



MANCHEL BRENNAN

COUNSELLORS AT LAW

CLIENT ALERT (AUGUST, 2011)

NATIONAL LABOR RELATIONS BOARD ISSUES NEW MANDATORY WORKPLACE POSTING REQUIREMENT EFFECTIVE NOVEMBER 14, 2011

The National Labor Relations Board (“NLRB”) issued a Final Rule on August 25, 2011 which requires that all employers covered by the National Labor Relations Act (the “NLRA”) post a new notice which advises employees of their rights under the NLRA effective November 14, 2011.

Don't stop reading this Client Alert, thinking that it does not apply to your workplace because your employees are not unionized! This new requirement applies to the vast majority of private sector employers, regardless of whether your employees are represented by a union.

The new workplace notice will include a description of employees' rights to organize and bargain collectively and to engage in other protected concerted activity or refrain from such activity, and provides a list of detailed examples of conduct protected by the NLRA. The notice also will provide contact information for the NLRB. The NLRB website indicates that the posting will be available, in downloadable form, on the NLRB's website by November 1, 2011.

Some important points regarding this new posting requirement:

- Employers must physically post a paper version (or paper versions) of the posting in “conspicuous places,” and such posting(s) must be 11 inches by 17 inches in size.
- In addition to the physical posting, employers must post the notice on any intranet or internet site where the employer customarily posts its human resources rules and policies. This electronic posting must include an “exact copy of the poster downloaded from the [NLRB]'s website” or “a link to the Board's Web site that contains the poster.” If the employer uses the link to the NLRB's website, the link must read, “Employee Rights under the National Labor Relations Act.”
- If more than 20% of your employees are not proficient in English, but speak another language, the notice also must be posted in those employees' language.
- Failure to post the notice, as required, may be treated as an unfair labor practice under the NLRA. Failure to post the notice also may result in the NLRB extending the typical 6-month statute of limitations for filing a charge involving other unfair labor practice allegations.

Please feel free to contact us if you have any questions regarding this or any other labor or employment issue.

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