BULLETIN BOARD RESOURCE GUIDE

Revised August 25, 2026

Abstract

Montana Department of Transportation's bulletin board guidance and review process are provided to ensure contractors on MDT projects are complying with state and federal requirements.

These requirements apply to all contracts, including those already active.

Direct questions to the Contractor Compliance Program Manager.

Montana Department of Transportation, Office of Civil Rights

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Bulletin Board Requirements

On January 1, 2025, the MDT Office of Civil Rights updated the bulletin board guidance and review process to ensure contractors on MDT projects achieve and maintain compliance with state and federal requirements and relieve undue burden for MDT field staff. The requirements are outlined below.

These changes apply to all contracts, including those already active.

Please direct questions to the Contractor Compliance Program Manager.

Requirements

Federal Highway Administration (FHWA)

23 CFR Appendix-A-to-Subpart-A-of-Part-230 4.b.(1) requires all notices and posters be placed on all federal-aid projects in areas readily accessible to employees and potential employees.

US Department of Labor (USDOL)

41 CFR 60 4.3.a.(7)(f) requires that bulletin boards must be located on project sites where construction work is performed.

Specific posting requirements vary by poster. USDOL maintains an extensive list of workplace posting requirements, penalties for not posting, and FAQs.

These resources outline the following:

- Posters must be placed in a **prominent location**.
- Posters must meet **size requirements**.
- Specific posters must be **provided in languages other than English** if there are employees present with Limited English Proficiency (LEP). If you provide these in alternative languages, please also do so with the rest of the posters too.
    - Family Medical Leave Act (FMLA)
    - Notification of Employee Rights Under the National Labor Relations Act
- The **Family Medical Leave Act (FMLA) poster** must be posted if the **contractor has 50 or more employees** in the entire company, regardless of the number on the specific job site.
- Required posters **may not be placed in a binder**.

Purpose

The purpose of the required notices and posters is to convey to contractors' employees and potential employees the protections and privileges to which they are entitled.

Responsibility

Prime contractors shall be responsible for erecting a bulletin board prior to work beginning on a project. This board represents the Prime and all Subcontractors on the project. It must be:

- Posted in a **safe** location;

- **Accessible** to all including those in a seated position and provided in languages understood by employees;
- **Available** 24/7; and
- **Legible** with a minimum of 10-point font, not faded or water damaged, and all posters in required sizes.

Subcontractors are responsible for providing their EEO Policy Statement to the prime contractor for the bulletin board, prior to any work beginning on a project.

- Subcontractors brought in after work begins shall provide their EEO Policy Statement as soon as it is available and before they begin work.

Prime contractors and Subcontractors must communicate:

- All must convey the project board location to their employees on the project.
- The board must represent all companies posting requirements related to company size (FMLA poster) and alternative languages.

Location

Boards must be located on project sites where work is performed

The prime contractor shall work with the project EPM or their designee to identify the most appropriate format and location for their board given the unique aspects of the project.

Acceptable locations include:

- In staging areas; and
- Along roadways within the project. If posting along roadways, boards must be parallel to roadways, or they will be subject to Manual on Unifo9rm Traffic Control Devices (MUTCD) requirements.

The bulletin board location shall be documented at the preconstruction meeting.

Format

Bulletin Board materials must be physically posted and accessible. Placing required notices in binders and posting electronically do not meet this requirement. Formats acceptable to FHWA include but are not limited to weatherproof bulletin boards, printed banners, printed boards, sandwich boards, and required materials being zip tied to fences.

See *Attachment C* for *examples of bulletin board formats which meet FHWA posting requirements.*

Content

The board shall contain all items outlined on the Bulletin Board Checklist and project specific items. Project specific items include:

- Contract-specific wage rates, and
- EEO Policy Statements for the prime contractor **and all subcontractors** who are required to have an EEO Policy Statement.

Links to the required posters are available in English and Spanish on the Bulletin Board Materials web page. Additional languages will be added as they are requested.

