

Recent NLRB Decisions Impose Stiffer Interest Penalties and New E-posting Requirements on Employers

In a pair of recently issued decisions, the National Labor Relations Board (“NLRB or “the Board”) adopted two new remedial policies. Now, interest on all NLRB monetary awards will be compounded on a daily basis, rather than a simple-interest basis. The Board also now will require many employers to notify workers electronically of NLRB remedial notices.

In *Kentucky River Medical Center*, 356 NLRB No. 8 (available at http://www.nlr.gov/shared_files/Board%20Decisions/356/v3568.pdf), the Board unanimously determined that interest on all monetary awards now will be compounded daily, noting that many other federal regulatory bodies, including the IRS, have implemented a similar policy. Previously, interest had been imposed on such awards on a simple-interest basis. Although this decision will not be applied retroactively, it will apply to any case currently pending before the Board.

In *J&R Flooring*, 356 NLRB No. 9 (available at http://www.nlr.gov/shared_files/Board%20Decisions/356/v3569.pdf), the Board, in a 3-1 decision, held that any employer who “customarily” communicates with its employees electronically must now distribute remedial notices through those same electronic means. Specifically, any employer using e-mail, the internet, or an intranet site to communicate with employees now will be required to post NLRB remedial notices through these mediums in addition to posting a hard copy of the notice on a company bulletin board.

These new remedial policies impact both non-unionized and unionized employers, as unfair labor practice charges can be filed against either with the Board. So **all employers** should view these developments as a reminder to review their practices and policies for compliance with the ever-evolving landscape of NLRB jurisprudence.

For questions regarding these developments (or regarding other labor and employment law issues), please contact [Joseph McCoin](#), [Scott Simmons](#) or your [Miller & Martin Labor and Employment Law attorney](#).

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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