

CLIENT ALERT: NLRB Employee Rights Posting Requirement Postponed Pending Appeal

On April 17, 2012, the United States Court of Appeals for the District of Columbia issued an order temporarily enjoining the National Labor Relations Board (the “Board”) from requiring employers under the Board’s jurisdiction to post a notice of employee rights. The Board had previously set an April 30, 2012 deadline for the posting requirement. The Court has before it an appeal from the federal district court for the District of Columbia, which ruled that the NLRB requirement was lawful.

Citing “uncertainty” about enforcement of the rule, the Court determined that it should preserve the status quo while considering the merits of the issue on appeal. In its ruling, the Court noted the conflicting decisions of the lower court and the federal district court in South Carolina. (See MBJ’s Client Alerts dated [March 7, 2012](#) and [April 16, 2012](#).)

In response to the action, the Board announced that its regional offices will not implement the disputed rule pending resolution of the issues before the court. Rather, the agency will defend the rule in the D.C. Circuit and may appeal the adverse ruling from the federal court in South Carolina.

The result of these decisions is that employers need not post the NLRB employee rights poster on April 30, 2012. Rather, employers may delay posting until the courts decide the various appeals. MBJ will monitor the situation and provide updates as necessary. In the meantime, please contact your MBJ attorney with any questions concerning this or any labor and employment law matter.

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