Failure to post the required notices and posters has consequences. See *Attachment A* for *a table outlining potential penalties.*

Project Specific Documents

Contract Specific Wage Rates and EEO Policy Statements must be posted with the board. If the required posters are printed on banners or boards, the project specific documents may be placed in weather-resistant containers such as weather-proof envelopes or 3-ring binders in buckets which are in proximity to the bulletin board and clearly marked.

Special Considerations

Mobile, Geographically Large, or District-Wide Projects

Mobile projects or those covering a large geographic area may require more than one board or contractors may relocate their board as the project progresses.

If the board is relocated, its new location must be conveyed to all employees on the project and MDT inspectors.

Asphalt Plants

Asphalt plants may need their own bulletin board. Instances where this is necessary are those for federal-aid projects where the employees do not have a reasonable expectation of being on the project site where the project board is located. This ensures that all employees on the project have access to their privileges and protections.

Alternative Languages

Bulletin board materials are available in multiple languages. Prime contractors should determine if any of their subcontractors have employees with Limited English Proficiency (LEP). If so, the prime must supply bulletin board material in a language those employees understand.

Contact the Program Manager for

- Posters in additional languages. They will be added to the website as they are requested.
- Copies of a subcontractor's EEO Policy Statement.
- Unusual situations and creative ideas which do not clearly align with provided guidance.

Bulletin Board Inspection Process

Location Approval

MDT staff must approve the bulletin board location prior to it being erected. This will ensure that the board meets requirements for safety, accessibility, availability, and legibility. It also provides the opportunity to determine the best course of action for mobile, geographically large, or district-wide projects.

See *Attachment B* for *examples of bulletin board formats which meet FHWA posting requirements.*

Inspect the Board

MDT has the responsibility to inspect Bulletin boards periodically and has developed the following schedule:

- When the board is erected prior to the work begin date for each construction season.
- Every three (3) months thereafter when not in winter shutdown.

Determine Compliance:

Complete both pages of the Bulletin Board Checklist Form located on the Contractor Compliance website and follow the process to document the bulletin board inspection.

If the bulletin board does not comply with requirements, address deficiencies with applicable contractor(s) and reinspect in two (2) business days. Upon reinspection, it is acceptable to update the existing form to demonstrate compliance.

Remember to sign the Bulletin Board Checklist following your district's preferences (ink, typed name, electronic signature, etc.). Note that if converting to a pdf after initial inspection and a follow-up inspection is required, signing the form locks it so sign it after the reinspection is successfully completed.

Repeat Non-Compliance

- Use the resolution ladder to address issues, up to and including Appropriate Contract Sanctions.
- No contractor should be on a project without being represented on the project bulletin board.

When to Involve the Program Manager:

- Contractors resistant to addressing discrepancies.
- Contractors who would benefit from EEO clarifications/training.
- Creative solutions which do not clearly align with current guidance.

Document Bulletin Board Inspections

- Save the form in the District's share drive under folder 09A_Civil_Rights\Forms\Bulletin_Board with the date in the file name (e.g. "20250405" to indicate April 5, 2025).
- AASHTOWare – Enter the date in the Contract Times/Recurring Times/Bulletin Board-Prime for the project board. If event notices are more frequent than requirements, note the date the inspection is next due and reference this memo. Bulletin board inspections will be verified for compliance at the end of each project.

Attachment A: Example Penalties for Not Posting

The following table outlines the potential penalties for not posting required notices and posters. Dollar amounts are as of the drafting of this resource guide and are subject to change.

Unless otherwise noted, the penalties for not posting will be **Appropriate Contract Sanctions (ACS).** Contractors may be prohibited from being on the project site. May result in cancellation, suspension, or termination of contracts and/or withholding of progress payments, debarment, and/or other sanctions. There is a potential for Liquidated Damages. Penalties may be initiated by MDT or the applicable Federal enforcement authority.

