERE TO HELP

As the nation's leader in regulatory compliance and best practices expertise, J. J. Keller is your reliable source for help in complying with employment law and reducing the risk of litigation. In addition to DOL, we cover DOT, OSHA, EPA, and other agencies.

LABOR LAW POSTERS

J. J. Keller offers federal, state, local, and wage order posters for all 50 states, the District of Columbia, and Puerto Rico. Printed and distributed onsite, our posters set the standard for quality and comprehension and come backed by our trusted team of in-house experts – acknowledged leaders in the safety, regulatory and compliance fields with over 500 years of combined experience. We also offer comprehensive update and monitoring services to help streamline compliance.



UPDATE SERVICE

Covering you at the federal, state, and local level, J. J. Keller's worry-free update service makes labor law compliance a breeze. Sign-up today and receive new posters – free of charge – anytime there's a mandatory change. Plus, easily manage your account, communicate with remote workers and track replacement posters using J. J. Keller's **LABOR LAW POSTER MANAGEMENT CENTER**.



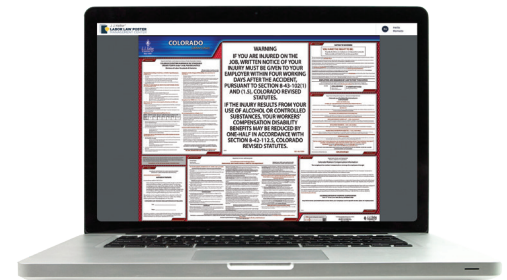
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LABOR LAW POSTER
MANAGEMENT CENTER

ELECTRONIC UPDATE SERVICE

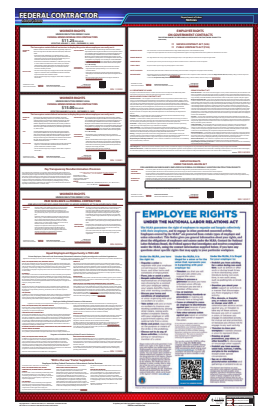
J. J. Keller's electronic update service makes it easy to share key compliance information with employees no matter their location. Subscribe today and easily:

- Reference federal, state and local change notices at any time on any device
- Share change notices with employees via email or company intranet
- View and track which employees have reviewed change notices



FEDERAL CONTRACTOR POSTERS

Available in English and Spanish, federal labor law posters from J. J. Keller combine eight commonly required postings for federal contractors and subcontractors (NRLA, DBA, PCA, SCA, EEO, MWC, Pay Transparency Policy Statement, and Paid Sick Leave) on one convenient poster, and come backed by our in-house team of regulatory experts. Laminated poster measures 24" x 40".



For more information, call 800-327-6868 or visit JJKeller.com/LaborLaw

ABOUT THE AUTHOR

Terri L. Dougherty, PHR, SHRM-CP, J. J. Keller & Associates, Inc.

Terri joined the J. J. Keller team in 2011 and is an editor on the human resources publishing team. Her primary areas of focus are labor law posters, drug testing, marijuana legislation, and employee wellness.

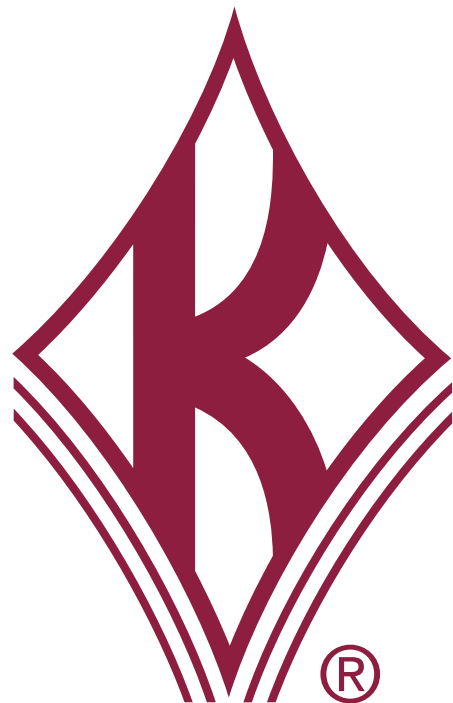
Terri stays on top of employment law poster updates and makes sure J. J. Keller's labor law poster content is complaint. She also watches for changes to drug testing and marijuana laws and is co-editor of the Everyday Drug & Alcohol Program Management manual. In addition, Terri provides healthy living tips and wellness best practices in the Employee Health and Wellness Training Advisor/LivingRight.



ABOUT J. J. KELLER

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