

## National Labor Relations Board Issues Final “Poster” Rule

8/26/2011 Steven A. Palazzolo

On August 24, 2011, the Board announced that it has issued a final rule that will go into effect on November 14, 2011. The rule will impact nearly all private employers. The rule requires most employers to notify employees of their right (including their rights to unionize) under the National Labor Relations Act.

The NLRA covers private employers that have an impact on interstate commerce including manufacturing plants, retail centers, private universities and health care facilities. Public employers, railway and airline employers, and people employed as agricultural laborers are specifically excluded from coverage.

What does this mean for you? It means, you have to put up another poster. The NLRB's Poster informs employees of their right to:

- organize, form, join, or assist a union;
- bargain collectively to improve wages and working conditions;
- discuss terms and conditions of employment with fellow employees;
- take action with the employees to improve working conditions;
- strike and picket; and
- the right to refrain from any of those activities.

The Poster also states that it is illegal for employers to:

- prohibit employees from soliciting for a union during non-work time and distribute union-related materials in non-work areas;
- question employees about their union support or activities;
- fire, demote or transfer employees because they join or support a union; and
- except in special circumstance, prohibit employees from wearing union hats, buttons, t-shirts and pins in the workplace.

What are the consequences if you fail to post the NLRA notice?

- You will have committed an unfair labor practice under Section 8(a)(1) of the NLRA – which prohibits “the interference with or attempt to restrain or coerce employees in the exercise of their rights under the Act”;
- The Board may extend the six-month statute of limitations for filing a charge involving other unfair labor practice allegations; and
- The Board could use the failure to post the notice as evidence of an employer’s unlawful motive in an unfair labor practice case.

The Board will provide copies of the poster at the employer’s request beginning on or before November 1, 2011. The poster will look similar to the poster used by Federal Contractors, which can be found [here](#). You can find the NLRB fact sheet [here](#).

Should you have questions, please contact Steve Palazzolo ([spalazzolo@wnj.com](mailto:spalazzolo@wnj.com) or 616.752.2191) or any other member of Warner Norcross & Judd's Labor and Employment Law Practice Group.