Company Specific Items

Item	Form #	Required By	Enforced By	Penalty
Company's Internal Discrimination Compliant Process & Form If the company has their own process / form.	N/A	• 41 CFR 60-741.44 through FHWA-1273, §II(1)(b)	MDT FHWA OFCCP	
Current Year EEO Policy Statement	N/A	• 41 CFR 60-741.44 through FHWA-1273, §II(1)(b)	MDT FHWA OFCCP	

Project Specific Items

Item	Form #	Required By	Enforced By	Penalty
Contract Specific Wage Rates (approved wage decision)	N/A	• WH1321 (Davis-Bacon poster)	MDT MTDLI USDOL WHD	

Montana Posters

Item	Form #	Required By	Enforced By	Penalty
Montana Discrimination is Against the Law		OPTIONAL	MT Human Rights Bureau	*Recommended but not required.*

Federal Required Posters

Item	Form #	Required By	Enforced By	Penalty
Davis-Bacon **Must be printed as 11 x 17.**	WH1321	• *29 CFR 5.5(a)(1) and FHWA-1273, §IV(1)(a)*	MDT MTDLI USDOL WHD	
Employee Polygraph Protection Act	WH1462	• 20 CFR 801.6	Secretary of Labor	The Secretary of Labor can bring court actions and assess civil penalties (up to $25,597 as of 1/1/2025) for failing to post.
Employee Rights Under the Fair Labor Standards Act (Federal Minimum Wage)	WH1089	• 29 U.S.C. § 203	USDOL WHD	
False Statements Notice	FHWA 1022	• 18 *U.S.C. 1020, 23 CFR 635.119* • *FHWA*-1273, §VIII	MDT FHWA USDOT	
Family Medical Leave Act (FMLA) Companies with 50 or more employees, regardless of the number of employees at the job site.	WH1420	• 20 *CFR Part 825.300(a)(2) and 825.400* • *FMLA Poster (WH1420)* • *Fact Sheet* #28D	USDOL WHD	Willful refusal to post may result in a civil money penalty by the Wage and Hour Division not to exceed $211 for each separate offense.
Know Your Rights: Workplace Discrimination is Illegal	EEOC 22-088	• *Executive* Order 11246, as amended • Section 503 of the Rehabilitation Act of 1973, as amended • 38 U.S.C. 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended • 41 CFR Chapter 60-l .42 • 41 CFR 60-250.4(k) • 41 CFR 60-74 1.5(a) • FHWA-1273, §II(3)(d)	OFCCP USDOJ	
National Labor Relations Act **Must be printed as 11 x 17.** Does offer a format where two 8.5x11 pages tape together to form the 11 x 17 poster.	N/A	• 29 CFR Part 471 • EO 13496	USDOL WHD NLRB	

Federal Required Posters (continued)

Item	Form #	Required By	Enforced By	Penalty
OSHA CARES (formerly Job Safety and Health: It's the Law) **Must be printed as** **8.5 x 14 or 12.75 x 17.75**	OSHA 3165-02R (Eng) OSHA 3167-02R (Spa)	• 29 U.S.C. 657(c), 29 CFR 1903.2 through FHWA-1273, §VII(1). Enforcement through OSHA.	OSHA	OSHA can assess citations and penalties (up to $16,131 as of 2024) for failing to post.
Pay Transparency Nondiscrimination Must be available to both employees and applicants to see.	N/A	• Executive Order 11246, as amended by Executive Order 13665 (April 8, 2014) • 41 CFR 60-1.35 • FHWA-1273, §II(1)(b)	Secretary of Labor OFCCP	
Your Rights Under USERRA Employers are required to inform persons covered by USERRA of their rights, benefits, and the obligations of the employer and employees under USERRA.	N/A	• 38 U.S.C. 4334(a) and 20 CFR 1002	USDOL Veterans' Employment & training Service (VETS)	USDOL may investigate if a complaint is submitted and seek compliance or file a private enforcement action to require the employer to provide the notice to employees.

