



NLRB Issues Final Rule for “Notification Of Employee Rights”

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On August 30, 2011, the National Labor Relations Board (“NLRB”) published a final rule requiring union and non-union employers to post specific employee notices of “employee rights” under the National Labor Relations Act (“NLRA”). Employers must also post the notices electronically, if other personnel-related rules or policies are also posted electronically. The notices must be posted in “conspicuous places” on the employer’s premises **on or before November 14, 2011**. The notices will soon be available on the NLRB’s website (<http://www.nlr.gov>).

The notice content is extensive and contains a laundry list of employee rights under the NLRA. Some examples of language that must be contained in the notice are: “Under the NLRA, you have the right to: ...”

- “Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.”
- “Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.”
- “Strike and picket, depending on the purpose or means of the strike or the picketing.”

The notice will also have to state various actions by employers that are illegal. The notice requires employers to inform employees, among other things, that an employer cannot:

- “Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.”
- “Question you about your union support or activities in a manner that discourages you from engaging in that activity.”
- “Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.”

The notice will also provide telephone and e-mail contact information for the NLRB and will state that it is an “official Government Notice” that “must not be defaced by anyone.” Employers not posting the notice will be subject to an unfair labor practice. Additionally, the NLRB may extend the six-month statute of limitations for unrelated unfair labor practice charges if the notice is not posted.

The required notice is a pre-cursor to other “rulemaking” by this extremely active and aggressive NLRB. The NLRB has already proposed rules to expedite elections and dramatically limit employer participation in the representation process – and other changes favoring increased unionization over employer speech and control of its workplace and workforce are on the horizon. Stay tuned!

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