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National Labor Relations Board Requires Employers to Post Notice of Employee Rights

Beginning on April 30, 2012, most employers, whether or not their employees are unionized, will be required to post a notice advising employees of their rights under the National Labor Relations Act (“NLRA”). A copy of the required notice, the form and text of which are mandatory, can be found at <http://www.nlr.gov/>. Among other things, the notice advises employees of their rights to organize a union, to discuss wages and other terms and conditions of employment with co-workers and to take action with co-workers to improve working conditions. The notice must be posted “in conspicuous places where they are readily seen by employees, including all places where notices to employees concerning personnel rules or policies are customarily posted.” In addition, employers must 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. A few categories of employees, including those in domestic service, are not covered by the NLRA, and thus employers of only such employees should not need to post the notice.

The National Labor Relations Board (“NLRB”), which enforces the NLRA, issued a final rule last year requiring employers to post the notice as of January 31, 2012, but that date was changed to April 30, 2012 to allow a federal district court to hear and decide a lawsuit brought by a number of employer groups challenging the NLRB’s authority to issue the rule. The district court upheld the rule earlier this month. The employer groups have appealed the district court’s decision, but unless the appeals court issues a stay, the rule will become effective on April 30, 2012.

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