

LAWFACTS

& opinions

ALERTING MANAGEMENT TO BREAKING LABOR AND EMPLOYMENT LAW DEVELOPMENTS

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Breaking News - NLRB Poster Requirement Delayed (Again)!

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Today, the U.S. Court of Appeals for the District of Columbia issued an emergency injunction, enjoining the NLRB's rule requiring employers to place a poster in their workplaces. The poster requirement was scheduled to go into effect on April 30, 2012. Today's Order follows the lower court's March 2, 2012 decision, which invalidated the enforcement mechanisms and penalties that were prescribed for violations under the rule. In the April 17 Order, the Court of Appeals denied a request from the NLRB to permit the rule to take effect while the court system continued to review the legality of requiring the posting. In denying the NLRB's request, the Court determined that the uncertainty surrounding the legality of such enforcement necessitated postponement of the rule. The April 17 Order is aligned with an April 13, 2012 order from a District Court Judge for the District of South Carolina, which invalidated the poster in its entirety and determined that the NLRB overstepped its authority.

The decision represents a significant win for employers as they are **not** required to post the NLRB's employee rights poster in their workplaces at this time. This most recent determination is the fourth time the poster requirement has been delayed. The Court's April 17 Order granting the emergency injunction set oral argument on the matter for September 2012 (which means the Court will not decide whether this posting will be required until sometime after September 2012).

Employers should also be aware that the NLRB's new union election rules are currently scheduled to go into effect on April 30, 2012. The United States Chamber of Commerce and the Coalition for a Democratic Workforce are currently challenging these new election rules because they decrease the amount of time for the election period

and eliminate current safeguards that prevent employees from rushing into an election uninformed and unfamiliar with the process. The same judge from the District of Columbia that validated the NLRB's poster requirement is deciding whether these new rules are legally enforceable.

As both the poster requirement and new union election procedures work their way through the court system, this recent activity by NLRB highlights the importance of training managers to legally respond to union organizing efforts. Employers that are educated on these issues are able to legally and efficiently address these issues with their employees. Additionally, employers with good employment practices are far less likely to be subject to union organizing drives led by unengaged or disgruntled employees.

If you have any questions regarding this Law Facts or any other employment or labor law question, please contact the authors of this LawFacts or any Seaton, Peters & Revnew attorney at (952) 896-1700.

Last Chance/"Tax Day" Discount on Employee Handbook and Employment Documents for Employers Requesting the Package in April

DATE EXTENDED TO April 30, 2012

We are offering a limited time discount of \$100 off the normal \$975 package price for a customized employee handbook, together with hiring, disciplinary and related employment materials. The package includes up to two (2) hours of attorney time in customizing the materials with additional time covered at normal hourly rates. [Employers who have an old version of our handbook can update it for \$375.]

This package has been used by hundreds of employers to manage their risk of claims, charges, audits and regulatory investigations. Similar discounted packages are available for Drug and Alcohol Testing Policies, Safety policies, Legal audits and Manager Training.

Take advantage of either of these offers before April 30, 2012. Call (952-896-1700) or email (firm@seatonlaw.com) and ask us to get started!

Webinar: From Hire-to-Fire - The Top 10 Mistakes Employers Make
Wednesday, May 16, 2012
12:00 p.m. - 1:00 p.m.

Join Seaton, Peters & Revnew attorneys Thomas R. Revnew and Emily L. Ruhsam for a webinar –“From Hire-to-Fire – The Top 10 Mistakes Employers Make.” This webinar will provide essential information for employers wanting to efficiently and effectively manage applicants and employees. We will focus on issues such as asking appropriate interview questions, conducting background checks, managing workplace absences, dealing with disciplinary issues and minimizing risks in tough termination situations. During the webinar, we will highlight the legal issues underlying these and other crucial employment practices and policies while providing tips to help avoid the “top ten” common mistakes employers make. HRCI credit available.

We will begin this webinar with an update on recent agency and court activity regarding the NLRB poster requirements and new election procedures.

This webinar is free to anyone currently receiving our LawFacts. Space is limited! To sign up, please visit our website <http://www.seatonlaw.com/training/index.shtml>. If you have any questions, please call us at (952) 896-1700.

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This communication is intended for general informational purposes only and is not intended to constitute legal advice with respect to any individual facts or circumstances. You are urged to consult with one of our attorneys regarding your own situation and your specific question. We would be happy to help. SEATON, PETERS & REVNEW, P.A. 2012