

New Notice Required Under Department of Labor Final Rule

On January 30, 2009, President Obama signed Executive Order 13496, which required certain federal contractors and subcontractors to provide notice to employees of their rights to organize and bargain collectively under the National Labor Relations Act (NLRA). On May 20, 2010, the U.S. Department of Labor (DOL) issued its final rule regarding the new workplace notice requirement. The new posting rule becomes effective on **June 19, 2010**.

The DOL final rule requires that federal agencies must include a clause mandating the posting of the employee labor law notice in most contracts for an amount in excess of \$100,000 solicited on or after June 19th. Once the clause is included in the government contract, the contractor must also include that clause in each subcontract for an amount in excess of \$10,000. The requirement also extends to subcontractors entering into subcontracts in excess of \$10,000. However, contractors and subcontractors excluded from the definition of "employer" under the NLRA (e.g., carriers subject to the Railway Labor Act, states and political subdivisions) are not subject to the rule.

The required notice states the rights of employees to:

- organize a union
- form, join, or assist a union
- bargain collectively through a representative of their choosing
- discuss terms and conditions of employment with coworkers or a union
- take action to improve working conditions by raising complaints with their employer or seeking help from a union
- strike and picket
- refrain from participating in any of these activities

The notice also provides examples of prohibited conduct by employers and by unions. Finally, the notice indicates that employees should contact the National Labor Relations Board if they believe their rights or the rights of others have been violated.

The notice should be placed conspicuously in and around plants and offices so that it is prominent and readily seen by employees, preferably where other notices to employees are posted.

Continued on next page

If you would like more information about this or other employment issues, contact one of the following Roetzel & Andress attorneys.

Karen Adinolfi	Akron	330.849.6773	kadinolfi@ralaw.com
Aretta Bernard	Akron	330.849.6630	abernard@ralaw.com
Robert Blackham	Cleveland	216.615.4839	rblackham@ralaw.com
Ryan Bonina	Columbus	614.723.2012	rbonina@ralaw.com
Eric Bruestle	Cincinnati	513.361.8292	ebruestle@ralaw.com
Helen Carroll	Akron	330.849.6710	hcarroll@ralaw.com
Fred Compton	Akron	330.849.6610	fcompton@ralaw.com
Kevin Cooper	Toledo	419.254.5257	kcooper@ralaw.com
Christopher Debski	Akron	216.615.4858	cdebski@ralaw.com
Ann Eberts	Akron	330.849.6649	aeberts@ralaw.com
Michael Furbush	Orlando	407.835.8557	mfurbush@ralaw.com
Denise Hasbrook	Toledo	419.254.5243	dhasbrook@ralaw.com
Paul Jackson	Akron	330.849.6657	pjackson@ralaw.com
Doug Kennedy	Columbus	614.723.2004	dkennedy@ralaw.com
Gina Kuhlman	Cleveland	216.820.4202	gkuhlman@ralaw.com
Nathan Pangrace	Cleveland	216.615.4825	npangrace@ralaw.com
Charles Smith	Columbus	614.723.2025	csmith@ralaw.com
Jonathan Secrest	Columbus	614.723.2029	jsecrest@ralaw.com
Doug Spiker	Cleveland	216.696.7125	dspiker@ralaw.com
Brian Tarian	Columbus	614.723.2028	btarian@ralaw.com
Tracy Turoff	Cleveland	216.615.4829	tturoff@ralaw.com
Timothy Webster	Cleveland	330.849.6661	twebster@ralaw.com
Emily Wilcheck	Toledo	419.254.5260	ewilcheck@ralaw.com

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