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CLIENT E-NEWSLETTER

SPECIAL BULLETIN

NLRB Employee Rights Notice Posting Deadline Postponed Again

On December 23, 2011, the National Labor Relations Board (“NLRB”) agreed to postpone the effective date of the employee rights notice-posting rule to April 30, 2012, after a federal court in Washington, DC, requested postponement. This action came as a result of two lawsuits filed by the National Association of Manufacturers and the National Federation of Independent Business, which challenge the NLRB’s authority to require that the notices be posted. The Board determined that postponing the effective date would facilitate the resolution of the legal challenges that have been filed against the rule.

The original posting requirement date for the notice was November 14, 2011, but was postponed until January 31, 2012. Now, the NLRB has again postponed the effective date of the posting requirement to April 30, 2012.

The required employee-rights notice is 11 by 17 inches and must be posted by most private sector employers. It must be posted in English and any other language that at least 20 percent of a company’s employees speak. The notice states that employees have the right, among other things, to form, join, or assist a union, bargain collectively, and to discuss wages and other terms and conditions of employment. It also describes conduct that is considered illegal under the National Labor Relations Act (“NLRA”). Failure to post the notice may result in an unfair labor practice charge, or an extension of the statute of limitations set by the NLRA. It also may be considered evidence of unlawful motive in an unfair labor practice case involving other alleged violations of the NLRA.

The Kullman Firm closely monitors developments regarding the NLRB procedures and requirements, and regularly counsels employers regarding labor and employment issues including the NLRB posting requirements. If you have any questions regarding this or any other labor and employment issue, please contact the Kullman attorney with whom you customarily work.

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