Attachment B: Frequently Asked Questions

Frequently asked questions are grouped below by category.

When to Post (Timing)

Are Subcontractor EEO Policy Statements required to be on the bulletin board at the beginning of the project, even if the sub is not on the site yet?

> Yes. Occasionally a subcontract may be added to a contract after work has begun. For these individuals, we may need an additional inspection, but they may also be captured during the normal reinspection schedule.

When is the board allowed to be removed from the project site?

> The board should be up if the project is active, and employees are present. It may be removed for winter shutdown but must be re-posted before work begins.

Should boards stay up until final inspection?

> Maybe. If there are employees on the project, a board needs to be present.

Do boards need to be up for punch list work?

> Yes. If there are employees on the project, a board needs to be present.

Can the required items be attached to the inside of the port-a-let door?

> No. This is not compliant with FHWA posting requirements.

Where to Post (Location)

If a project is unusual or a-typical, where should discussion about the bulletin board location begin?

> Always begin discussion with your Engineering Project Manager (EPM) or Maintenance Superintendent.

Can posters be placed inside a 5-gallon bucket with a lid?

> No. this is not compliant with FHWA posting requirements.

Are contractors allowed to have posters in their vehicles?

> No. This is not compliant with FHWA posting requirements.

District wide or geographically large projects, and projects where the Prime contractor is mobile and there is not a staging area

> Contractors may choose to use multiple boards or boards that can be moved with the work. Posting requirements will vary by scenario.
>
> A prime contractor on a district wide project has 30 locations. Boards should be located at all locations which have employees on them at the same time. If work is performed in one location today and another tomorrow, the board can move with the work or be posted on the outside of your vehicles or trailers.

If the board moves, it's location must be communicated to MDT field staff and staff for all contractors and subcontractors on the project.

Can mobile contractors keep their bulletin boards in their trucks?

No. If the mobile contractor is the prime contractor, they must provide a project bulletin board for themselves and all subcontractors.

If the mobile contractor is a subcontractor, they only need to supply their EEO Policy Statement to their Prime contractor.

Can EEO Policy Statements and complaint forms be placed in a binder adjacent to the board?

Yes. Contract-specific items may be placed in a binder that is protected from the weather and proximate to the bulletin board.

Bulletin Board Content

Why are revision dates not included on the list of required notices and posters?

Revision dates will not be maintained on our website or in this document because it is too labor-intensive to ensure all locations reflect the same details. Revision dates are included on the Bulletin Board Checklist (form MDT-CIV-006), and all links on the Bulletin Board Materials page connect to the current document.

If the Prime contractor has fewer than 50 employees but one or more of their subcontractors does have more than 50 employees, who is responsible for providing the FMLA poster?

The Prime contractor is responsible for providing all content for the project board and should ensure it reflects the needs of their employees and those of their subcontractors. This includes needs for alternative languages.

If a required poster gets updated and a contractor has printed them to a banner or large board, does the entire banner/board need to be updated?

Not necessarily. The updated item can be pasted over the old version if it adheres.

If we have a banner or board printed and a federal poster has changed, can we purchase a sticker to place over top of the old poster? Possibly a fade resistant sticker which will hold up just as well as the original bulletin board material?

Yes. The updated item can be pasted over the old version if it adheres.

Do all subcontractors need to be represented on the bulletin board at the start of the project?

Yes. Even though a subcontractor may not be performing work until later in the project. An EEO Policy Statement is required at the time the subcontract is consented, so the subcontractor will have one.

If a subcontractor is added to the contract mid-way through the project, their EEO Policy Statement should be added when their contract is consented. Include them on the next scheduled bulletin board inspection.

Bulletin Board Format

Do the new posting requirements apply to projects that were awarded prior to January 1, 2025?

> Yes. The new posting requirements apply to all projects. No project is grandfathered in or has an exception to the requirements.

