

ALERT

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LABOR AND EMPLOYMENT

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MANDATORY POSTER FOR UNION AND NON-UNION EMPLOYERS REGARDING EMPLOYEE RIGHTS UNDER NLRA

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Today's Federal Register includes a Final Rule promulgated by the National Labor Relations Board (NLRB) requiring all employers subject to the National Labor Relations Act (NLRA) to conspicuously post an 11-inch-by-17-inch notice advising employees of their rights under the NLRA, including the right to organize a union, and providing contact information for the NLRB in the event that any of these rights are violated. The rule also requires that the notice be posted on employer intranet or internet sites if personnel policies are customarily posted there. And if at least 20 percent of an employer's workforce is not proficient in English, a notice or notices must be posted in the language(s) employees speak. The rule can be found at nlrb.gov and goes into effect on November 14. The NLRB has stated that the notice will be available on the same website by November 1.

There is no monetary penalty for failure to comply with this rule. However, noncompliance constitutes an unfair labor practice. In addition, it could result in an extension of the six-month statute of limitations for the filing of a charge regarding other allegations of unfair labor practices. Furthermore, noncompliance could be considered evidence of an unlawful motive in an unfair labor practice case involving other alleged violations of the NLRA.

The rule, harshly criticized by the NLRB's sole Republican member as "arbitrary and capricious" and a transparent attempt "to reverse the steady downward trend in union density among private sector employees," is yet another example of the current NLRB's very pro-Labor stance and administrative activism.

For more information on the rule discussed in this alert or any labor and employment questions you may have, please contact Jeffrey L. Braff at 215.665.2048 or jbraff@cozen.com.

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