



HARRANG LONG
GARY RUDNICK P.C.
ATTORNEYS AT LAW



April 16, 2012

ALERT: APRIL 30 DEADLINE

Deadline For Private Employers To Comply With Notice Posting Rule

The National Labor Relations Board (NLRB) recently published a rule requiring all private sector employers subject to the National Labor Relations Act (NLRA) and the jurisdiction of the NLRB – both union and non-union – to post a notice informing employees of their rights under the NLRA. The NLRA covers a broad range of private sector employers with exceptions for specific types of business and small businesses with a limited impact on interstate commerce (such as retail businesses with gross annual volumes of business less than \$500,000 and non-retail businesses with an annual inflow or outflow of out-of-state goods or services totaling less than \$50,000). Employers subject to the rule must post the notice even if their workforce is not unionized.

Numerous lawsuits have been filed challenging the posting requirement. The U.S. District Court for the District of Columbia upheld the NLRB's authority to promulgate the notice posting rule, while a U.S. District Court in South Carolina recently held that the NLRB lacked the authority to pass the rule. Despite the ongoing litigation, the effective date for notice posting rule remains **April 30, 2012**.

Employers subject to the rule must post the notice in "conspicuous" places, including places where notices to employees concerning personnel rules or policies are customarily posted. The required [notice can be found at the NLRB's website](#). Employers are permitted to print the poster directly from the NLRB's website, but must retain its original size (11 x 17 inches). Alternatively, employers are permitted to provide the notice consolidated onto one large poster, which contains other federal and state mandated employment notices, so long as the size, content, and format of the NLRB's notice are not altered. In addition to posting the notice physically, employers who customarily communicate with their employees about personnel policies on an intranet or internet site are required to post the notice electronically.

As always, if you have any questions concerning the NLRA's coverage or the requirements of the NLRB's notice-posting rule, please contact [Randy Duncan](#) or [Kate Grado](#) at 503-242-0000.

The Closely-Held Business Team attorneys at Harrang Long Gary Rudnick are committed to serving the needs of business owners in a responsive and proactive manner. They understand the challenges and the opportunities provided by the law in today's business climate, and are focused on the advancement of each client's success in business.

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