



August 26, 2011

NLRB ISSUES FINAL RULE ON NOTICE POSTING RULE SUBJECT TO BOTH UNION AND NON-UNION WORKPLACES

The National Labor Relations Board ("NLRB") has issued a Final Rule requiring most private sector employers to notify employees of their rights under the National Labor Relations Act ("NLRA") by posting a Notice by November 14, 2011. The Notice informs employees of the rights under the NLRA to organize and bargain collectively with their employer and to engage in concerted protected activity. Additionally, the Notice provides examples of illegal conduct by employers and unions, and provides contact information to the NLRB.

The Notice must be posted conspicuously in plants and offices where employees covered by the NLRA perform activity, including all places where Notices to employees are customarily posted. In addition to the physical posting, the Rule requires every covered employer to post the Notice on an internet or intranet site if personnel rules and policies are customarily posted there. If at least 20% of employees are not proficient in English, the NLRB will provide translations of the Notice.

The failure to post the Notice may be treated as an Unfair Labor Practice; however, the NLRB expects that, in most cases, employers who fail to post the Notice and are unaware of the Rule and comply if requested by the NLRB, the Unfair Labor Practice case will typically be closed without further action.

Prior to November 14, we will provide you with another E-let suggesting what you should tell employees if they have any questions about the Notice. Some employers may want to be more proactive and advise employees in advance of the posting about the Company's position on unions and why you do not think a union would be in the employees' best interests.

If you would like to learn more about this Notice posting requirement or would like for us to provide you with a copy of the Notice, please contact any member of your [GrayRobinson Employment Labor Law](#) team. Notices are also available on the NLRB website at <http://www.nlr.gov/>.

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