Is it required that weatherproof bulletin boards be unlocked/unlockable?

> Yes. Weatherproof bulletin boards can be latched but should not be locked. This ensures the contents are accessible and available to employees. Latches can include carabiners or other clips.

Is there a way to make a PDF and then take that to the print shop and have them print it on a banner?

> Files will need to be converted to an EPS or Vector format. MDT does not have the ability to do this. Your print shop should be able to help.

Can the poster PDFs be unlocked?

> No. The required notices and posters are provided by their respective federal entities and are password protected by those entities to ensure nothing changes and online ADA requirements are met.

Do you have an approximate board size required for all posters to fit in terms of square feet or inches?

> No. There are not any current specifications as there are too many variables. If a contractor prints their items out and wishes to share what they have done, we would love to include the suggestions in this guide.

If a sandwich board is used, do all required materials need to be on one side or can both sides be used?

> Both sides may be used.

If a banner is printed, how will changes be made?

> Mid-season updates will be avoided if possible. However, if they cannot wait until the next season, revised posters can be pasted over the previous version.

Do complaint forms need to be posted to the bulletin board?

> Yes. The second page of the EEO Policy Statement is the complaint form. It should be posted with the applicable EEO Policy Statement. Additionally, if the company has their own complaint form, it should be included.

Electronic Posting

Is there any talk of the bulletin boards being formatted completely online in the future?

> Not currently. While other federal agencies are beginning to allow some posters to be posted electronically, FHWA continues to require all notices and posters to be physically posted.

Could you put them on a tablet, or do they have to be on paper?

No. This is not compliant with FHWA posting requirements.

Subcontractor Requirements

Which required bulletin board items are subcontractors required to carry?

Subcontractors are not required to carry any of the required bulletin board items. They should be referring their staff to the project board.

Will the 2025 Training Presentations be Posted?

Will the training presentations made in January and February of 2025 be available to view later or will a transcript be provided?

No. This training was provided 4 times via webinar. The training content is incorporated into the **Bulletin Board Resource Guide** (this document) and will remain posted to the Contractor Compliance website. The Q&A from all webinars are incorporated in the Bulletin Board Resource Guide in the FAQ section.

Attachment C: Examples of Bulletin Boards Meeting FHWA Requirements

Bulletin Boards which meet FHWA posting requirements include, but are not limited to, the examples below.



Image of enclosed, weatherproof bulletin boards that are mounted along the bottom edge of project trailer. Keys are in the locks making all materials accessible.

