

LEGISLATIVE UPDATE

NLRB Issues Final Rule Requiring Employers to Post a Notice Informing Employees of Their Rights Under the NLRA

On August 25, 2011, the National Labor Relations Board (NLRB or "the Board") issued a final rule entitled *Notification of Employee Rights under the National Labor Relations Act*.

The rule mandates that private sector employers subject to the National Labor Relations Act (NLRA) post a notice informing employees of their rights under the NLRA in a "conspicuous place" readily seen by employees and penalizes employers for non-compliance.

This new obligation applies to virtually all private sector employers, regardless of whether or not their workforces are unionized and regardless of whether they are federal contractors. The rule was published in the Federal Register on August 30, 2011 and will be effective 75 days later, on November 14, 2011.

The Notice must be posted in English. In addition, when 20% or more of an employer's on-site workforce is not proficient in English, the employer must post the notice in the language(s) the employees speak. The rule does not define "proficient." The rule requires employers to take reasonable steps to ensure that the "notice is not altered, defaced, covered by any other material, or otherwise rendered unreadable."

A link to the final version of the Notice issued by the Department of Labor is provided here: http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17_Final.pdf

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