

# NLRB General Counsel Issues Memo on Notice-Posting Requirement

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On May 20, 2020, National Labor Relations Board (NLRB) General Counsel Peter Robb issued new guidance in [Memorandum G.C. 20-06](#) regarding the NLRB's remedial notice posting requirements. Effective immediately, the 60-day remedial notice-posting requirement in matters resolved via NLRB informal settlement agreements will commence within 14 days after a "substantial complement of employees" have returned to work. The memo defines a "substantial complement" as at least 50 percent of the total number of employees employed at the facility in question before it closed due to the COVID-19 pandemic. If an employer's facility remained open and staffed throughout the pandemic without interruption, Memorandum G.C. 20-06 does not apply.

G.C. Memorandum 20-06 is consistent with the temporary change the Board announced in *Danbury Ambulance Service, Inc.*, 369 NLRB No. 68 (May 6, 2020), which requires employers ordered to post remedial notices to post such notices within 14 days after the facility in question reopens and a substantial complement of employees return to work.

Notably, the substantial complement requirement does not apply to email distribution of remedial notices. Instead, if email distribution is required pursuant to the terms of a settlement agreement, the employer must send the remedial notices via email as soon as the facility in question reopens so that the notices are in email inboxes when employees return to work. Memorandum G.C. 20-06 does not address other means of distributing remedial notices, such as U.S. mail or employer intranet.

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