

NLRB Posting Update

In 2011, the National Labor Relations Board, NLRB, under its notice posting rule, established a rule that would have required private employers to post a notice of employee rights under the National Labor Relations Act, essentially the right to organize.

Two federal courts of appeals, the Fourth Circuit and the D.C. Circuit have rejected and invalidated that rule. The NLRB's [website](#) indicated on January 6, 2014 that it would not appeal the decision to the Supreme Court. The Board will however be free to post that "information" on its website and make efforts to educate the public.

However, federal contractors and subcontractors are obligated to post a very similar notice informing employees under the National Labor Relations Act. The obligation arises under an Executive Order under the Federal Acquisition Regulations 48 CFR 52.222-40.

The National Manufacturers Association as well as the Virginia Manufactures Association have a lawsuit pending against the Office of Federal Contract Compliance Program to invalidate this rule as well. Wait and Watch.

For Ergo Resource Management clients in the private sector, unless you are a Federal Contractor or subcontractor with government contracts, there are no posting requirements regarding employee rights under the NLRA.

For those of you subject to the OFCCP as a Federal Contractor or subcontractor, you would be wise to discuss the matter with counsel.

Ergo Resource Management will continue to track developments of this important issue.