

## NLRB Proposes Rule to Require Posting of NLRA Rights

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The National Labor Relations Board (NLRB) recently announced a proposed rule that would require employers to notify employees of their rights under the National Labor Relations Act (NLRA). According to the NLRB, the purpose of the notice is “to increase knowledge of the NLRA among employees, to better enable the exercise of rights under the statute, and to promote statutory compliance by employers and unions.”

The required notices would resemble the postings of workplace rights that are currently required under the Fair Labor Standards Act, the Occupational Safety and Health Act, the Americans with Disabilities Act, and the Family and Medical Leave Act, and other workplace laws.

The NLRA applies to most private-sector workplaces. All employers whose workplaces fall under the NLRA would be required to post the employee rights notice where other workplace notices are typically posted. If an employer primarily communicates with its employees electronically, the notice would have to also be posted electronically. The required notice would be available at the agency’s regional offices and would be available for download from the NLRB website.

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The NLRB intends to enforce the proposed rule by treating employer's failure to post the notice as an unfair labor practice under the NLRA. Under the proposed rule, the consequences of noncompliance with the posting requirement include the extension of the 6-month statute of limitations for filing a charge involving other unfair labor practice allegations against the employer and, for willful violations, using the employer's failure to post as evidence of unlawful motive in cases involving other alleged violations of the NLRA.

One member of the NLRB has dissented against the issuance of the proposed rule, asserting that the NLRB lacks statutory authority to enforce posting requirement imposed on workplaces. Public comment has been invited on all aspects of the proposed rule and should be submitted within 60 days of publication in the Federal Register. Comments should be submitted either electronically to [www.regulations.gov](http://www.regulations.gov) or by mail or hand-delivery to Lester A. Heltzer, Executive Secretary, NLRB, 1099 14th Street NW, Washington DC 20570.

A fact sheet and further information regarding the proposed rule may be found at [www.nlr.gov/About\\_Us/news\\_room/Notice\\_for\\_Rulemaking/](http://www.nlr.gov/About_Us/news_room/Notice_for_Rulemaking/).

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