

## 2011: Year of the Labor Union?

The New Year may be a promising one for unions. President Obama turns the corner toward his run for reelection in 2012. To win, does he need the backing of the labor unions?

The President seems to think so. He just announced that his campaign headquarters will be in union-friendly Chicago. Over his first two years in office, the President has appointed three members and the current Chairman of the National Labor Relations Board ("NLRB"). That's four votes on the NLRB out of a possible five.

The NLRB has taken up the fight to fix a "knowledge gap" in non-unionized employees. On December 22, the NLRB proposed a [new posting requirement](#) for all employers subject to the National Labor Relations Act—in other words, basically everybody. The rule would help unions expand their power base by generating steam for unionization drives.

Under the proposed rule, companies would have to post an NLRB-issued notice that would tell employees about their rights to bargain collectively and unionize. The notice would mirror the [poster](#) already required of federal contractors. Underscoring the importance of unions to the President, he mandated the federal contractor notice back in January 2009 when he first took office.

Get ahead of this one now. If the NLRB adopts the proposed rule, it will probably become effective quickly. Identify which of your employees qualify as "supervisors" in the NLRB's eyes. True supervisors cannot be part of a collective bargaining unit, and they can be your best allies or worst liability in a union campaign. Also, check your employee manual for solicitation and internet use policies that could draw unfair labor practice charges. Finally, treat your employees as you would want to be treated, which means fairly and consistently.

Unions leverage the element of surprise. Are you ready?



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[National Labor Relations Act \(NLRA\)](#)

[National Labor Relations Board \(NLRB\)](#)

[Union rights posting requirements](#)