



Weston Hurd Client Advisory - April 2012

Court of Appeals Enjoins NLRB's Notice Posting Rule

Prepared by Morris L. Hawk

Yesterday, the United States Court of Appeals for the District of Columbia issued an order preventing the National Labor Relations Board from enforcing its "notice" rule until the Court decides the appeal of the National Association of Manufacturers seeking to overturn the rule. As we explained in our last client alert, the "notice" rule requires most private sector employers (both union and nonunion) to post a notice that informs employees of their rights under the National Labor Relations Act, including their right to unionize. The NLRB had taken the position that its new notice rule would be effective on April 30, 2012. Under the Court of Appeals order, employers will have no obligation to comply with the "notice" rule unless and until the Court of Appeals determines that the NLRB had the statutory authority to issue the rule.

Last Friday, Judge David C. Norton of the U.S. District Court in South Carolina, who is presiding over a similar case challenging the notice rule brought by the U.S. Chamber of Commerce, issued a decision granting summary judgment to the Chamber, finding that the notice rule was unlawful because the NLRB lacked the authority to issue it.

If you have any questions, comments or concerns about this Client Alert, please contact your Weston Hurd lawyer.



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