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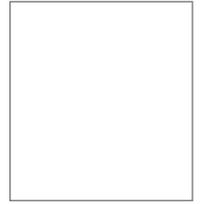
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MORE POSTERS ON THE WALL

New Posting Requirements for Employers Become Effective January 31, 2012

On August 25, the NLRB issued a new 45-page rule requiring employers to post an 11" x 17" notice. The rule poses new issues for both unionized and non-unionized employers. While originally slated to go into effect on November 14, 2011, the NLRB recently delayed implementation of the posting requirement to January 31, 2012.

In addition to unionized employers, this rule reaches most non-unionized employers. Rare exceptions include employers in the agricultural, railroad and airline industries (which the NLRB does not cover), the postal service, government employers, and certain small businesses over which the NLRB does not exercise jurisdiction. Independent contractors are also excluded.

Employers must post the notice:

- in conspicuous places (including all places where notices to employees concerning personnel rules or policies are customarily posted)
- on the Internet and intranet if the employer customarily posts personnel policies or rules in that manner
- in the format and size (at least 11" x 17") that the rule prescribes
- in English and all other languages spoken by at least 20% of employees (if those employees are not proficient in English) – although the rule offers some options on this point

It should be noted that two lawsuits filed to prevent the posting requirement will be consolidated and heard by a federal judge on December 19, 2011, adding further uncertainty to the finality of the posting requirement.

For more information, contact your Miller Canfield Employment + Labor attorney.



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