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NLRB EMPLOYEE RIGHTS POSTER: Federal Court Upholds Rule. April 30 Deadline Still Applies.

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On March 2, Judge Amy Berman Jackson, United States District Court Judge for the District of Columbia, upheld the National Labor Relations Board's ("NLRB") rule requiring most employers, including employers without any union employees, to post a notice of employees' rights under the National Labor Relations Act ("NLRA"). The Court however, did strike down portions of the Rule that deemed an employer's failure to comply with the notice's posting requirement to be an unfair labor practice and that tolled the statute of limitations for filing an unfair labor practice charge during the period when the notice was not posted.

Unless the Court's ruling is overturned or stayed in the next few weeks, the Rule will take effect on April 30, 2012 (the Board's Rule initially had an effective date of November 14, 2011; however, the Board postponed that date until January 31, 2012, and then again until April 30, 2012).

The NLRB poster is required to be 11" x 17" in size, in color or in black-and-white. The notice must be posted in a conspicuous place, where other notifications of workplace rights and employer rules and policies are posted. Employers should also publish a link to the notice on an internal or external website if other personnel policies or workplace notices are posted there.

Copies of the NLRB poster may be downloaded from www.nlrb.gov/poster.

The new NLRB posting requirement creates a possible human resource hazard for employers who are subject to the new Rule.

John R. LaBar and the attorneys at Henry & McCord are available to consult with employers regarding the best course of action.

This publication is a service to our clients and friends. It is designed to give only general information on the topic actually covered and is not intended to be a comprehensive summary of recent developments in the law, to treat exhaustively the subjects covered, to provide legal advice, or to render a legal opinion.

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