

## NLRB Issues Final Rule Requiring Posting of Notice to Employees

On August 25, 2011, the National Labor Relations Board (NLRB) issued a [Final Rule](#) that requires private sector employers subject to the NLRB's jurisdiction (union *and* non-union) to post a notice notifying employees of their rights under the National Labor Relations Act (NLRA). The Final Rule will take effect 75 days later, on November 14, 2011. Employers should begin posting the notice on November 14, 2011.

### *Location of posting*

Employers must post the 11" by 17" notice in conspicuous places where employees easily can see it, including all places where employers typically post notices to employees regarding policies. If an employer customarily communicates with employees about policies and procedures on an internal intranet site or on the Internet, the employer must display the notice prominently on that site as well. Federal contractors who already post the notice required by Executive Order 13496 will be deemed to be in compliance with the new Rule.

### *How do I get a copy of the notice?*

Copies of the notice will be available on the NLRB website and from the NLRB regional offices by November 1, 2011.

### *Content*

The extensive notice, which will be available on the NLRB's website, includes information about the NLRA and the rights of employees to:

- Organize a union;
- Form, join or assist a union;
- Bargain collectively;
- Discuss wages, benefits and other terms and conditions of employment;
- Raise complaints;
- Strike or picket; and
- Choose not to do any of these activities.

The notice also discusses actions that are illegal under the NLRA and the procedure for filing a complaint, including contact information for the NLRB.

### *Translation*

If 20% or more of the employees are not proficient in English, employers must post the notice in the language the employees speak. Employers may request translated copies of the notice from the NLRB and will not be liable for posting until the translated notice is available.

***Penalties for non-compliance***

An employer's failure to post the notice will be subject to an unfair labor practice charge through administrative processes of the NLRB. If the employer was unaware of the required notice and complies when instructed, the NLRB typically will close the unfair labor practice case without the need for formal administrative action or litigation.

In addition, the NLRB may order other remedies, including tolling of the time period for filing an unfair labor practice charge, meaning that employees would have longer than six months to file a charge against the employer. If the employer knowingly and willingly fails to post the notice, the failure may be used as evidence of unlawful motive in an unfair labor practice case involving other alleged violations of the NLRA.

A Fact Sheet also is available at <https://www.nlr.gov/news-media/fact-sheets/final-rule-notification-employee-rights>.

If you have any questions concerning the Final Rule, please contact [Lisa Berg](#) at 305-789-3543.