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## **New NLRB Posting Required For Private Sector Employers**

The NLRB has advised the public that all employers covered by the National Labor Relations Act (generally most private sector employers) will be required to post a notification of employees' rights by **November 14, 2011**. The posting requirement applies to all union and non-union workplaces. And, failure to post the notice may be treated as an unfair labor practice under the National Labor Relations Act. The Board investigates allegations of unfair labor practices made by employees, unions, employers, or other persons, but does not initiate enforcement action on its own.

The Board's recent press release is reprinted below. The issuance of the Final Rule follows a notice and comment period in which employers generally felt such a posting was unnecessary.

The National Labor Relations Board has issued a Final Rule that will require employers to notify employees of their rights under the National Labor Relations Act as of November 14, 2011.

Private-sector employers (including labor organizations) whose workplaces fall under the National Labor Relations Act will be required to post the employee rights notice where other workplace notices are typically posted. Also, employers who customarily post notices to employees regarding personnel rules or policies on an internet or intranet site will be required to post the Board's notice on those sites. Copies of the notice will be available from the Agency's regional offices, and it may also be downloaded from the NLRB website.

The notice, which is similar to the one required by the U.S. Department of Labor for federal contractors, states that employees have the right to act together to improve wages and working conditions, to form, join and assist a union, to bargain collectively with their employer, and to refrain from any of these activities. It provides examples of unlawful employer and union conduct and instructs employees how to contact the NLRB with questions or complaints.

The Board received approximately 6,500 comments during the 60-day comment period following publication of the Proposed Rule in the Federal Register, and accepted an additional 500 that arrived after the deadline. In response to the comments, some parts of the rule were modified. For example, employers will not be required to distribute the notice via email, voice mail, text messaging or related electronic communications even if they customarily communicate with their employees in that manner, and they may post notices in black and white as well as in color. The final rule also clarifies requirements for posting in foreign languages. Similar postings of workplace rights are required under other federal workplace laws.

Board Chairman Wilma B. Liebman and Members Mark Gaston Pearce and Craig Becker approved the final rule, with Member Brian Hayes dissenting.

The rule was published in the Federal Register on August 26, 2011, and will take effect 75 days later. Employers should begin posting the notice on **November 14, 2011**. Copies of the notice will be available on the NLRB website and from NLRB regional offices by November 1, 2011.

***For additional information on Employment or Labor Law issues,  
please contact TAMMY MEADE ENSSLIN at 859-963-9049.***

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