



LABOR & EMPLOYMENT NEWS ALERT

NLRB Notice Posting Rule Effective Date Once Again Postponed

On April 17, 2012, a three-judge panel of the United States Court of Appeals for the District of Columbia granted an emergency motion for injunction of the posting rule pending appeal; therefore, **employers are no longer required to post the appropriate NLRB Poster by April 30, 2012.** This Court has been hearing arguments on appeal regarding the District of Columbia case we reported on in our last newsletter which found that certain enforcement provisions in the Act violated the NLRA and were invalid as a matter of law. Furthermore, the Court of Appeals also set a briefing schedule which sets oral argument on this issue "on an appropriate date in September 2012." Accordingly, even if the NLRB prevails at this stage of the proceedings, employers will not be affected at least until the latter part of the year.

The granting of this injunction follows on the heels of a South Carolina District Court's ruling that invalidated the NLRB Notice Posting Rule in its entirety on April 13, 2012. (*Chamber of Commerce of the United States v. National Labor Relations Board*). Notably, the South Carolina District Court found that the Board exceeded its authority in violation of the Administrative Procedure Act when it promulgated the final posting rule. As always, we will continue to keep you updated on the status of these challenges to the posting rule.

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