

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 20-06

May 20, 2020

TO: All Regional Directors, Officers-in-Charge, and Resident Officers

FROM: Peter B. Robb, General Counsel

SUBJECT: Temporary change in Board's standard notice-posting remedy

In [Danbury Ambulance Service, Inc.](#), 369 NLRB No. 68, the Board announced and implemented a temporary change in the standard notice-posting remedy to adapt to the ongoing Coronavirus pandemic. Beginning May 6, 2020, the notice posting remedy was amended to provide the notice must be posted within 14 days after the facility involved in the proceedings reopens and a substantial complement of employees have returned to work, and that the notice may not be posted until a substantial complement of employees have returned. The Board also applied this temporary change to electronic distribution of the notice if employers customarily communicate with their employees by electronic means. The Board noted, however, that these changes do not apply to respondents whose facilities remain open and staffed by a substantial complement of employees despite the pandemic.

Effective immediately, the same temporary notice posting change will be applied to informal settlement agreement cases. Accordingly, if a place of business/office is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is open and operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the place of business/office reopens and a substantial complement of employees have returned to work. For purposes of the timing of the notice posting pursuant to informal settlement agreements, I have determined a substantial complement of employees is at least 50% of the total number of employees employed by the charged party prior to closing its business due to the Coronavirus pandemic. Since a charged party is able to email the notices to employees as soon as it reopens, in cases involving informal settlement agreements, the emailing of the notice, if appropriate, must be done as soon as the facility/office reopen and not wait for a substantial complement of employees to return to work. By doing this, the notice will be placed in employees' email in-boxes awaiting their return to work.<sup>1</sup>

If you have any questions relating to this matter, please contact the Compliance Unit.

/s/

P.B.R.

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<sup>1</sup> The informal settlement agreement form and letters soliciting compliance will be revised accordingly.