PUBLICATION

NLRB Delays Posting Requirement Yet Again

December 30, 2011

On December 23, the National Labor Relations Board (NLRB) announced that it is postponing until April 30, 2012, a requirement for employers subject to NLRB jurisdiction to post a notice informing employees of their federal labor law rights.

A divided NLRB proposed the requirement in a December 2010 notice of proposed rulemaking and published a final rule August 30, 2011, which we discussed in a September 2, 2011 **alert**.

The NLRB regulation would require employers to post an 11-inch-by-17-inch notice form describing employee rights, and to publish the notice on an intranet or internet site if the employer customarily uses such media to communicate with employees about rules and policies.

The posting requirement originally was to have gone into effect in November, but the Board moved the effective date to January 31, 2012, stating that additional time was needed "in order to allow for enhanced education and outreach to employers." (See our October 6, 2011 **alert**.)

The rule has been challenged in lawsuits filed in the U.S. District Court for the District of Columbia and the U.S. District Court for the District of South Carolina.

Judge Amy Berman Jackson held a hearing on December 19 in the District of Columbia proceeding and informed NLRB lawyers that the legal issues "deserve more time" than the January 31 effective date gave her.

In a statement announcing the new April 30 effective date, NLRB said "postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule."

Should you have any questions regarding the posting requirement or any other labor issue, please contact your Baker Donelson attorney or any one of the more than 70 Labor & Employment attorneys located in Birmingham, Alabama; Atlanta, Georgia; Baton Rouge, Mandeville and New Orleans, Louisiana; Jackson, Mississippi; and Chattanooga, Johnson City, Knoxville, Memphis and Nashville, Tennessee.