

NLRB POSTPONES IMPLEMENTATION OF NEW NOTICE-POSTING RULE TO APRIL 30, 2012

The National Labor Relations Board (NLRB) has postponed the effective date for compliance with its new rule requiring private sector employers to post notices advising employees of their rights under the National Labor Relations Act (NLRA). Originally, the new rule was set to become enforceable on November 14, 2011, but the effective date was postponed to January 31, 2012 in order to allow more time for education and outreach with employers. The latest postponement, requested by the United States District Court in Washington, D.C. which is currently hearing legal challenges to the rule, sets April 30, 2012 as the new date for implementation.

If implemented, the new rule will apply equally to both union and non-union employers since the NLRA protects the right of all employees to form, join or assist labor unions and to bargain collectively over the terms and conditions of their employment. Copies of the final notice are available at no cost on the NLRB's website (www.nlr.gov).

Employers should prepare now to comply with this new rule. Failure to post the required notice after the effective date may be treated as an unfair labor practice by the NLRB, resulting in unnecessary and expensive litigation before the Board. We further recommend that clients periodically conduct a complete review of their union avoidance procedures and consider possible changes in current policies and procedures to aid in union avoidance. Of particular importance is training for all levels of supervisory employees on detecting and responding to union organizing activities early and effectively. As a service to our clients, Conner & Winters conducts supervisory training in union avoidance and consults with management on a full range of union issues. If you have any questions or would like assistance with union issues, please do not hesitate to contact us.

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