

**MANDATORY EMPLOYER NOTICE DESIGNED TO PROMOTE  
UNION ORGANIZING - EFFECTIVE JANUARY 30, 2012**  
(November, 2011)

**I.**

The Obama appointed members of the National Labor Relations Board ("NLRB") have caused it to publish various rule changes to make it easier for Unions to organize non-Union companies. Some of these rules are still in the "proposed" stage, but one rule is final and was to become effective on November 14, 2011, but it has been delayed until January 30, 2012 (because of several lawsuits challenging the rule). This rule requires all companies to post a Notice to employees of their right to bargain collectively with their employer, i.e. through joining Unions! (The Notice is attached).

The Notice also quotes the portion of the law which says that employees have a like right not to bargain collectively, (without a Union), but the emphasis and entire purpose of the posting is to encourage employees to actively explore representation by Unions.

According to the NLRB, employers who do not do the posting may be guilty of an Unfair Labor Practice ("ULP"), which can potentially have far reaching consequences for any non-Union company. These consequences are too complex to discuss in detail here but, in essence, a record of a previous ULP can be a great hindrance to a company which later desires to resist a Union organizing drive!

**II.**

The Mandatory Notice is only the first step in a program initiated by the members of the NLRB to so expedite Union elections that employers have almost no time to talk to their employees about the adverse consequences of Union representation and membership, after the employer receives notice from the NLRB that a Union organizing drive is underway. The Rules implementing the other new procedures are currently in the "comment" period and are not final - but it is perfectly clear that the final rules will result in some form of "hurry up" elections to prevent employers from having a realistic amount of time to respond after receiving an NLRB Petition for an election!

Preparations for dealing with this Notice and other changes should be the top priority for all non-union companies who wish to maintain that status! Those who are interested in more detail should contact the Firm. We have over 35 years of extensive experience in representing management in resisting Union organization drives and in other Company/Union relations, in a wide variety of industries.

Other developments in this area will be posted as they occur.

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## "EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT"

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA\* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

"Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

"Under the NLRA, it is illegal for your employer to:

- Prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

"Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten or coerce you in order to gain your support for the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take adverse action against you because you have not joined or do not support the union.

"If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

"Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's Web site: <http://www.nlr.gov>.

You can also contact the NLRB by calling toll-free: 1-866-667-NL11B (6572) or (TTY) 1-866-315-NLRB (1-866-315-6572) for hearing impaired.

If you do not speak or understand English well, you may obtain a translation of this notice from the NLRB's Web site or by calling the toll-free numbers listed above.

"\*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

"This is an official Government Notice and must not be defaced by anyone.