

# KROKIDAS & BLUESTEIN

## ATTORNEYS

### CLIENT ALERT

#### UPDATE REGARDING EMPLOYMENT NOTICE REQUIREMENTS

Employers should be aware of two recent developments concerning workplace posting requirements.

#### **I. Delay in National Labor Relations Board Rule Requiring Workplace Posting of Notice Regarding Unionization Rights**

On August 25, 2011, the National Labor Relations Board (“NLRB”) published a final rule (the “Rule”) requiring most private sector employers to post a notice informing employees of their right to unionize. The Rule was intended to go into effect on November 14, 2011. However, the NLRB recently postponed implementation until January 31, 2012 in order to conduct further research on its impact. Further, several lawsuits have been filed challenging the NLRB’s authority to require businesses to post the notice, which may result in even further delay or may block implementation of the Rule altogether.

The Rule requires that the notice be posted where other workplace rights and personnel rules or policies are posted, including the company internet or intranet site if employers typically post personnel rules and policies there. The notice must also be posted in an appropriate foreign language if at least twenty percent of the workforce is not proficient in English. A copy of the notice, which is 11”-by-17” in size, can be obtained here:

[http://www.nlr.gov/sites/default/files/documents/1562/employee\\_rights\\_nlra.pdf](http://www.nlr.gov/sites/default/files/documents/1562/employee_rights_nlra.pdf)

*What Employers Should Know:* In preparation for the compliance deadline – which is currently set for January 31, 2012 – employers should provide training to management regarding the Rule. In particular, managers should be prepared to respond to questions from staff on their right to unionize. What a manager says in response to such questions is important in view of the potential for future charges of unfair labor practices.

#### **II. The Massachusetts Department of Unemployment Assistance (“DUA”) Changes Unemployment Publications**

Last month the Massachusetts Department of Unemployment Assistance (DUA) revised the pamphlet that employers are required to provide to employees who separate either permanently or temporarily from employment. The revisions include the DUA’s amended hours for accepting telephone claims. A copy of the updated publication, "To Massachusetts Workers: How to File for Unemployment Insurance Benefits" (DUA Form 0590-A, Rev. 07-11), is available by clicking here:

[http://www.mass.gov/Elwd/docs/dua/0590a\\_508.pdf](http://www.mass.gov/Elwd/docs/dua/0590a_508.pdf)

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