

ALERT

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LABOR AND EMPLOYMENT

News Concerning
Recent Labor and Employment Issues



POSTPONEMENT OF MANDATORY POSTER FOR UNION AND NON-UNION EMPLOYERS REGARDING EMPLOYEE RIGHTS UNDER NLRA

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In an August 30, 2011 ALERT, we advised you that the NLRB had promulgated a Final Rule requiring all employers subject to the National Labor Relations Act (NLRA) to conspicuously post an 11-inch-by-17-inch notice advising employees of their rights under the NLRA, including the right to organize a union, and providing contact information for the NLRB in the event that any of these rights are violated. The rule also requires that the notice be posted on employer intranet or Internet sites if personnel policies are customarily posted there. The rule was to go into effect on November 14.

Yesterday afternoon, the NLRB announced that it was postponing the implementation date of the rule until January 31, 2012. The stated reason for the postponement was "in order to allow for enhanced education and outreach to employers, particularly those who operate small and medium size businesses."

Since the rule was published, three lawsuits have been filed seeking to enjoin its enforcement, and to strike it down. Two of those lawsuits were filed in the U.S. District Court for the District of Columbia (*National Association of Manufacturers v. NLRB* and *National Right to Work Legal Defense & Education Foundation Inc. v. NLRB*). After learning of the NLRB's postponement of the rule's effective date, these two lawsuits were consolidated, and a hearing has been set for December 19. No schedule has yet been set for the third lawsuit, which was filed in the U.S. District Court for South Carolina (*Chamber of Commerce of the United States v. NLRB*).

For more information on the rule discussed in this alert or any labor and employment questions you may have, please contact Jeffrey L. Braff at 215.665.2048 or jbraff@cozen.com

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