

# ADLER POLLOCK & SHEEHAN P.C.

## CLIENT ADVISORY

### NEW NLRB POSTING REQUIREMENT

April 19, 2012

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The National Labor Relations Board (“NLRB”) recently published a new rule requiring virtually every private employer covered by the National Labor Relations Act (“NLRA”) to post in the workplace an official government notice advising employees of their rights to unionize and discuss the terms and conditions of their employment with their co-workers. The AP&S Labor and Employment Department presented a seminar last week, briefing employers and friends of the firm on compliance with the new rule, which was to take effect on April 30, 2012. The seminar also addressed the new union election rules, also slated to take effect on April 30<sup>th</sup>.

**On Tuesday, April 17<sup>th</sup>, the U.S. Court of Appeals for the D.C. Circuit granted an injunction in favor of the National Association of Manufacturers, delaying indefinitely the effective date of the new rule. This means that the *status quo* will be maintained, and employers need not put up the 11 x 17 posters while the *Manufacturers* case makes its way through an expedited appeals process.**

The grant of injunctive relief follows a decision last week from the U.S. District Court for the District of South Carolina, granting summary judgment in favor of the U.S. and South Carolina Chambers of Commerce and agreeing with the Chambers that the NLRB exceeded its authority in publishing the new posting rule.

**The April 17<sup>th</sup> ruling does not affect the scheduled implementation of the new union election rules, still set for April 30<sup>th</sup>.**

Employers should stay tuned for new developments. In the meantime, if you have questions or wish to discuss a comprehensive labor and employment law compliance program for your workplace, please contact Robert P. Brooks, Lori Caron Silveira or Michael D. Chittick of the AP&S Labor & Employment Group by telephone at (401) 274-7200, or by email at [rbrooks@apslaw.com](mailto:rbrooks@apslaw.com); [lsilveira@apslaw.com](mailto:lsilveira@apslaw.com); and [mchittick@apslaw.com](mailto:mchittick@apslaw.com).