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## Posting of NLRB Notice Postponed Until January 31<sup>st</sup>

In a press release issued on October 5, 2011, the National Labor Relations Board (NLRB) postponed the implementation date for its new notice-posting rule by more than two months. The effective date has been postponed from November 14, 2011 to January 31, 2012. The press release indicates that the postponement was "in order to allow for enhanced education and outreach to employers, particularly those who operate small and medium sized businesses."

Some would argue that the postponement was due to considerable political and legal pressure. The NLRB's decision was likely the result of a request made by U.S. District Court Judge Amy Jackson. Judge Jackson is currently deciding whether the NLRB should be enjoined from implementing its new rule until legal challenges to the rule are resolved.

*(NLRB Notice continued on page 3)*



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(NLRB Notice continued from page 1)

As background, the NLRB implemented a rule that requires nearly all private sector employers to post a notice informing employees of their rights under the National Labor Relations Act (NLRA). This Notice must be posted by employers regardless of whether they are union or non-union. The Notice informs employees of their right to unionize as well as engage in strikes, picketing and other protected concerted activity. The Notice also sets forth a litany of unlawful employer conduct. In addition, it instructs employees how to file charges against their employer and how to contact the NLRB. Basically, this is not the type of Notice that most employers want hanging on their break room wall.

The NLRB rule (assuming it doesn't get changed or nullified through court or political action) requires the Notice to be posted where other employment notices are customarily posted, as well as on a company "intranet or internet site if the employer customarily communicates with its employees about personnel rules or policies by such means." Employers can obtain printed, color copies of the official 11 x 17 Notice from the NLRB's Regional Office or it can be downloaded from the NLRB's web site: (<http://www.nlr.gov/news/nlr-poster-employee-rights-now-available-download>).

Non-union employers should certainly consider how this posting may affect their employees. Employees who may have never understood their rights before may potentially have questions. Are managers and supervisors prepared to respond to these questions? Do they know what they can and cannot say under the law? Does management understand that the NLRA applies to ALL employers and not just unionized employers? A little extra training to prepare managers to answer employee questions about this Notice is strongly advised. For example, supervisors should be trained about the meaning of the Notice, the company's position on unionization, the significance of authorization cards, and how and when to communicate lawfully about these subjects. This type of training is often referred to as "TIPS" training because it discusses the evils of threatening, interrogating, promising and surveilling, as it pertains to union avoidance. With the postponement until January 31, 2012, employers should have ample time to provide necessary training on these issues.

(Renisa A. Dorner; Cooper & Walinski; 10/11)

### NLRB New Posting Requirement Update!!

The new requirement handed down from the NLRB mandating all employers to post a notice of employee rights to unionize has been delayed from November 14, 2011 to January 31, 2012.

The new posting is currently being reviewed in court with a final decision on the posting requirement coming before the January 31<sup>st</sup> deadline.

If you are currently on our update service please do not throw out any posters. You may have already been sent the new poster with the NLRB posting. Do not post this poster. Keep it until it is required to be posted.

If you would like to order the new poster, contact Judi Roe at 419.893.3000 ext. 203 or by email at [jroe@employersassociation.com](mailto:jroe@employersassociation.com).



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