

NLRB Postpones Employee Rights Posting Requirement to April 30, 2012 | Lane Powell PC

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The National Labor Relations Board (“NLRB”) has once again postponed the effective date of its new rule requiring employers to post notices of employee rights. According to the NLRB, the new effective date will now be April 30, 2012. In the October 10, 2011, Legal Update titled [“NLRB Postpones Employee Rights Posting Requirement to January 31, 2012.”](#) Lane Powell’s Labor and Employment Practice Group discussed the NLRB’s prior postponement of the implementation of its notice-posting rule, which the NLRB explained was “in order to allow for enhanced education and outreach to employers, particularly those who operate small- and medium-sized businesses.”

The NLRB’s new announcement comes on the heels of a contested hearing in Washington, D.C., in two consolidated lawsuits filed in federal district court challenging the NLRB’s posting rule. During the two-hour hearing, the judge peppered both the NLRB and groups challenging the rule with questions about the NLRB’s authority to require posting and to treat an employer’s failure to post as an unfair labor practice. At the conclusion of the hearing, the district court judge requested that the NLRB defer implementation of the rule because the legal issues raised by the parties “deserve more time.” On December 23, 2011, the [NLRB announced](#) that it would postpone the notice-posting requirement until April 30, 2012, to “facilitate the resolution of the legal challenges that have been filed with respect to the rule.”

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