

# GOOD NEWS FOR EMPLOYERS REGARDING THE NLRB POSTING

*Labor & Employment Alert*  
April 18, 2012

The new notice-posting requirement by the National Labor Relations Board (NLRB) was scheduled to take effect on April 30, 2012, for virtually all private sector employers. However, the NLRB announced yesterday that it will not enforce the rule until the legal challenges to the rule are resolved. The effective date of the posting has been pushed off by the NLRB several times, but until this week, it was not clear if employers would need to post the rule at the end of April.

Although federal district courts around the country have been split on this issue, on April 17, 2012, the U.S. Court of Appeals for the District of Columbia Circuit enjoined the NLRB from enforcing the notice-posting regulation while it considers an appeal over the rule. The D.C. Circuit stated that the current “uncertainty about enforcement” of the notice-posting rule “counsels further in favor of temporarily preserving the status quo” while it considers all issues on appeal. That means that unless the U.S. Supreme Court intervenes, the NLRB is prohibited from enforcing the notice-posting rule until the appeal is decided, which likely will not occur until September.

The chairman of the NLRB, Mark Gaston Pearce, issued a statement on April 17, 2012, confirming that “[i]n view of the D.C. Circuit’s order, and in light of the strong interest in the uniform implementation and administration of agency rules, *regional offices of the NLRB will not implement the rule pending the resolution of the issues before the court,*” (emphasis added).

We will keep you advised of future developments.

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