



For your information

Volume 35 | Issue 01 | January 6, 2012

## NLRB Again Postpones Posting Deadline for Employee Rights Notice

On December 23, 2011, the NLRB announced that it would postpone the effective date of its employee rights notice-posting rule for three months, from January 31, 2012 until April 30, 2012. A request by the federal court in Washington, DC that is hearing a legal challenge to the rule appears to have prompted the NLRB's latest postponement.

### Background

On August 30, 2011, the National Labor Relations Board (NLRB or Board) issued a final rule requiring unionized and non-unionized private-sector employers subject to the National Labor Relations Act (NLRA) to conspicuously post a notice informing employees of their rights under the NLRA, including the right to organize. The notice-posting rule originally was to become effective on November 14, 2011. (See our September 7, 2011 [For Your Information](#).)

Business groups promptly filed federal lawsuits in the District of Columbia and in South Carolina to block implementation of the NLRB's rule, and legislation was introduced in Congress to eliminate the new posting requirement. On October 5, 2011, the NLRB announced that it would postpone the effective date of its notice-posting rule until January 31, 2012 to allow time for greater education and outreach to employers. (See our October 7, 2011 [For Your Information](#).)

### Extension of Posting Deadline

On December 23, 2011, the NLRB [announced](#) that it would postpone the effective date of its employee rights notice-posting rule for an additional three months, or until April 30, 2012. According to the announcement, the postponement came at the request of the federal court in Washington, DC hearing a legal challenge to the Board's authority to require the posting and create sanctions for noncompliance. The Board stated that postponing the effective date of the rule would facilitate the resolution of the lawsuits filed with respect to the rule.

**COMPLIANCE ALERT:** In view of the NLRB's latest extension of the notice-posting deadline, employers need take no further action at this time. If the rule survives legal challenge and legislative efforts to overturn it, employers will have ample time to post the employee rights notice by the April 30, 2012 deadline.

## Conclusion

Unless one of the legal or legislative challenges to the rule succeeds or the Board takes further action before the extended compliance deadline, most private-sector employers will have to post the NLRB's prescribed 11-by-17-inch employee rights notice in the workplace on April 30, 2012. Because noncompliance with the new notice-posting rule can have serious consequences (including extending the time employees have to file other unfair labor practice charges against their employers and allowing noncompliance as evidence of anti-union animus in other unfair labor practice cases), employers will want to make sure that they are prepared to satisfy their notice obligations if the rule takes effect.

Buck's consultants are prepared to assist in your compliance efforts.