

## **And Yet Another Requirement for Employers: New Labor Law Posters on January 31, 2012**

By [Daniel Schwartz](#) on December 13th, 2011

The Hartford Office of the National Labor Relations Board has a message for employers: There are new posting requirements coming and nearly all employers — not just those who are unionized — need to be aware of them.

Why? **Because they are effective in just six weeks: January 31, 2012.**

Here are some highlights for employers in Connecticut.

**Who's Covered?** If you're subject to the jurisdiction of the NLRB in general, you're covered. The NLRB describes it as follows: "As a practical matter, the Board's jurisdiction is very broad and covers the great majority of non-government employers with a workplace in the United States, including non-profits, employee-owned businesses, labor organizations, non-union businesses, and businesses in states with "Right to Work" laws." If you're not sure, [be sure to check out the specific rules.](#)

**What's Required?** Two things.

First, a notice should be posted in a conspicuous place, where other notifications of workplace rights and employer rules and policies are posted.

Second, employers also should publish a link to the notice on an internal or external website if other personnel policies or workplace notices are posted there. You can [download the notice directly from the NLRB website](#). (As an added bonus, the NLRB has also published the poster in 27 other languages as well, which may be required if 20 percent of your workforce speaks a language other than English.)

**What Happens If You Don't Put Up the Notice?** The NLRB tries to suggest that employers should post the notice but concedes that it probably won't know about many of those instances.

Nevertheless, there may be real world consequences for failure to post the notice:

The NLRB does not audit workplaces or initiate enforcement actions on its own, nor does it have the ability to assess fines or penalties.

A failure to post the Notice would need to be brought to the Board's attention in the form of an unfair labor practice charge by employees, unions, or other persons. In most cases, the Board expects that employers who fail to post the Notice were unaware of the rule and will comply when requested by a Board agent. In such cases, the unfair labor practice case will typically be closed without further action. The Board also may extend the 6-month statute of limitations for filing a charge involving other unfair labor practice allegations against the employer. If an employer knowingly and willfully fails to

post the Notice, that failure may be considered evidence of unlawful motive in an unfair labor practice case involving other alleged violations of the NLRA.

With all the other requirements for employers, it's quite possible that this one is getting overlooked. Consider yourself warned. And if you want [answers to more frequently asked questions, you can access them here.](#)

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