

NLRB Postpones Notice Posting Requirement

October 6, 2011

On August 30th, we reported that the National Labor Relations Board ("NLRB") had issued a final rule requiring employers to post a notice informing employees of their rights under the law. The effective date to post the notices was set to be November 14th. The new rule resulted in an outcry from the business community. Two lawsuits were filed in federal court, one by the National Federation of Independent Business and one by the National Association of Manufacturers. Those two cases were consolidated this week, and the judge requested the NLRB to delay the effective date of the posting requirement to give the court time to properly consider the issues. At first the NLRB attorneys indicated that the Board declined the request to postpone, but after the court asked again, the Board decided to postpone the effective date of the posting requirement until January 31, 2012. In addition to the two lawsuits noted above, the U.S. Chamber of Commerce has also filed an action regarding the new rule. In general, the lawsuits state that the Board exceeded its statutory authority in issuing the rule as such a posting requirement is not contained in the statute.

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