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LABOR & EMPLOYMENT LAW ALERT

NLRB Issues Rule Requiring Employers to Post Notice Regarding Employee Rights

On August 25, 2011, the National Labor Relations Board (“NLRB”) issued a Final Rule requiring employers to notify employees of their rights to organize unions and engage in other concerted activities under the National Labor Relations Act (“NLRA”) by posting a notice to that effect. This requirement is similar to other notice posting requirements under other federal workplace laws. The poster, 11-by-17 inches in size, is similar to the notice of NLRA rights that must be posted by federal contractors as required by the Department of Labor.

This requirement applies to all private-sector employers subject to the NLRA. This rule applies even if there is no union in your workplace because NLRA rights apply to union and non-union employees alike.

This Final Rule will come into effect by **November 14, 2011** which means posters have to be in place by said date. The NLRB will provide copies of the notice on request at no cost to the employer on or before November 1, 2011. Employers may obtain the poster through the regional, sub-regional, or resident offices of the NLRB. The poster may also be downloaded through the NLRB’s website. Employers may also comply with this posting requirement by purchasing a set of workplace posters including the NLRB poster from a commercial supplier.

Employers must also post this notice on an intranet or internet site if they customarily post personnel rules and policies in such a manner. Employers must post translated versions of this poster if at least 20% of its workforce is not proficient in English.

An employer’s failure to post this notice will be treated as an “unfair labor practice” under the NLRA. The Final Rule was published on August 30, 2011.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

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