



NLRB Jurisdiction and the Posting of Employee Rights

The new requirement to post a Notice of Employee Rights under the National Labor Relations Act applies to all employers under the Board's jurisdiction, except for the U.S. Postal Service. The poster is **free** and can be downloaded or ordered through the agency's website, www.nlrb.gov, or ordered by calling 202-273-0064.

The Board has statutory jurisdiction over private sector employers whose activity in interstate commerce exceeds a minimal level. Over the years, it has established standards for asserting jurisdiction, which are described below. **As a practical matter, the Board's jurisdiction is very broad and covers the great majority of non-government employers with a workplace in the United States, including non-profits, employee-owned businesses, labor organizations, non-union businesses, and businesses in states with "Right to Work" laws.**

Retailers

Employers in retail businesses fall under the Board's jurisdiction if they have a gross annual volume of business of \$500,000 or more. This includes employers in the amusement industry, apartment houses and condominiums, cemeteries, casinos, home construction, hotels and motels, restaurants and private clubs, and taxi services. Shopping centers and office buildings have a lower threshold of \$100,000 per year.

Non-retailers

For non-retailers, jurisdiction is based on the amount of goods sold or services provided by the employer out of state ("outflow") or purchased by the employer from out of state ("inflow"). Outflow or inflow can be direct or 'indirect', passing through a third company such as a supplier. The Board takes jurisdiction when annual inflow or outflow is at least \$50,000.

Special categories

Channels of interstate commerce: For businesses providing essential links in the transportation of goods or passengers, including trucking and shipping companies, private bus companies, warehouses and packing houses, the minimum is \$50,000 in gross annual volume.

Health care and child care institutions: Hospitals, medical and dental offices, social services organizations, child care centers and residential care centers with a gross annual volume of at least \$250,000 are under NLRB jurisdiction; for nursing homes and visiting nurses associations, the minimum is \$100,000.

Law firms and legal service organizations: The minimum is \$250,000 in gross annual volume.

Cultural and educational centers: For private and non-profit colleges, universities, and other schools, art museums and symphony orchestras, the annual minimum is \$1 million.

Federal contractors: Federal contractors are required by the Department of Labor to post a similar Notice of Employee Rights under the NLRA. There is no need to post an additional poster; the DOL poster will satisfy the NLRB's requirement.

Religious organizations: The Board will not assert jurisdiction over employees of a religious organization who are involved in effectuating the religious purpose of the organization, such as teachers in church-operated schools. The Board *has* asserted jurisdiction over employees who work in the operations of a religious organization that did not have a religious character, such as a health care institution.

Indian tribes: The Board asserts jurisdiction over the commercial enterprises owned and operated by Indian tribes, even if they are located on a tribal reservation. But the Board does not assert jurisdiction over tribal enterprises that carry out traditional tribal or governmental functions.

The following employers are *excluded* from NLRB jurisdiction by statute or regulation:

- Federal, state and local governments, including public schools, libraries, and parks, Federal Reserve banks, and wholly-owned government corporations.
- Employers who employ only agricultural laborers, those engaged in farming operations that cultivate or harvest agricultural commodities or prepare commodities for delivery.
- Employers subject to the Railway Labor Act, such as interstate railroads and airlines.

This document has been prepared by the Office of Public Affairs of the National Labor Relations Board for the convenience of the public. It is not intended as a substitute for legal advice. More detailed information on jurisdictional questions is available in the Board's [Outline of Law and Procedure in Representation Cases](#), found on the NLRB website. Questions may be directed to poster@nlrb.gov.