

March 28, 2012

ALERT

## REMINDER

# Employers Must Post Notice of Employee Rights to Unionize By April 30, 2012

By Bennett Pine

**O**n March 2, 2012, a federal district court in Washington, D.C., upheld the right of the National Labor Relations Board (NLRB) to require employers subject to the National Labor Relations Act to display a poster notifying employees of their right to unionize.

The NLRB had twice previously postponed the effective date of the notice. The court did rule, however, that an employer's failure to post the notice, by itself, would not constitute a *per se* unfair labor practice, but merely evidence of such a violation. Nevertheless, it appears that the notice now must be posted by employers no later than April 30, 2012, and that, as a result, employers should prepare for the possibility of increased union activity or interest by employees.

The original requirement is described in the September 2011 issue of Anderson Kill's Employment Law Insider Alert "Another Employer Obligation — NLRB Issues New Regulations Requiring Employers to Post Notice of Employee Rights to Unionize."<sup>1</sup>

Most private sector employers will be required to post the 11-inch by 17-inch notice which will be available at no cost from the NLRB and through its website.<sup>2</sup>

Additional information and a link to the official poster issued by the NLRB are available on our website.<sup>3</sup>

No other changes in the original rule or notice have been made.

*Note: We will continue to monitor developments as well as additional forms and guidelines developed by the NLRB. Please contact the author, Bennett Pine, if you have any questions or require additional information. ▲*

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<sup>1</sup><http://www.andersonkill.com/webpdfext/publications/ELI/PDF/EmploymentLawInsider-September2011.pdf>

<sup>2</sup><https://www.nlrb.gov/poster>

<sup>3</sup>[http://www.andersonkill.com/news\\_article.asp?newsid=1210](http://www.andersonkill.com/news_article.asp?newsid=1210)





## who's who

**Bennett Pine** is a shareholder in Anderson Kill's New York and

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