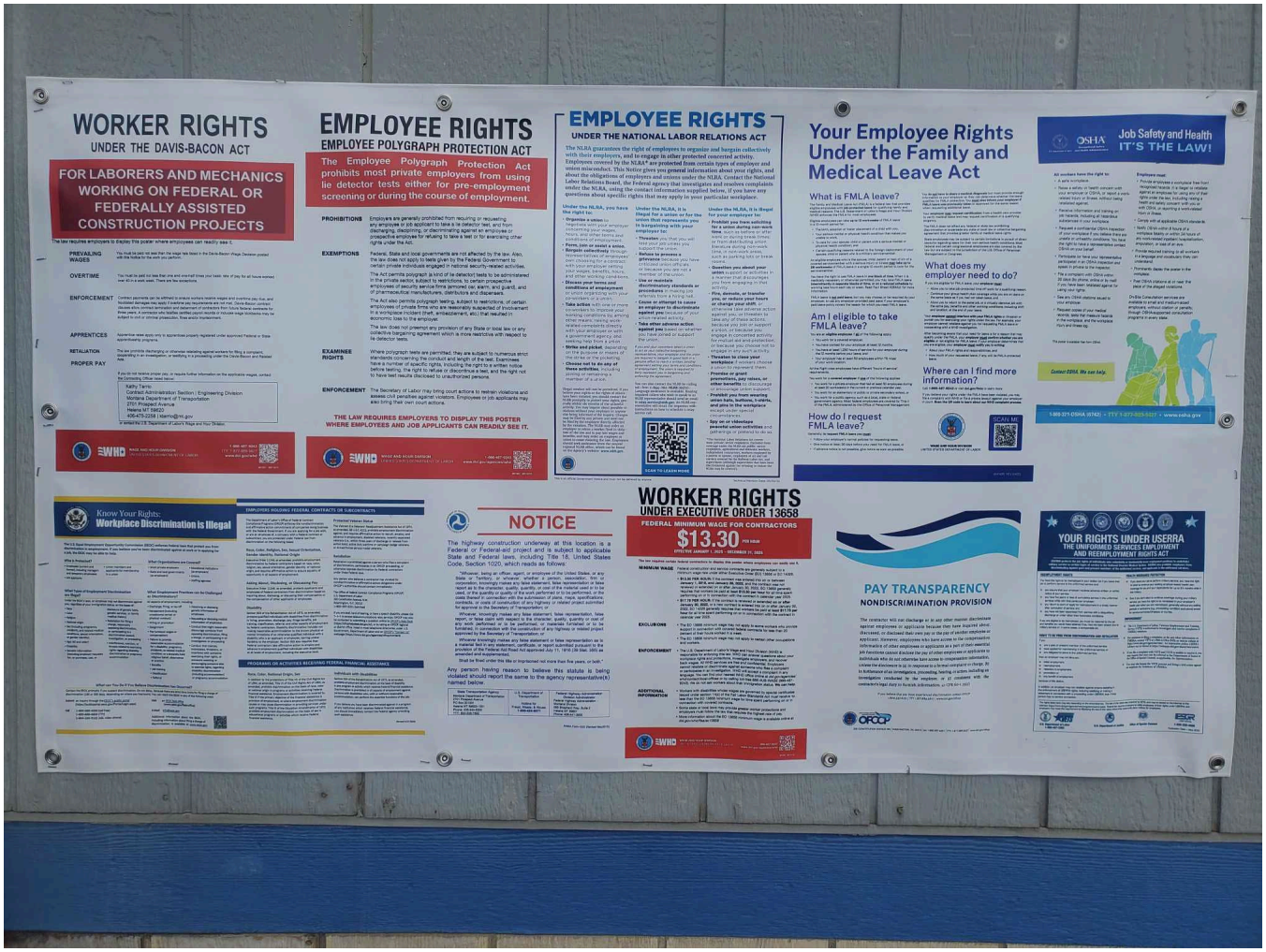


Image of required notices and posters printed on banner material and fastened to the side of the project trailer. Contract-specific items are nearby but not in this image.



Image of required notices and posters printed on banner material and hung between metal fence posts. Notices are provided in two languages.



Image of required notices and posters hung on particle board which is mounted on posts. Contract-specific items are in the outdoor brochure holder in the top right corner.



Image of required notices and posters are affixed to a white board, which is held by a wind jammer. Contract specific documents are in the weatherproof pockets.



Image of required notices and posters hung on an old sign, held by a wind jammer. Wage rates and EEO Policy Statements are in the bucket.



Image of required notices and posters printed on banner material, fastened to a piece of plywood, and held by a wind jammer. Wage rates and EEO Policy Statements are in the outdoor brochure holder in the top right corner of the image.



Image of required notices and posters printed on banner material and hung on a fence. Contract-specific items are in the blue box to the left.

