



## Fisher & Phillips Files Comment On NLRB Proposed Rulemaking

(Labor Letter, July 2011)

Taking a stand for employers, Fisher & Phillips LLP filed an official Comment with the National Labor Relations Board (NLRB) about proposed rulemaking that could be burdensome for employers. The NLRB has proposed a rule requiring employers to notify employees of their rights under the National Labor Relations Act. Employers whose workplaces fall under the National Labor Relations Act (NLRA) would be required to post the employee rights notice.

While at first blush this might seem benign, the impact on employers would be significant. The Board estimates the cost to employers to post the notice would be \$375 million in the first year. The Fisher & Phillips comment challenges that number as being too low.

Jim Walters, a partner in the Atlanta office, wrote the Comment. The Comment includes: "We believe the Board's basic premise for the proposed rule is flawed; that the aggregate costs of the proposed rule are vastly underestimated; and that the proposed penalties for violation of the rule are overreaching, unnecessary and in all likelihood impermissible." The Comment notes that the NLRB probably does not have the legal authority to take this action; the NLRA does not have a general notice-posting requirement.

Jim also points out that the wording of the proposed poster is heavily skewed toward union-related rights, and that there is a huge potential impact. By the NLRB's own estimate, six million different employers, varying from small retailers to multi-location corporations, would be required to permanently post a notice of many rights under the NLRA. A large multi-location employer would be required to place notices at every workplace.

Additionally, there has been no general posting requirement in the 75 years the NLRA has been the principal labor law, so why would it suddenly be necessary?

For more information, or to view the Comment in its entirety, [click here](#).