

New Notice Required Under Department of Labor Final Rule

On January 30, 2009, President Obama signed Executive Order 13496, which required certain federal contractors and subcontractors to provide notice to employees of their rights to organize and bargain collectively under the National Labor Relations Act (NLRA). On May 20, 2010, the U.S. Department of Labor (DOL) issued its final rule regarding the new workplace notice requirement. The new posting rule becomes effective on **June 19, 2010**.

The DOL final rule requires that federal agencies must include a clause mandating the posting of the employee labor law notice in most contracts for an amount in excess of \$100,000 solicited on or after June 19th. Once the clause is included in the government contract, the contractor must also include that clause in each subcontract for an amount in excess of \$10,000. The requirement also extends to subcontractors entering into subcontracts in excess of \$10,000. However, contractors and subcontractors excluded from the definition of "employer" under the NLRA (e.g., carriers subject to the Railway Labor Act, states and political subdivisions) are not subject to the rule.

The required notice states the rights of employees to:

- organize a union
- form, join, or assist a union
- bargain collectively through a representative of their choosing
- discuss terms and conditions of employment with coworkers or a union
- take action to improve working conditions by raising complaints with their employer or seeking help from a union
- strike and picket
- refrain from participating in any of these activities

The notice also provides examples of prohibited conduct by employers and by unions. Finally, the notice indicates that employees should contact the National Labor Relations Board if they believe their rights or the rights of others have been violated.

The notice should be placed conspicuously in and around plants and offices so that it is prominent and readily seen by employees, preferably where other notices to employees are posted.

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