

EMPLOYMENT BULLETIN

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Notice Posting Requirement Delayed by the National Labor Relations Board

On October 5, 2011, the National Labor Relations Board (“the Board”) announced that it is postponing the implementation date of its Notice posting requirement from November 14, 2011 until January 31, 2012.

In its press release, the Board said that its decision was made in the interest of ensuring broad voluntary compliance with the new rule. The Board also stated that the purpose of the postponement is to allow for enhanced education and outreach to employers.

The new rule requires all employers subject to the National Labor Relations Act to post in a conspicuous place a notice drafted by the Board informing employees of their rights under the Act and about procedures already in place by which employees can enforce those rights. The details of the new Notice requirement were outlined in the September 2011 issue of the *Employment Bulletin* which can be found at <http://www.babstcalland.com/legal-resources/documents/new-federal-posting-requirement-employee-rights-under-the-national-labor-relations-act.pdf>. Additional information about the Notice requirement or its postponement can be found on the Board’s website at www.nlrb.gov.

The Board’s announcement was posted on its website about an hour before the chairman of the House Education and Workforce Committee, Rep. John Kline (R-Minn.), announced that he introduced the “Workforce Democracy and Fairness Act” in the House of Representatives. The proposed legislation would make significant changes to sections of the National Labor Relations Act that deal with employee questions concerning union representation. The bill appears designed to limit the Board’s ability to make sweeping changes to the workplace. It remains unclear what impact the proposed legislation will have on the postponed Notice posting requirement.

Babst Calland’s Employment and Labor Services Group will continue to keep employers apprised of further developments related to this and other issues. If you have any questions or need assistance in addressing the above-mentioned area of concern, please contact John McCreary at 412-394-6695 or jmccreary@babstcalland.com.

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