

EZRA T. CLARK, III
Attorney
Direct Line: 480-844-0039
Facsimile Line: 480-844-0035
E-mail: etc@clarkfirm.com



63 East Main Street, 5th Floor
Mesa, Arizona 85201

MAILING ADDRESS
P.O. Box 31036
Mesa, Arizona 85275-1036

Michelle L. Hadder, Paralegal

EMPLOYER NEWSLETTER

NLRB REQUIRES EMPLOYERS TO POST NOTICE OF RIGHTS

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On August 25, 2011, the National Labor Relations Board (“NLRB”) announced new rules requiring employers to post notices of employees’ collective bargaining rights in the workplace (called a “Notice of Rights” poster).

Before this announcement, employers were not required to post such notices unless they were found to have violated labor laws or agreed to do so as part of a settlement agreement. Now, an employer must post a Notice of Rights even if it has never violated labor laws or been accused of violating them.

Here is what employers need to know about the new rules:

Employers affected by the rule: All employers subject to the National Labor Relations Act (virtually every employer) must post the notice whether the workplace is unionized or non-unionized.

Posting requirements. The Notice of Rights must be at least 11 by 17 inches, and it may be printed in black and white. It can be obtained free of charge from the NLRB Regional Offices or downloaded from the NLRB website beginning November 1, 2011 (www.nlrb.gov). Translated versions of the Notice will be available and must be posted at workplaces where twenty percent (20%) or more of the employees are not proficient in English.

The Notice must be posted in conspicuous places, including all places where notices to employees concerning personnel rules or policies are customarily posted. This includes posting on internet or intranet sites if personnel rules or policies are customarily posted there. However, employers are not required to distribute the Notice of Rights by email, Twitter, or other electronic means.

Date posting is required. Employers must post the Notice of Rights by **November 14, 2011**.

Consequences for Failure to Post the Notice. The NLRB does not have authority to levy fines. However, failure to post the Notice of Rights may be considered an “unfair labor practice” in violation of the National Labor Relations Act.

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