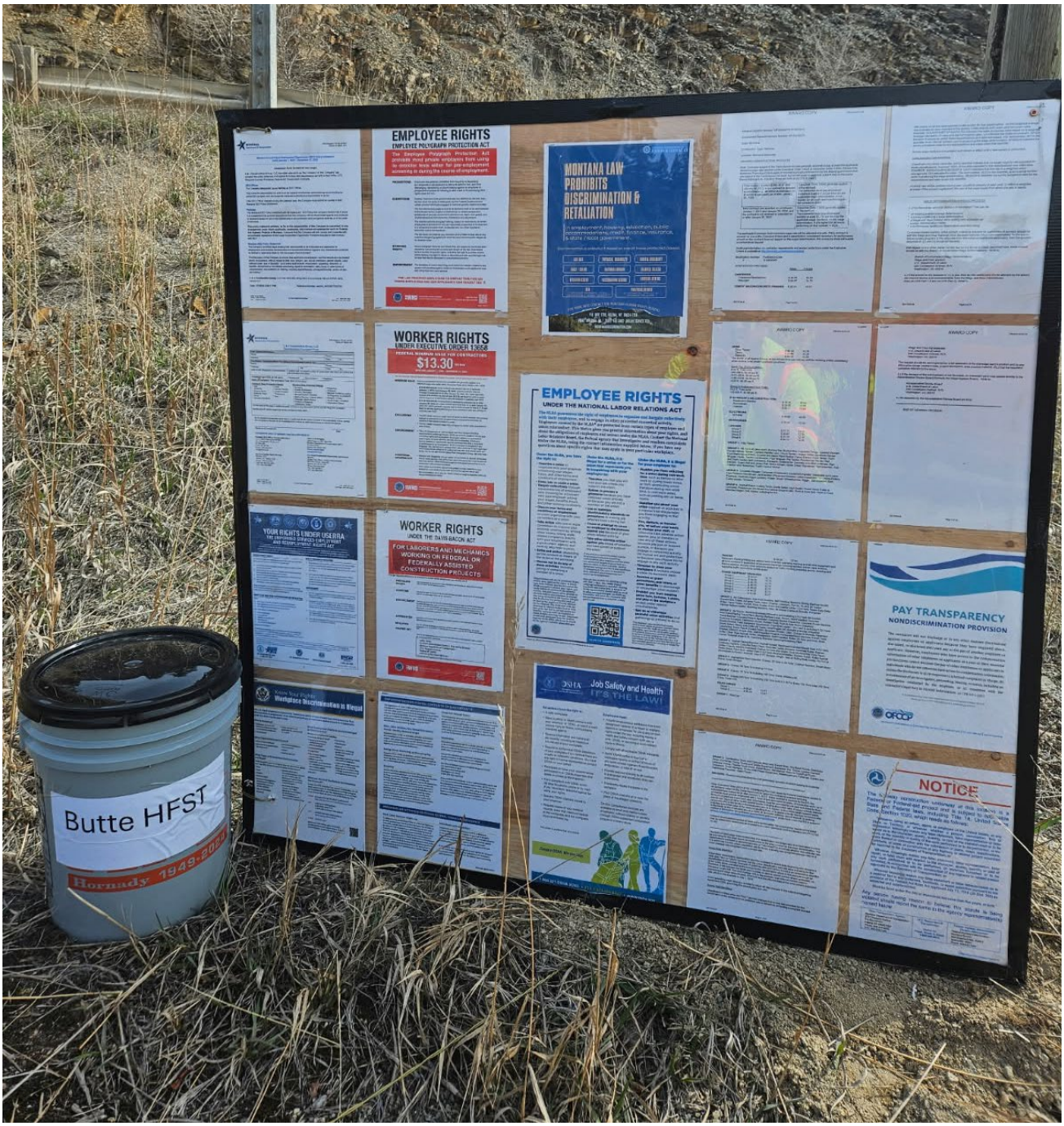


Image of required notices and posters which are stapled to plywood and covered by clear sheeting. Contract-specific documents are in the bucket.



Image of required notices and posters that are laminated and fastened to a wire fence with zip ties.

Outdoor Brochure Holder



Frosted, attractive, long-lasting polystyrene.

- Self-closing lid keeps weather off.
- Holds 250 sheets up to 8 1/2 x 11".
- Mounts on walls or posts with included hardware.

Image of an outdoor brochure holder that is an option for contract-specific documents only.