
NLRB Posting Regulation Further Delayed; Lawsuits Challenging Regulation Still Pending

2012-01-05

The National Labor Relations Board (the NLRB) recently announced that a controversial regulation requiring employers to post a notice informing employees of their federal labor law rights will not take effect until April 30, 2012.

When the NLRB first issued the posting rule in August 2010, [as discussed in a previous alert](#), several business groups filed lawsuits seeking to block the implementation of the regulation. These groups contend both that the NLRB does not have the authority to impose the posting rule and that the rule itself violates employers' First Amendment rights. In October 2011, the [NLRB agreed to postpone the effective date of the posting requirement until January 31, 2012](#). On December 23, 2011, a United States District Judge for the District of Columbia, Judge Amy Berman Jackson, asked the NLRB to further delay the effective date while she considered the legal merits concerning the implementation of the posting rule. That same day, the NLRB postponed the effective date until April 30, 2012.

Accordingly, employers subject to the National Labor Relations Act are not obligated to display the notice poster prior to April 30. In the meantime, litigation concerning the notice posting rule is still ongoing and could further impact employers' posting obligations and/or the effective date for a posting requirement. We will continue to monitor additional developments concerning this rule and will notify you of any changes.

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