



Virginia Workplace Law

THE NLRB POSTER Much Ado About Nothing or a Sea Change in Employee Relations?

By: Mike DeCamps. Monday, October 3rd, 2011

Barring a successful court action or last minute congressional intervention, all employers subject to the NLRB jurisdictional standards must post the 11 x 17 notice form describing employee rights under the National Labor Relations Act by November 14, 2011. **The new poster is now available.**

The posting requirement applies to all private sector employers (including labor unions) subject to the National Labor Relations Act. It includes employers regardless of the number of employees, but excludes agriculture, railroad and airline employers. In addition to the physical posting, the final rule requires every covered employer to post the notice on an Internet or Intranet site if personnel rules and policies are customarily posted there.

An **NLRB Fact Sheet** on the rule is available on the NLRB's website. If you are a federal contractor who by law has to post the similar NLRA poster required by the Department of Labor, posting the **DOL poster will suffice as compliant with the new NLRB rule.**

While some HR consultants see the new posting rule as a tempest in a teapot, others share concerns that the posters will prompt questions and unwanted discussions by employees and could lead to further repercussions. Failure to post the notices as required can be considered an unfair labor practice in itself and anyone, including employees and possibly union organizers, can file charges with the NLRB against employers within six (6) months of alleged violations of the notice requirement. Whether or not the poster is successful in bringing the union conversation into the workplace, many commentators see a need for management to strategically consider how management should talk with employees about union issues.

The rollout of the new NLRB rule should not be used as an opportunity to attack an employee's decision to consider a union or even to bash unions or criticize the wisdom of the poster. It is, however, an opportunity for management to enlighten employees on management's position regarding unions. Clearly, if you are not familiar with your employees' rights under the National Labor Relations Act in the non-union, or union, workplace, now is the time to think about those issues before the November 14 deadline requires posting. This is a potential mine field for all employers.

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If you need assistance with these issues, Sands Anderson's **Virginia employment attorneys** are available to help you work through your strategies.

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