

Employment Law Monitor

INSIGHTS ON RECENT DEVELOPMENTS IN FEDERAL AND STATE LABOR & EMPLOYMENT MATTERS

PUBLISHED BY



COLE SCHOTZ

COLE, SCHOTZ, MEISEL, FORMAN & LEDNARD, P.A.

Employers Are Now Required to Post Notice Informing Employees of Their Rights Under the National Labor Relations Act

September 9, 2011 by Randi W. Kochman

As promised, on August 25, 2011, the National Labor Relations Board (“NLRB”) issued final regulations pursuant to which the NLRB now requires all National Labor Relations Act (“NLRA”) - covered employers to post a notice to employees informing them of their rights under the NLRA. NLRA-covered employers include private employers that have an impact on interstate commerce, which is determined by the dollar volume of business generated. Importantly, employers must post the notice regardless of whether or not they have a unionized workforce. The notice, which is 11 x 17 inches, is required to be posted by **November 14, 2011**. Employers can find the content of the poster at www.nlr.gov.

The posters must be conspicuously displayed in the workplace in a location where employment notices are customarily posted. Employers that normally use the Internet or Internet sites to post personnel rules and/or policies should also post the notice, or the NLRB’s link to the notice, on the company’s website. As with the New Jersey Conscientious Employee Protection Act notice, where a majority of the workforce is not fluent in English, the employer must display a poster in the applicable and appropriate languages of the workforce.

Employers that fail to comply with this posting requirement may be subject to penalties, including an unfair labor practice charge, a finding that they have an “unlawful motive,” and/or the granting of extra time for employees to file an unfair labor practice charge against the employer.

Cole, Schotz, Meisel, Forman & Leonard, P.A.

Court Plaza North
25 Main Street
Hackensack, NJ 07601
Phone: (201) 489-3000

900 Third Avenue
16th Floor
New York, NY 10022
Phone: (212) 752-8000

500 Delaware Avenue
Suite 1410
Wilmington, DE 19801
Phone: (302) 652-3131

300 East Lombard Street Suite 2000
Baltimore, MD 21202
Phone: (410) 230-0660

301 Commerce Street
Suite 1700
Fort Worth, TX 76102
Phone: (817) 810-5250