



THE KULLMAN FIRM

A PROFESSIONAL LAW CORPORATION

CLIENT E-NEWSLETTER

SPECIAL BULLETIN

NLRB Finalizes Rule Requiring Posting of Notice of Employee Rights Under the NLRA

On August 25, the National Labor Relations Board published a Final Rule requiring employers, effective November 14, 2011, to post notices in the workplace advising employees of their rights under the National Labor Relations Act. Included among the principles which must now be publicized are employees' rights to:

- * Organize a union to negotiate with your employer...;
- * Bargain collectively through representatives of employees' own choosing...;
- * Discuss your wages and benefits and other terms and conditions of employment or organizing with your co-workers or a union;
- * Take action with one or more co-workers to improve your working conditions...;
- * Strike and picket...;
- * [And last on the list] Choose not to do any of these activities... .

The Notice also specifies actions which employers may not take in opposition to union activity, such as threatening employees, interrogating them about their union activity, prohibiting them from soliciting on non-working time, etc. If you would like to review the complete Rule, it is available via the following link: <http://www.federalregister.gov/articles/2011/08/30/2011-21724/notification-of-employee-rights-under-the-national-labor-relations-act>.

The Board will be posting a sample Notice on its website <http://www.nlr.gov> that employers may reproduce provided that the copies duplicate the Notice in content, format, type, and printed on paper (either black and white or in color) at least 11 inches by 17 inches in size. Employers must then post the Notice where other personnel rules or policies are customarily posted. The Notice may be included on the same announcement board with the other required notices as long as the required size is retained.

In addition to a physical notice requirement, the new rule also requires employers to post the Notice on an intranet or internet site if the employer customarily communicates with its employees about personnel rules or policies by such means. Employers may satisfy the electronic posting requirement by displaying prominently—i.e., no less prominently than other notices to employees—on such a site either an exact copy of the poster from the Board's website, or a link to the Board's website that contains the poster. The link to the Board's website must read, "Employee Rights under the National Labor Relations Act."

The Board has made clear that failure to post this Notice will be considered an unfair labor practice which has a number of potential adverse affects, including tolling the six-month period an employee has to file an unfair labor practice charge and using noncompliance as evidence of an unlawful motive in other unfair labor practice cases. If you have any questions about this new posting requirement or would like to discuss it further, please contact the Kullman attorney with whom you regularly correspond.



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