

# Advisory

LABOR, EMPLOYMENT AND BENEFITS PRACTICE GROUP | JUNE 2010

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## *Employee Rights Under the NLRA*

Effective June 19, 2010, new regulations issued by the U.S. Department of Labor will require federal contractors and subcontractors to post a notice informing employees of their rights to unionize and bargain collectively under the National Labor Relations Act (NLRA). The notice also includes examples of prohibited employer and union conduct, and states how employees can contact the National Labor Relations Board.

The notice must be posted in a prominent location at the company where it will be readily seen by employees. In particular, contractors and subcontractors must post the notice where other job-related notices to employees are posted. Contractors that post job-related notices electronically must also post this notice electronically with this link ([http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17\\_Final.pdf](http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17_Final.pdf)) to the U.S. Department of Labor (DOL). If a significant portion of the employer's workforce does not speak English proficiently, the posting must be in the language spoken by employees. Translations

of both the physical and electronic postings may be obtained from the DOL.

Additionally, all applicable federal contracts and modifications entered after June 19, 2010, must include a provision obligating federal contractors and subcontractors to post the new notice and to include the posting provisions in subcontracts ("flow down contracts"). However, failure to include this required provision will not release covered contractors and subcontractors from their obligation to post the required notice. Moreover, contractors who violate these regulations requiring notification of these rights may be subject to sanctions, such as suspension or cancellation of the contract.

These new regulations replace the Bush Administration's "Beck Notice," which was rescinded by Executive Order 13496, signed by President Obama on January 30, 2009. A copy of the poster can be viewed at [http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17\\_Final.pdf](http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17_Final.pdf).

*This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.*

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