

MEMORANDUM

TO: The Mandatory Poster Agency

FROM: Rhonda R. Kunkel

DATE: September 12, 2011

RE: National Labor Relations Act poster - new posting requirement

On August 30, 2011, the National Labor Relations Board issued a final rule that requires employers to post a notice regarding employees' ability to form or join a union. That rule goes into effect November 14, 2011. There are numerous exceptions to the posting requirement. The exceptions are set forth on the attached document from the Federal Register. While the NLRB will not be releasing the poster until approximately November 1, 2011, I can provide you with the language to use on solicitation documents.

The following wording should be used on solicitation documents regarding Federal posting requirements.

National Labor Relations Act (29 CFR §104.202)

"All employers subject to the NLRA must post notices to employees, in conspicuous places, informing them of their NLRA rights. . ."

It is also required of employers that have a workforce of 20 percent or more that is not proficient in English, to post the notice in the language that is spoken by that percentage of workforce.

Further, the NLRB rule also stated that:

Employers also may reproduce and use copies of the Board's official poster, **provided that the copies duplicate the official poster in size, content, form, and size and style of type.** In addition, employers may use commercial services to provide the employee notice poster consolidated onto one poster with other Federally mandated labor and employment notices, **so long as the consolidation does not alter the size, content, format, or size and style of type of the poster** provided by the Board.

Based upon this language, you will need to be certain that not only does the poster meet the size requirement of 11x17, but that it also duplicates the "size, content, form, and size and style of type" of the poster provided by the NLRB. Unfortunately, the content of the poster will not be known until it is released.