

You May Have a Failure to Communicate - State Notice Requirements Are Plentiful



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Written by Dabney D. Ware - 1/30/17

Your company probably makes written offers of employment. After all, it makes good sense — it confirms basics about the job, such as the position being offered and pay rate. For the applicant, it makes clear the terms of the offer and any conditions, such as passing background screening. But, an offer letter may also be useful for another reason — meeting state or local legal obligations for communicating information.

A surprising number of states — more than half — have legal requirements about information that must be communicated to employees, usually at time of hire, but some are at separation. The various requirements at hiring compose a broad spectrum (including states with no requirements, like Florida). As an example of something basic, Idaho requires notice of the pay rate and usual day of payment, and the notice must be in writing if requested. Connecticut is an example from the middle of the spectrum. It requires written notice of pay, hours of employment, and scheduled paydays. Additionally, Connecticut requires written or posted notice of information about the company's

policies for wages, vacation, sick leave, benefits and other similar items.

California appears to have the most extensive requirements — mandating that a number of forms be provided to new employees, including a “Time of Hire Pamphlet,” and requiring commission agreements be in writing.

To give you a few more examples, some states require written notice of changes to any of the required items (but usually allow for unannounced pay increases). Some requirements are a bit unusual and only apply in specifically defined situations. For instance, Louisiana requires that new employees who make less than \$35,000 annually be provided with notice of the Earned Income Tax Credit. On the “termination” side of the employment relationship, Georgia and Tennessee both require separated employees be given certain forms. And, several states, such as California, require employees to be given information about unemployment insurance benefits.

This short article is simply a reminder that such requirements may exist and, obviously, is not an exhaustive list of what may be required in every state. What should you do from here?

- Check to see whether your state requires you to provide certain information at hiring.

- Review your offer letter — if it is used in different states, make sure it meets the requirements of each state. Most of the states with a notice requirement at hiring specify notice of the pay rate and pay dates, but some also require notice of the pay location.
- Confirm whether additional information is required, such as notice or postings about vacation or other benefits.
- Check to see if any particular forms are required, such as Delaware’s requirement to provide a notice of the Pregnant Workers Fairness Act.
- Also look out for requirements at the time of separation, such as notice requirements that may arise due to layoffs or facility closures and requirements that departing employees be provided with service letters.