

October 6, 2011

NLRB Postpones Effective Date of Notice-Posting Requirement

The National Labor Relations Board (“NLRB” or “Board”) recently announced that it has postponed the implementation date of its new notice-posting requirement from November 14, 2011 to January 31, 2012. The notice-posting requirement is part of a rule that requires employers to take measures to advise employees of their rights under the National Labor Relations Act.

According to the NLRB, the effective date is being delayed for more than two months “in order to allow for enhanced education and outreach to employers, particularly those who operate small and medium sized businesses.” However, the Board’s decision was likely influenced by three pending lawsuits which challenge the NLRB’s authority to implement the rule and seek an injunction to prevent the rule from becoming effective. By voluntarily delaying the implementation date, the NLRB avoided having a federal judge rule on a request to enter a preliminary injunction enjoining the NLRB from implementing or enforcing the rule. A hearing scheduled for December 19, 2011, will likely result in the court ruling on the Board’s authority to implement the regulation before the new effective date of January 31, 2012.

In addition to announcing the new implementation date, the NLRB also stated that “[n]o other changes in the rule, or in the form or content of the notice, will be made.” Accordingly, absent any further developments, private sector employers that are subject to the NLRB’s jurisdiction will be required to post the required notice as of January 31, 2012. The notice can be accessed through the NLRB’s website at https://www.nlr.gov/sites/default/files/documents/1562/employee_rights_nlra.pdf.

[Click here for our previous Client Alert](#) concerning the new NLRB rule, which includes details regarding the rule, its requirements, and consequences for failing to post the notice.

If you have any questions or would like further information regarding the effect of the new rule, please contact your Butzel Long attorney or the authors of this Client Alert.

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Please join us for The Practical and Comprehensive Conference on Labor and Employment, Employee Benefits, and Immigration Law.

FRIDAY, 11 NOVEMBER 2011

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Look for your registration brochure in the mail in October.

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