



September 14, 2011

Re: ABC's "Additional Rights under the National Labor Relations Act" Supplemental Notice Poster

Dear Chapter Presidents:

On Aug. 30, the National Labor Relations Board (NLRB) issued a final rule, effective Nov. 14, requiring all employers subject to the National Labor Relations Act (NLRA)—which includes all ABC members—to display a notice in their workplaces enumerating a select set of employee rights under the NLRA. A lawsuit has been filed to block the NLRB's rule from going into effect. While the suit is pending, it is unclear when or whether the NLRB notice posting requirement will go into effect.

The official NLRB notice is now available for download free of charge from the NLRB's website, www.nlr.gov. If the pending lawsuit fails to stop the NLRB rule from going into effect, then employers will be required to post the notice starting Nov. 14. In addition to a physical posting, the posting will have to be done electronically (on the internet or company intranet) if the employer customarily posts official notices in that manner. Please note that the Board has exempted any federal contractors already in compliance with a similar notice posting requirement from the U.S. Department of Labor.

In addition to the NLRB notice, the Board has stated that employers will be permitted to post their own supplemental notices of employee rights, as long as such notices do not contain "threat[s] of reprisal or force or promise[s] of benefit." Accordingly, ABC has produced a sample supplemental notice, designed exclusively for nonunion contractors, outlining additional rights granted to employees under the NLRA that are not mentioned in the NLRB's notice. Please see attached. It is important to note that the posting of ABC's sample notice does not exempt an employer from its obligation to post the official NLRB notice as directed.

More information on NLRB's new rule can be found at www.abc.org/finalregulations. As always, ABC recommends that employers consult with experienced legal counsel in all federal labor relations matters. This letter, and the attached notice, are intended for informational purposes only, and do not constitute legal advice or opinion.

ABC will be closely monitoring the situation and will send out further information to members as we approach the Nov. 14 posting date.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey Burr", with a long horizontal line extending to the right.

Geoffrey Burr
Vice President, Federal Affairs

Attachment: ABC's "Additional Rights under the National Labor Relations Act" Supplemental Notice Poster

ADDITIONAL RIGHTS

under the National Labor Relations Act

The National Labor Relations Board (NLRB) requires all employers subject to the National Labor Relations Act (NLRA)—including employers in the construction industry—to display a notice in their workplaces listing certain employee rights under the NLRA. The NLRB notice posting requirement permits employers to post their own notice, as long as it does not contain “threat[s] of reprisal or force, or promise[s] of benefit.” We are therefore advising employees of additional rights under the law:

Under the NLRA:

YOU HAVE THE RIGHT to refuse to support or vote for any union.

YOU HAVE THE RIGHT to work, think, and speak for yourself, without paying dues to any union.

YOU HAVE THE RIGHT to refuse to sign any union authorization card or petition without fear of threats or reprisals.

YOU HAVE THE RIGHT to perform work and be rewarded based on merit, without worrying about where you rank on a union hiring hall list.

YOU HAVE THE RIGHT to work without being threatened, fined or harassed for crossing a union picket line.