

# PUBLICATION

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## NLRB Requires Notice Posting By All Employers Subject To Its Jurisdiction

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**By November 14, 2011, all private sector employers, who are subject to the jurisdiction of the NLRA, must post an 11" by 17" notice of employee rights in their workplaces. This requirement applies to all employers, union and non-union alike, so long as they buy or sell at least \$50,000 in goods or services in interstate commerce.**

The notice expressly informs employees that they may:

- Organize a union to negotiate wages, hours, and other terms and conditions of employment;
- Bargain collectively for a contract through representatives chosen by employees;
- Discuss the terms and conditions of their employment or union organizing efforts with co-workers or union representatives;
- Take immediate action to improve their working conditions by raising work-related complaints directly with their employer, a government agency, or a union;
- Strike and picket under certain circumstances; and
- Choose to opt-out of joining or remaining a union member.

The notice must be posted in conspicuous locations in each workplace, as well as intranet sites where employee policies are customarily posted. Employers are not required to e-mail the notice to employees. Translated notices must be posted in workplaces with more than 20% of employees who are not proficient in English.

Failure to post the notice will result in a violation of Section 8(a)(1) of the NLRA. On the first offense, the NLRB will simply tell the employer to post the notice. However, failing to post the notice can be used to toll the six month statutory limitations period on any unfair labor practice charges occurring while the notice was not posted. Additionally, knowing and willful failure to post the notice may be used as evidence of anti-union animus to support other unrelated unfair labor practice charges.