

## MODERN MANAGEMENT

Volume 5, Issue 1, January 2011

### 2011 GREETINGS FROM LEMLE & KELLEHER

As we enter 2011, we at Lemle & Kelleher want to thank each of our clients for the opportunity to serve you and to let you know how much we value your friendship. We extend our warmest wishes for a bright and successful year.

### RULE TO REQUIRE POSTING OF EMPLOYEE RIGHTS UNDER THE NLRA PROPOSED BY NLRB

The National Labor Relations Board (“NLRB”) submitted a Notice of Proposed Rulemaking to the Federal Register proposing a rule requiring all employers covered by the National Labor Relations Act (“NLRA”)—essentially the majority of private sector employers in the United States—to post a notice informing employees of their rights under the NLRA, including the right to join a union and bargain collectively.

The proposed rule includes:

- The requirement for all employers covered by the NLRA to post the notice. This includes posting for employees not represented by a union.
- For employers communicating electronically with employees, the electronic posting of the notice, in addition to the physical posting, would be required.
- A Failure to post the notice would be considered an unfair labor practice and may extend the statute of limitations for filing charges involving other unfair labor practice allegations.

Public comment is open until February 20, 2011.

### DOL'S 2011 REGULATORY AGENDA

In 2011, the Department of Labor (“DOL”) plans to issue 35 proposed rules and 25 final rules, draft 13 new rules, and initiate 8 long-term actions. This is in step with the DOL’s focus on rulemaking and enforcement.

The 2011 activity will focus primarily on Health and Safety, Wage and Hour, Office of Labor Management Standards, and Office of Federal Contract Compliance Programs.

### SEMINAR INVITATION

**Lemle & Kelleher, L.L.P. presents**  
*Modern Management Briefing, a half-day labor and employment law seminar.*

**Thursday, February 10, 2011**  
**8:30—11:30 a.m.**

**Lemle & Kelleher, L.L.P.**  
**Pan-American Life Center**  
**601 Poydras Street, 21st Floor**  
**New Orleans, Louisiana 70130**

**Cost:**

- \$15.00 per attendee

**Topics:**

- Harassment Goes Cyberspace
- GINA—The Law and Its Impact on ADA
- Preparing for Renewed Union Organizing as Recent Labor Board Decisions Encourage Organized Labor

**Lemle & Kelleher Presenters:**

- E. Fredrick Preis, Jr.
- Eve B. Masinter
- Joseph Hugg

**To register please contact:**

Judith Copping  
Director of Marketing  
Lemle & Kelleher, L.L.P.  
504.584.9151  
jcopping@lemle.com

## THIRTEEN MORE MONTHS—FEDERAL UNEMPLOYMENT EXTENSIONS

In mid-December, President Obama signed the reauthorization of federal unemployment extension benefits for another 13 months as part of a sweeping tax package. The legislation adds more time for eligible unemployed workers to collect the maximum benefits. It does not provide additional benefits to the unemployed who have exceeded the 99 week benefits maximum.

The New filing deadlines are:

UI Claims	Maximum Weeks of Benefits	Deadline for Starting This Type of UI Claim
Regular UI Claim	Up to 26 weeks of benefits	Once someone becomes unemployed
1st Tier	Up to 20 weeks of benefits	December 25, 2011
2 <sup>nd</sup> Tier	Up to 14 weeks of benefits	January 1, 2012
3 <sup>rd</sup> Tier	Up to 13 weeks of benefits	January 1, 2012
4 <sup>th</sup> Tier	Up to 6 weeks of benefits	January 1, 2012
Separate FED-ED Extension	Up to 20 weeks of benefits	January 8, 2012
Potential Total Maximum Benefits	Up to 99 weeks of benefits	

## FOUR EEOC NOMINEES CONFIRMED

On December 22, the United States Senate granted full terms to Equal Employment Opportunity Commission (“EEOC”) recess appointees. The Senate voted to confirm for full terms to: Chair of the EEOC, Jacqueline Berrien, a Democrat and former associate director-counsel of the NAACP Legal Defense and Educational Fund Inc. in New York; Commissioner Chai Feldblum, a Democrat and former Georgetown University law professor who previously played key roles in helping to draft the Americans with Disabilities Act and the ADA Amendments Act; Commissioner Victoria Lipnic, a Republican who served as assistant secretary of labor for employment standards during the George W. Bush administration before joining the firm of Seyfarth Shaw in Washington, D.C.; and General Counsel P. David Lopez, a career EEOC employee who was a supervisory trial attorney in the commission's Phoenix district office. Each has been serving under recess appointments made by President Obama in March of 2010.

## LEMLE & KELLEHER LABOR AND EMPLOYMENT ATTORNEYS

The labor and employment attorneys in our firm have a national and international practice representing union and non-union companies in almost every industry. Our labor attorneys have developed strong experience and hands-on knowledge of how business really works.

**E. Fredrick Preis, Jr.**, epreis@lemle.com, 504.585.6371

**Eve B. Masinter**, emasinter@lemle.com, 504.584.9173

**Joseph R. Hugg**, jhugg@lemle.com, 504.584.9148

## ABOUT LEMLE & KELLEHER, L.L.P.

Lemle & Kelleher offers responsive, innovative, and experienced legal representation covering a broad range of practice areas. For more information please visit [www.lemle.com](http://www.lemle.com).

### **Baton Rouge**

One American Place  
301 Main St., Suite 1100  
Baton Rouge, LA 70825  
Phone: 225.387.5068  
Fax: 225.387.4995

### **New Orleans**

Pan-American Life Center  
601 Poydras St., 21st Floor  
New Orleans, LA 70130  
Phone: 504.586.1241  
Fax: 504.584.9142

This electronic newsletter is provided to clients and friends of Lemle & Kelleher, L.L.P. The information described is general in nature, and may not apply to your specific situation. Legal advice should be sought before taking action based on the information discussed. Applicable State Bar or Attorney Regulations May Require This Be Labeled as "Advertising."