

June 9, 2010

## **New Workplace Poster Required for Federal Contractors and Subcontractors**

Effective June 21, 2010, certain federal contractors and subcontractors must post a new notice in the workplace advising employees of their rights under the National Labor Relations Act (NLRA). The poster -- "Employee Rights Under the National Labor Relations Act" -- is required by a [U.S. Department of Labor \(DOL\) rule](#) that applies to federal contractors with a contract of \$100,000 or more and federal subcontractors with a contract of \$10,000 or more.

The notice advises employees of their right to form, join and assist a union, and to bargain collectively; provides examples of unlawful employer and union conduct; and indicates how employees can contact the National Labor Relations Board, which enforces the NLRA. The rule implements provisions of Executive Order 13496, which was signed by President Obama last year.

The notice must be posted conspicuously in the employer's plants and offices, where the employer customarily places other employee notices and where employees engage in activities relating to the performance of the contract. The poster can be downloaded from the DOL's Office of Labor Management Standards (OLMS) [website](#), and must be printed on 11x17-inch paper or two sheets of 8½x11-inch paper. If a significant portion of the workforce is not English-proficient, the contractor must post the notice in other languages, as applicable. Translated notices can be obtained from the OLMS.

Employers that customarily provide employee notices electronically must also post the new notice electronically, via a link to the full poster on the OLMS [website](#). The link must be placed where the employer customarily places other electronic notices. Note that electronic posting is not a substitute for physical posting.

In addition to the posting requirement, the new rule also requires contractors to incorporate into most federal contracts and subcontracts an "employee notice clause" that describes the new posting obligation. This provision applies to government contracts entered into on or after June 21, 2010.

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The posting and notice provisions will be enforced by the OLMS and the DOL's Office of Federal Contract Compliance Programs (OFCCP), and it is likely that audits by these agencies will include an examination of compliance with the new requirements. Noncompliance may result in the suspension or cancellation of the contract, and the contractor could face debarment from future federal contracts.

For more information and to download the poster, go to the OLMS website at: <http://www.dol.gov/olms/regs/compliance/EO13496.htm>.

For over a decade, Miller Law Group has devoted its practice exclusively to representing business in all aspects of California employment law and related litigation. If you have questions about these new developments or your workplace obligations, please contact Michele Ballard Miller ([mbm@millerlawgroup.com](mailto:mbm@millerlawgroup.com)) or Carolyn Rashby ([cr@millerlawgroup.com](mailto:cr@millerlawgroup.com)), or call 415-464-4300.

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