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EMPLOYEE RIGHTS POSTER

The National Labor Relations Board (NLRB) has proposed a regulation requiring employers subject to the National Labor Relations Act (NLRA), to post notices informing their employees of their rights as employees under the NLRA.

The proposed rule establishes the size, form, and content of the notice, and sets forth provisions regarding sanctions and remedies that may be imposed if an employer fails to comply with its obligations under the rule. The employee notice must be posted physically in conspicuous places, including all places where notices to employees are customarily posted. Employers must take steps to ensure that the notice is not altered, defaced, or covered with other material.

In addition to requiring physical posting of paper notices, notices must be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the employer customarily communicates with its employees by such means.

What will be on this poster? The following:

EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.

- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.

- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten you that you will lose your job unless you support the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take other adverse action against you based on whether

you have joined or support the union.

If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlr.gov.

You can also contact the NLRB by calling toll-free:

1-866-667-NLRB (6572) or (TTY) 1-866-315-NLRB (1-866-315-6572) for hearing impaired.

*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

This is an official Government Notice and must not be defaced by anyone.

The NLRB believes that many employees protected by the NLRA are unaware of their rights under the NLRA. The intended effects of their proposal are to increase knowledge of the NLRA among employees, to better enable the exercise of rights under the statute, and to promote statutory compliance by employers and unions.

According to the NLRB, the NLRA is almost unique among major Federal labor laws in not including an express statutory provision requiring employers routinely to post notices at their workplaces informing employees of their statutory rights.

The NLRB estimates that in order to comply with this rule, each employer subject to the NLRA will spend a total of 2 hours during the first year in which the rule is in effect. This includes 30 minutes for the employer to learn where and how to post the required notices, 30 minutes to acquire the notices from the NLRB or its website, and 60 minutes to post them physically and

electronically, depending on where and how the employer customarily posts notices to employees.

The NLRB has determined that the average cost of complying with the notice-posting rule in the first year for all employers subject to the NLRA will be \$62.04. The NLRB concluded that the economic impact on small employers is not significant.

The NLRA applies to most employers and, as a result, this notice requirement. There are some gross receipts exemptions and some industry exemptions. Businesses that engaged intrastate commerce only are exempt too, but very few businesses are truly intrastate under federal law interpretations.

There is a retail exemption for businesses with a gross annual volume of business of \$500,000 or less. The nonretail standard, which is based either on the amount of goods sold or services provided by the employer out of state (called "outflow") or goods or services purchased by the employer from out of state (called "inflow") exempts businesses with an annual inflow or outflow of \$50,000 or less. There are other standards for miscellaneous categories of employers.

The reality is that employees have been entitled to these rights forever. There are international standards that acknowledge these rights.

But to suggest employers have an affirmative obligation to tell employees about these rights is a stretch.

Ironically, if promulgated, this will have more of an impact on the small business community than the passage of the so-called "card check" legislation. With card-check, union organizers would have targeted bigger businesses or industries in which one could "roll up" particular job classifications into a union with the card check.

If this is promulgated, the likelihood of random activity increases exponentially, because, while probably innocuous, it is nearly universal in reach.

Based on our long experience with small business owners, just the notion of the government telling them to do one more thing, is not going to go over well, particularly on the heels of the Form 1099 debacle.

HEALTH CARE REFORM REPEAL

The House of Representatives has delayed the vote to repeal the health care reform law that was scheduled for this week in respect for Representative Giffords' tragedy.

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