



**NLRB EMPLOYEE RIGHTS POSTING
REQUIREMENT DELAYED INDEFINITELY**

Last week, the D.C. Circuit Court of Appeals issued an order delaying the effective date of the NLRB's rule requiring most private sector employers to post a notice of employee rights under the National Labor Relations Act. The Rule, previously scheduled to take effect on April 30, 2012, has now been postponed indefinitely due to conflicting opinions issued by two federal district courts.

As explained in last month's client alert, the U.S. District Court for D.C. upheld the posting requirement, but invalidated the part of the rule that designates an employer's failure to post the required notice as an unfair labor practice. On April 13, 2012, the U.S. District Court for the District of South Carolina, in a separate lawsuit, struck down the Rule in its entirety. The court held that the NLRB exceeded its statutory authority by enacting the Rule. The NLRB has stated it will appeal the decision.

Due to the two conflicting opinions, the D.C. Circuit Court of Appeals issued an order delaying the enforcement of the Rule pending resolution of the appeal. While the NLRB has expressed opposition to the court's order, it confirmed that all regional offices have been directed to comply. As a result, employers are not required to comply with the posting requirement at this time. Marshall & Melhorn will keep you informed on future developments.

For More Information

Please contact a member of our Labor & Employment Law Practice Group at (419) 249-7100.

Justice G. Johnson, Jr.
johnson@marshall-melhorn.com
419.249.7115

Ruth Meacham
meacham@marshall-melhorn.com
419.249.7128

Michael S. Scalzo
Scalzo@marshall-melhorn.com
419.249.7129

Jill K. Bigler
bigler@marshall-melhorn.com
419.249.7147

David L. O'Connell
oconnell@marshall-melhorn.com
419.249.7135

Roman Arce
arce@marshall-melhorn.com
419.249.7111

Jennifer J. Dawson
dawson@marshall-melhorn.com
419.249.7139

About Marshall & Melhorn, LLC

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Main Office
Four Seagate, 8th Floor
Toledo, OH 43604
419.249.7100
Fax: 419.249.7151

Michigan Office
3 Parklane Boulevard
Suite 729 West
Dearborn, MI 48126
248.457.2444

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