



New Posting Requirement from NLRB Kelly Schoening

A new rule requires most private employers to post a notice of employee rights that are guaranteed under the National Labor Relations Act. (NLRA) The rule was effective November 14, 2011 but that date was recently pushed back to January 31, 2012. The NLRA protects worker's rights to unionize and engage in concerted activity.

The rule applies to most employers. The only exemptions are airlines, railroads, agricultural and small employers that conduct less than \$50,000 worth of business across state lines. The deadline was pushed back due to confusion among small and medium businesses about its applicability.

The requirement has caused controversy with businesses and there are currently three lawsuits over the new requirements. The legal issues could impact if the rule ever becomes effective or if there are additional changes made in the law.

Currently, the requirement is to post an 11x 17 inch poster in a prominent location. Employers that notify employees about employment rules and policies on company Internet or intranet sites will be required to do an online posting as well.

Failure to post the required notice will be subject to a complaint of unfair labor practice and face legal action by the NLRB. The NLRB has stated that a poster will be available on its website prior to the implementation date.

Employees are urged to follow this proposed rule to verify it does become effective and do the required posting to avoid a charge by the NLRB.

Further information may be found at www.nlr.gov.

Kelly Schoening is a [Northern Kentucky attorney](#) practicing at [Dressman Benzinger LaVelle psc](#).