

## Pro-union poster back on hold (again)

McAfee & Taft EmployerLINC Employment Law Update - April 18, 2012

By **Charlie Plumb**

Whether or not employers will be required to display a pro-union poster issued by the National Labor Relations Board has been in a state of flux for months, but even more so in the last two weeks. Originally, this workplace notice requirement was to go into effect November 14, 2011, but was delayed until January 31, 2012, after the rule was challenged by Congress as well as by lawsuits filed around the country by employer groups. The posting requirement was again delayed until April 30, 2012, at the request of a federal court judge pending hearings on legal challenges in federal courts in Washington, D.C., and South Carolina.

Our **April 5, 2012, employment law update** noted that a recent U.S. District Court decision had upheld the NLRB's right to order the poster. We recommended employers post their own **counterpoint poster** next to the NLRB-mandated poster. Less than 10 days later, on **Friday, April 13, 2012, a federal judge** in Charleston, South Carolina, found that the NLRB lacked the authority to require employers to display the pro-union poster. What's an employer to do?

Yesterday, the U.S. Court of Appeals sitting in Washington, D.C., came to the employers' rescue by issuing **an order postponing the requirement** of employers to issue the pro-union poster for the time being. The court has scheduled this issue for a hearing in September 2012.

Check out our dedicated employment and employee benefits law blog, **EmployerLINC.com**, for the latest developments on this matter as well as breaking news, legal updates and commentary on other hot topics and issues facing employers and human resources professionals around the country.

### LINKS

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- Point/Counterpoint: Why two labor posters are better than one,  
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