

Federal Judge in South Carolina Holds NLRB's Poster Rule Invalid

A South Carolina federal district court judge has ruled that the NLRB exceeded its authority in mandating that nearly all private employers (both union and non-union) have to post an NLRB-designed notice informing employees of their rights under Section 7 of the National Labor Relations Act (NLRA). In a lawsuit filed by the U.S. and South Carolina Chambers of Commerce, the judge ruled that the entire rule is invalid and enjoined enforcement.

This decision conflicts in some regards with a ruling issued March 2 in *National Association of Manufacturers v. NLRB* by the U. S. District Court for the District of Columbia upholding the NLRB's authority to require that the notice be posted, but striking down certain remedial aspects of the posting rule.

As of the date of this alert, the NLRB has not indicated what it will do with respect to the current April 30 posting date pending appeals in these two cases. Those who have been following this issue will recall that this posting date has already been delayed twice to allow for judicial review of this posting rule. We anticipate that the NLRB will further delay the present April 30 posting date until the appellate process has run its course.

We will, of course, keep you advised of future developments on this issue as they occur.

If you have any questions regarding this or any other labor or employment law matter, please contact **Bill Trumpeter**, btrumpeter@millermartin.com or any member of Miller & Martin's Labor & Employment Practice Group.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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