

Some Laws Require Notice of Complaint Filing Procedures

Several employment laws specifically require that employers post and serve notice to employees of the policy under the law and the employer's procedures for filing requests or complaints. Among these are:

Americans with Disability Act and ADAA

Both the Americans with Disability Act (ADA) and ADAA require a written notice to employees of their rights and how to file requests for disability accommodations. These policies and procedures may be in the county policy manual, provided all employees are made aware of them by a signed receipt or other method. The language used should track the Department of Labor (DOL) approved language or a reasonable equivalent.

It's recommended to have on hand DOL approved forms for employees to make accommodation requests, and to track the interactive process. Documents should be retained in a confidential medical file under the name of the employee and should not be accessible by a direct supervisor. If the employer fails to post the required notices on bulletin boards in all buildings, or to have a disability accommodation procedure available to use, they can be subject to penalties and other damages under law.

Family and Medical Leave Act

Family Medical Leave Act (FMLA) requires notice to employees of their rights and how to file requests for FMLA leave. The notice must include the FMLA eligibility rules as explained in the DOL language, and be given to the employee at the time they are hired. Of course, employees already on staff should also be given notice immediately, at the time manuals are updated, or annually. Internet or Intranet posting may only be used if all employees have access to the information from a employer provided computer. Employers are still required

to post the information in a location viewable (and readable) to all employees. The DOL fine is \$100 per violation for failure to meet these requirements.

The FMLA regulations require a Notice of Eligibility (of employee to make the request) and Designation (of FMLA Qualification Status) to be given to employees after a request is made. These should be given to the employee by using the DOL approved forms or an equivalent form, with a copy of all correspondence placed in the employee's confidential FMLA (not personnel) file. While most FMLA forms will not have medical information on them, a few do. Therefore, keeping it out of the personnel file is a good idea.

Equal Opportunity Laws

Equal Opportunity Laws were the first laws to require notice to employees of their rights and how to file internal complaints alleging claims of race, age, gender, sex, color, national origin, religious discrimination or harassment. These notices and procedures can be provided to each employee with a copy of the county policy handbook. The law also requires that an employer post the notices in all buildings in which employees work. If the employer fails to post the required notices they can be subject to penalties and other damages under law. Even if posted, if the notices are not present in the buildings upon inspection (due to vandalism or other cause), it can be deemed a violation.

For information about employer required notices in other areas of loss prevention, check the CTSI safety manual.