

NLRB Posting Rule Postponed

By [Nick Grello](#) on Mon, Jan 16, 2012

Lost amongst the fervor of the President's recess appointments to the National Labor Relations Board (NLRB) was the prior announcement by the NLRB of its postponement of the effective date of its controversial new notice-posting rule from January 31 to **April 30, 2012**.

The rule, first proposed by the NLRB on December 22, 2010, and made final on August 30, 2011, requires most private-sector employers to notify employees of their rights under the National Labor Relations Act (NLRA). The required notice may be accomplished by posting an 11 by 17 inch poster similar to other federal workplace posters containing notices of rights, rules and policies. The poster must advise employees of their rights to organize and bargain collectively with their employers, among other NLRA guarantees.



When the rule became final, the effective date of the notice-posting requirement was November 14, 2011, but was subsequently postponed to January 31, 2012. At the time of postponement, the NLRB stated that it had postponed the effective date "in order to allow for enhanced education and outreach to employers, particularly those who operate small and medium sized businesses." It is likely, however, that the NLRB was motivated to postpone by the filing of several lawsuits by business and trade organizations seeking to block the rule by challenging its legality. In announcing its most recent postponement of the rule's effective date on December 23, 2011, the NLRB expressly stated that it was doing so "at the request of the federal court in Washington, DC hearing a legal challenge regarding the rule. The Board's ruling states that it has determined that postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule."

Bottom Line for Employers

The new notice-posting rule puts significant, new and unprecedented burdens on employers which can only lead to contentious relationships between managers and employees and disrupt otherwise harmonious workplaces. Given that the new rule has already been postponed twice, employers should wait to comply until April 30, 2012, or whenever the litigation over the rule's lawfulness is resolved, assuming of course, it is declared lawful at all.