

# THE EMPLOYEE RIGHTS POSTER STAYS, FOR NOW

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In a previous client alert, we reported that the National Labor Relations Board (NLRB) promulgated a rule requiring employers to post notices informing employees of their rights under the National Labor Relations Act. Shortly after the NLRB adopted the rule, several trade groups filed lawsuits challenging the NLRB's authority to pass the rule and requested injunctions enjoining the rule's enforcement. But on March 2, 2012, a federal judge upheld the NLRB's authority to require employers to post the notice. The judge, however, struck down a provision within the rule that would have tolled the statute of limitations for bringing an unfair labor practice charge against an employer that failed to comply with the posting requirement. Additionally, the judge determined that a "blanket determination" that failure to post the notice will always be an unfair labor practice is unlawful.

The judge has declined to enjoin enforcement of the notice-posting rule pending the resolution of an appeal of her decision. Consequently, the rule's effective date remains April 30, 2012.

The employee rights poster is available at [www.nlr.gov](http://www.nlr.gov).

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