



Labor and Employment News Alert

September 9, 2011

Make Room On Your Crowded Company Bulletin Board: Most Employers Must Post Notice of Employee Rights Under the National Labor Relations Act by November 14

Many state and federal laws require employers to post notices advising their employees of their rights under such laws. The National Labor Relations Board ("NLRB") has now joined the club by issuing a rule which will require nearly all private sector employers (both union and non-union) to post a notice informing employees of certain rights under the National Labor Relations Act ("NLRA"). This [rule](#) applies to all employers covered by the NLRA, the federal law which applies to all private employers engaged in interstate commerce above a prescribed minimum dollar amount, which varies by industry.

The new required notice, titled Employee Rights Under the National Labor Relations Act, will include:

- A summary of employee rights under the NLRA;
- Examples of how employers and unions could violate an employee's rights under the NLRA;
- A description of the employer's and union's obligation to bargain in good faith once a union has been selected by the employees;
- A statement that conduct in violation of the NLRA will not be permitted; and
- Instructions on how employees should contact the NLRB with any questions or complaints.

The NLRB has not yet published the official poster, but you can read a sample of the contents [here](#).

What Do I Have To Do?

Employers are required to post an 11" x 17" poster in conspicuous places where it can be readily seen by employees, including all places where notices to employees concerning personnel rules or policies are customarily placed. In most cases, the notice must also be posted on the employer's internet or intranet, although employers may elect to link to the NLRB's website, so long as the link to the site reads "Employee Rights Under the National Labor Relations Act." If 20% or more of the employer's employees are not proficient in English, the employer must also post a notice in each language spoken by 20% or more of the employees. The NLRB will provide translations.

Although the NLRB will provide printed and electronic copies of the required poster upon request, employers are also permitted to use commercial services to provide the required notice consolidated into one poster with other mandatory notices, so long as the consolidation does not alter the size, content, format, or style of the type of poster provided by the NLRB.

Once these notices have been posted, employers are also required to take reasonable steps to ensure that the notices are not altered, covered with any other material, or otherwise unreadable.

Failure to post the notices as described by the rule constitutes an unfair labor practice and could extend the time limitation for employees to file unfair labor practice charges. In addition, willful failure to post the notices can be used as evidence of an unlawful motive in a retaliation case.

Employers who are federal contractors and already comply with the Department of Labor's notice-posting rule do not need to also post the NLRB's poster.

When Do I Have To Do It?

The rule is effective on November 14, 2011. We recommend that you mark your calendar and have your required notices ready to post in hard copy and electronically no later than this date. According to the NLRB, the official poster will be available on or before November 1, 2011. Although not required by the rule, we also recommend that you keep records of when and where you post these notices, and make sure that someone regularly checks to see if the posters need to be replaced (in case they have been altered or removed).

Please do not hesitate to contact us if you have any questions of if we may assist you with understanding and complying with the NLRB's new rule, or with any other labor or employment-related matter.

The **Riddell Williams Labor and Employment Group** helps businesses comply with labor and employment laws and resolve disputes with employees. Our practice consists of four primary areas: counseling, litigation, training, and traditional labor law.

Riddell Williams P.S.
1001 Fourth Avenue, Suite 4500
Seattle, WA 98154-1192

Telephone: 206.624.3600
Facsimile: 206.389.1708
www.riddellwilliams.com