

April 24, 2012

## **National Labor Relations Act Posting Requirement Delayed by Federal Court Injunction**

Employers are no longer required to post a notice of employee rights under the National Labor Relations Act by April 30, 2012. On April 13, 2012, the United States District Court for the District of South Carolina ruled that the National Labor Relations Board does not have statutory authority to issue a rule requiring employers to post workplace notices informing employees of their rights under the Act. Then, on April 17, 2012, the United States Court of Appeals for the District of Columbia Circuit ruled that the NLRB notice posting rule will no longer take effect on April 30, 2012, pending resolution of an appeal of a District Court decision on the legality of the rule.

The rule, which applies to both unionized and non-unionized private-sector employers subject to the Act, mandates employers to notify employees of their rights under the Act by conspicuously posting a notice in the workplace. The notice informs employees, for example, of the right to organize and bargain collectively with their employers about wages, hours, and other terms and conditions of employment, and the right to engage in concerted, collective action to improve working conditions.

The Court of Appeals has scheduled oral argument on the legality of the rule for September 2012. The question of whether employers will ultimately be required to post the notice will depend on the Court's final decision.

If you have any questions or need further guidance to ensure your business complies with these rulings, please contact [Adam Harris](#) at (212)-758-7724 or any other attorney at the Firm.

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747 Third Avenue  
New York, N. Y. 10017  
Tel: 212-758-7600  
[www.cfk-law.com](http://www.cfk-law.com)