



## HR & BENEFITS UPDATE

### **New Rule Requires Federal Government Contractors To Post New “Employee Rights Under The National Labor” Poster**

*May 20, 2010*

Federal government contractors and subcontractors generally must post a new federally-mandated “Employee Rights Under The National Labor” poster informing employees of federal unionization rights and protections under the National Labor Relations Act under a new rule U.S. Department of Labor Office of Labor-Management Standards (DOL) today (May 20, 2010).

The new regulation available [here](#) implements the Executive Order 13496 (“Executive Order 13496”) signed by January 30, 2009, which requires nonexempt Federal departments and agencies to include within their Government contracts specific provisions requiring contractors and subcontractors with whom they do business to post notices informing their employees of their rights as employees under Federal labor laws protecting union organizing rights.

This final rule establishes the content of the notice required by the Executive Order’s contract clause, and implements other provisions of the Executive Order, including provisions regarding sanctions, penalties, and remedies that may be imposed if the contractor or subcontractor fails to comply with its obligations under the Order and the implementing regulations. Among other things the regulation:

- Defines terms;
- Prescribes the size, form and content of the employee notice;
- Establishes exceptions to the requirements for exceptions for certain types of contracts and contracting departments and agencies; and
- Standards and procedures related to complaint procedures, compliance evaluations, and enforcement of the rule; and
- Other standards and procedures related to certain ancillary matters.

To fulfill the new requirements, covered government contractors must post a new Labor Department poster containing the required notice in accordance with the Rule. Covered employers may obtain the required poster from either:

- The applicable Federal contracting agency;
- The Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5609, Washington, DC 20210;
- Any Labor Department Office of Labor-Management Standards or Office of Federal Contract Compliance
- Programs;
- By download from the Office of Labor-Management; or
- Standards Web site [Office of Labor-Management Standards Website](#).

If the contractor or subcontractor customarily posts notices to employees electronically, it also must electronically prominently on any Web site maintained by the contractor or subcontractor

customarily used for notices to employees about terms and conditions of employment, a link to the Department of Labor's Web site that contains the full text of the poster in the manner required by the regulation.

Backed by the Obama Administration and the Democrat Majority in Congress, union organizing, public policy and other activities are creating significant new challenges for employers. The new Rule reflects this support. In the face of this expanding activities and proposed legislation and regulations that designed to further strengthen unions, employers need to clearly understand their obligations and rights and obligations under the NLRA and other federal labor laws and consider and carefully administer strategies to manage employment and operational risks that heightened union activities can create. If you need additional information about the new Rule, help understanding or responding to union matters, or assistance with other employment, employee benefit or compensation matters a contact the author of this update, attorney and consultant Cynthia Marcotte Stamer, for assistance at (469) 767-8872 or [here](#).

### **About Ms. Stamer**

Board Certified in Labor & Employment Law by the Texas Board of Legal Specialization, management attorney and consultant Ms. Stamer is nationally and internationally recognized for more than 23 years of work helping businesses manage labor and employment, employee benefits, performance management and discipline, compliance and internal controls, risk management, and public policy matters including specific labor-management relations experience. The Editor and Publisher of Solutions Law Press, Ms. Stamer also is recognized for her publications, industry leadership, workshops and presentations on these and other health industry and human resources concerns. She regularly speaks and conducts training for the American Bar Association, American Health Lawyers Association (AHLA), Health Care Compliance Association, Institute of Internal Auditors, Society of Human Resources Management, and many other organizations. Publishers of her many highly regarded writings on health industry and human resources matters include the Bureau of National Affairs, Aspen Publishers, ABA, AHLA, Aspen Publishers, Schneider Publications, Spencer Publications, World At Work, SHRM, HCCA, State Bar of Texas, Business Insurance, James Publishing and many others. You can review other highlights of Ms. Stamer's experience [here](#). Her insights on these and other matters appear in Managed Care Executive, Modern Health Care, the Wall Street Journal, the Dallas Business Journal, the Houston Business Journal, MDNews, Kentucky Physician, and many other national and local publications.

If you need help with human resources or other management, concerns, wish to ask about compliance, risk management or training, or need legal representation on other matters please contact Cynthia Marcotte Stamer [here](#) or (469)767-8872.

### **Other Resources**

If you found this information of interest, you also may be interested in reviewing other updates and publications by Ms. Stamer including:

- [\*\*Stamer Speaks June 9 On "Health Care Reform's Implications For Employers, Health Plans & Employee Benefits Practitioners" In Houston\*\*](#)
- [\*\*Defined Contribution Plans Investing In Publically Traded Employer Securities Face New Requirements\*\*](#)
- [\*\*CBO Raises Estimated Cost of Health Care Reforms As Employers, Health Plans Brace Costs Of Newly Effective & Impending Mandates\*\*](#)
- [\*\*Join Project COPE: Help Develop Real Tools To Meaningfully Empower Patients & Improve Health Care Access, Affordability & Quality\*\*](#)
- [\*\*Unemployment, COBRA Premium Subsidy Temporarily Extended As Congress Mulls Passing Longer Relief\*\*](#)

- [TSHHRAE Provides Health Industry HR & Other Managers Employment Law Update & Other Timely Management Training At April Barnstorm 2010: Creating Effective Leaders Programs](#)
- [New Study Shares Data On Migrant Health Care Challenges Along The Border](#)
- [Getting Your Health Care Reform Message Heard By Key Congressional Leaders](#)
- [Extension of Unemployment Benefits Signed Into Law & Immediately Effective As Filibuster Ends](#)
- [COBRA Premium Subsidy Requirements Expanded & Extended Under Newly Signed Unemployment Extension Legislation](#)
- [Employers Concerned About New Union Powers As NLRB Orders Union Elections In 31 California Health Care Facilities To Proceed](#)
- [Privacy Rule Changes & Posting of Breach Notices On OCR Website Signal New Enforcement Risks For Health Plans, Their Sponsors & Business Associates](#)
- [Stamer To Present “2010 Health Plan Checkup” At Annual DFW ISCEBS Employee Benefits Fundamentals Workshop](#)
- [SouthWest Benefits e-Connections Highlights Stamer Article About Importance For Health Plans, Their Sponsors & Business Associates To Update HIPAA Policies, Practices & Agreements](#)
- [Health Plan Liability Heats Up As Plans & Businesses Face New Obligations, Costs & Exposures under New HIPAA Privacy Rules Effective 2/17 & Other Expanding Federal Health Plan Mandates](#)
- [Employers, Group Health Plans Subject To New CHIP/Medicaid Notice, Coordination of Benefits & Special Enrollment Requirements](#)
- [Health Plans & Business Associates Face 2/17 Deadline To Update Policies, Contracts & Procedures For HIPAA Privacy Rule Changes](#)
- [St. Louis Employer's OSHA Violations Trigger Contempt Order and Penalties](#)
- [Labor Department Final H-2A Certification Procedures Tighten Requirements For Employment Of Temporary Agricultural Employment Of Workers](#)
- [COBRA, HIPAA, GINA, Mental Health Parity or Other Group Health Plan Rule Violations Trigger New Excise Tax Self-Assessment & Reporting Obligations](#)
- [Inapplicability of HIPAA Privacy To Disability Insurer Not License To Impose Unreasonable Claims Requirements](#)
- [New Mental Health Parity Regulations Require Health Plan Review & Updates](#)

If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile [here](#) or e-mailing this information [here](#) or registering to receive our Solutions Law Press distributions [here](#). For important information about this communication click [here](#). If you do not wish to receive these updates in the future, send an e-mail with the word “Remove” in the Subject to [here](#).