

Appearing in an NLRB (National Labor Relations Board) Notice Near You, QR (Quick Response) Code to Board Decision

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Fashioning itself another tool in its quest to educate the public about the **National Labor Relations Act** and the National Labor Relations Board, the NLRB has adopted a union's request that a violation of the Act requires employers to inform employees that the Board's decision and order is available on the agency's website. *Durham Schools Services, L.P.*, 360 NLRB No. 85 (2014).

When an employer or union is found by the NLRB to have violated the Act, generally, as part of the remedy, the Board requires the violator to post a standard "Notice" informing employees of the violation and the action the violator must take, and advising them of their rights under federal labor law. In the past, the "Notice" also has referred to the Board's decision, but has not given instructions on how to find or obtain a copy of the decision. In *Durham*, the Board agreed that informing employees the decision and order is available on the Board's website is a good idea. (*Durham* appears to apply only in cases where the NLRB has issued a decision finding a violation of the Act.)

Here are some markers in the NLRB's campaign to better inform the public about the NLRA and employee, employer and union rights and responsibilities under that law:

- On August 25, 2011, the NLRB issued a rule requiring employers to post an 11 x 17 inch poster in workplaces describing employee, union and employer rights under the NLRA. The rule was invalidated by two U.S. Courts of Appeals decisions before being withdrawn by the NLRB on January 6, 2014. The NLRB said it "remains committed to ensuring that workers, businesses and labor organizations are informed of their rights and obligations under the National Labor Relations Act. Therefore, the NLRB will continue its national outreach program to educate the American public about this statute."
- On June 18, 2012, the Board launched a web page with cases devoted to protected concerted activity. NLRB Chairman Mark Gaston Pearce noted at the time, "We think the right to engage in protected concerted activity is one of the best kept secrets of the National Labor Relations Act.... Our hope is that other workers will see themselves in the cases we've

selected and understand that they do have strength in numbers.”

- On August 30, 2013, the NLRB launched a mobile app for iPhone and Android users. Pearce noted then that “with this app, we are using 21st Century technology to inform and educate the public about the law and their rights.”
- The NLRB regularly tweets about its decisions, settlements and other actions.

Notices in cases where the NLRB has issued a decision finding a violation of the NLRA now will contain the following wording and links:

“The Board’s decision can be found at [hyperlink to the Board’s decision] or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.”

(A QR code, when scanned by a cell phone, takes the user to the case on the Board’s website.)

While it is hard to tell whether the NLRB’s outreach program is working, it probably is not having the impact Chairman Pearce hopes. The number of unfair labor practice charges filed decreased in FY 2012 and again in FY 2013. What happens in FY 2014 might depend on what other measures the NLRB implements. Will the NLRB require a link to the NLRB General Counsel’s “Complaint” be added to Notices posted pursuant to a settlement agreement (where a Board decision was not issued)? We will see.

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