



*Additional questions can be sent to allmarketing@franczek.com.
Our attorneys will provide answers to submitted questions on this web page.*

Q. As a government contractor, I'd appreciate your opinion re: whether any of the legal challenges to the posting requirement will affect our existing requirement to post this notice.

A. We do not believe that the current legal or legislative challenges to the NLRB's rule will affect the posting requirement for government contractors.

Q. Is there any impact or further restrictions to long help TIPS or SPIT protocols for employers?

A. Your TIPS and SPIT protocols generally should remain the same, but also cover issues that may arise as a result of the posting.

Q. Some materials state the posting requirement will apply to employers "covered by the NLRA." The NLRB website states the new rule will apply to "private-sector employers." If finalized, how will the mandate apply to education institutions?

A. Public education institutions are not covered by the NLRA. Private and for-profit education institutions are covered. Private religious education institutions may be exempt.

Q. Does this requirement apply to public colleges?

A. No.

Q. If an employee contacts the NLRB to allege a violation of this posting, will the result be a formal unfair labor practice charge or will there be some form of investigation before a charge is filed?

A. The Board cannot act unless a charge is filed. If an employee files a charge, the NLRB will investigate. If the employee chooses not to file, the NLRB can't investigate.

Q. We have a union in our manufacturing plant. Are unions looking at this as an opportunity to get into offices like ours that don't have a union?

A. In a word, yes. We believe the notice will raise employee awareness of unions. In turn, that may provide unions with new organizing opportunities.

Q. What revenue amount for a business triggers the posting notice?

A. It depends on what kind of business you are and/or the type of industry you are in. A retail business is subject to the NLRB's jurisdiction if its gross annual volume of business is \$500,000 or more. The Board's non-retail jurisdictional standard applies to most other employers. As the NLRB's website explains, the non-retail standard is based on the amount of goods sold or services provided by the employer out of state (called "outflow") or goods or services purchased by the employer from out of state (called "inflow"), even indirectly. Under this standard, the Board will take jurisdiction over an employer with an annual inflow or outflow of at least \$50,000. Still other standards apply to other businesses or industries.
