



NLRA Posters: Requirement to Post Delayed Again

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On April 17, 2012, the U.S. Court of Appeals for the District of Columbia Circuit enjoined the National Labor Relations Board's (NLRB) Notice Posting rule that requires employers large enough to be subject to the jurisdiction of the NLRB to post a Notice to Employees advising them of their rights under the National Labor Relations Act.

Previously set to take effect on April 30, 2012, and already delayed by the NLRB from a January 31, 2012 effective date, the rule recently suffered two major setbacks. On March 2, 2012 the U.S. District Court for the District of Columbia invalidated the penalty provisions of the rule, while upholding the posting requirement itself. However, on April 13, 2012, the U.S. District Court for the District of South Carolina held that the NLRB lacked the authority to require employers to post notices in the workplace informing employees of their rights under the National Labor Relations Act (NLRA) and struck down the rule in its entirety.

The Court of Appeals ordered the rule enjoined until it has had an opportunity to consider the merits of the case. Oral arguments are scheduled to take place in September 2012.

Consequently, employers no longer have to implement the Notice Posting at their workplace by the April 30, 2012 effective date as the NLRB's regional offices will not implement the rule until the matter has been decided by the Court of Appeals.