



NLRB WILL NOW REQUIRE EMPLOYERS TO IMMEDIATELY DISTRIBUTE ELECTRONIC NOTICE-POSTINGS WHEN FACILITIES ARE STILL CLOSED DUE TO COVID-19

On June 2, 2022, the National Labor Relations Board issued a decision in *Paragon Systems, Inc.*, 371 NLRB No. 104. This case updated the Board's rules regarding the timing of an employer's posting of the Notice to Employees that is required whenever an employer is found to be in violation of the National Labor Relations Act (either after a hearing, or through a settlement agreement). Employers are typically required to post these notices in locations normally used to communicate with their workers, including electronically by email, text message, or other means. The Board had previously held that where an employer had not yet reopened its facilities due to COVID-19, or where a substantial complement of its employees had not yet returned to working in person, both the physical notice posting and the electronic notice posting would be deferred until 14 days after the facility reopened. In *Paragon Systems*, a Board majority held that under these circumstances, the employer must immediately comply with the electronic notice-posting within 14 days of the Board's decision or settlement, but the physical posting may still be delayed. As the Board explained, there is no benefit to delaying this electronic notice posting, and it serves the purposes of the Act for employees to be notified as promptly as possible regarding unfair labor practices committed against them, and the steps that will be taken to address those violations.

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