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Re: Requirement for Federal Contractors to Post Notice of Employee NLRA Rights Takes Effect

Dear :

As we have previously reported, effective June 21, 2010, all non-exempt federal contractors and subcontractors are required to post notices advising employees of their rights under the National Labor Relations Act (NLRA), and to impose that requirement on their subcontractors. This requirement is contained in Executive Order 13496, signed by President Obama on January 30, 2010.

This action is another pay-back by President Obama to his labor union supporters. The proffered rationale for the notice is that employee knowledge of their basic statutory rights promotes stable labor-management relations. The actual purpose of the notice is to invite and encourage employees to unionize. To that end, the notice informs employees of their rights to form, join or assist a union and to collectively bargain with their employer, provides examples of illegal conduct by employers and unions under the NLRA, and invites employees to report violations to the National Labor Relations Board.

The size, color and content of the notice is explicitly prescribed by Department of Labor (DOL) regulations (29 CFR Part 471, Appendix A) and cannot be altered. Employers who post notices to employees electronically must also post this notice in that medium, which apparently can be satisfied by posting a link to a specified DOL site containing the poster. In the event that a significant portion of a company's workforce is not proficient in English, the regulations require that the Notice be posted in the language of those employees.

The requirement to post the notice is enforced by the customary executive order mechanism, and a continuing refusal to post could result in debarment. Copies of the poster and additional information are available at <http://www.dol.gov/olms/regs/compliance/EO13496.htm>.

Let me know if you have any questions as to your compliance responsibilities or as to recommended proactive steps in the aftermath of this Executive Order.