



APRIL 18, 2012

Court of Appeals Enjoins NLRB Notice Requirement

National Association of Manufacturers v. NLRB, D.C. Cir. No. 12-5068 (4/17/12)

Key Holding:

By Order issued on April 17, 2012, the United States Court of Appeals for the District of Columbia Circuit has enjoined the NLRB from enforcing the Regulation that would have required most private sector employers to post a Notice of employee rights under the National Labor Relations Act. This follows an April 13, 2012 decision by the United States District Court in South Carolina that the NLRB lacked authority to issue the Regulation.

Next Steps:

The injunction issued by the Court of Appeals will remain in effect pending full consideration of the NLRB's authority to issue the Regulation. This puts off the effective date of the Regulation at least until September, when arguments are scheduled to be heard before that Court. In the meantime, this ruling makes clear that employers will not have to meet the NLRB's April 30, 2012 posting deadline.

This Bulletin has been issued as a follow up to the April 11, 2012 Breakfast Club presentation "NLRB Posting Requirement: Status and Strategies." If you were not able to attend the Breakfast Club, but would like a copy of the PowerPoint presentation, you may submit a request by responding to this email.

John T. McCann is an attorney at the Syracuse-based law firm of Hancock Estabrook, LLP. Mr. McCann focuses his practice on the representation of management in connection with employment litigation, collective bargaining, labor arbitrations, employment contracts, employment policies and practices, affirmative action plans, investigations, labor audits, supervisory training, and compliance with all applicable employment laws and regulations.