

11 Employer FAQs (No. 6): We don't have a union. Do I still have to display that new NLRB poster?

Posted by [Robin E. Shea](#) on September 01, 2011

Happy Labor Day weekend! Over the next 6 business days, I'll have a series of short posts addressing common questions that employers have about the law. If there is an "FAQ" that you would like for me to address, please let me know in the comments box.

I may also have more in-depth postings as circumstances warrant.

Employer FAQ No. 6: We don't have a union. Do I still have to display that new NLRB poster?

Maybe. If you are covered under the National Labor Relations Act, then you have to display the new poster, which explains employees' right to join a union and engage in other activity protected by the NLRA. Unless you are a federal contractor, in which case, you don't.

Now, wasn't that easy?

There is actually a fairly simple explanation for this. Back in 2009, the Obama Administration began requiring federal contractors to post what we liked to call the "anti-*Beck*" poster.

(Now that I think about it, maybe the explanation isn't that simple.)

OK, OK, let me try again. See, back under the *Bush* Administration, federal contractors were required to post a notice telling employees that they had the right under [Communication Workers v. Beck](#) to withhold the portion of their union dues that went to support political and other activities unrelated to collective bargaining. We called this the *Beck* poster, for obvious reasons.

When President Obama came into office, he issued an [Executive Order 13496](#) requiring federal contractors to post a [notice](#) that contained content that was much more "union-friendly" and, as it so happens, had content identical to the content of the new NLRA poster.

For that reason, federal contractors will not be required to post the new NLRB poster, which would say exactly the same thing as the "anti-*Beck*" posters that they already have up. But all other NLRA-covered employers will have to have the new NLRB poster up by November 14. (The NLRB poster is expected to be available on the Board's [website](#) beginning November 1.)

How do I know whether I'm covered by the NLRA? Generally, if you are a private employer in interstate commerce, you are covered. (Public employers, railway and airline employers, and agricultural employees are among the exceptions.)



What are all the ins and outs of the new NLRB posting? Here is a [great print 'n' save](#) by our own [Kim Seten](#). It will tell you everything you need to know.

FAQ No. 1: [What exactly is this "interactive process" that we hear so much about?](#)

FAQ No. 2: ["What does 'right to work' mean?"](#)

FAQ No. 3: [When do I have to start saving electronic evidence?](#)

FAQ No. 4: [Should I offer harassment training to rank-and-file employees? Isn't that just asking for trouble?](#)

FAQ No. 5: [Is there any difference between light duty and reasonable accommodation?](#)

Don't forget to send me your own employer FAQs! And don't forget, [if you vote for Pedro Employment & Labor Insider, all of your wildest dreams will come true.](#)

Constangy, Brooks & Smith, LLP has counseled employers on labor and employment law matters, exclusively, since 1946. A "Go To" Law Firm in Corporate Counsel and Fortune Magazine, it represents Fortune 500 corporations and small companies across the country. Its attorneys are consistently rated as top lawyers in their practice areas by sources such as Chambers USA, Martindale-Hubbell, and Top One Hundred Labor Attorneys in the United States, and the firm is top-ranked by the U.S. News & World Report/Best Lawyers Best Law Firms survey. More than 130 lawyers partner with clients to provide cost-effective legal services and sound preventive advice to enhance the employer-employee relationship. Offices are located in Alabama, California, Florida, Georgia, Illinois, Massachusetts, Missouri, New Jersey, North Carolina, South Carolina, Tennessee, Texas, Virginia and Wisconsin. For more information, visit www.constangy.com.