

Client Alert

Mandatory NLRA Poster Requirement Found Unenforceable

In April of 2012, we reported that the U.S. Court of Appeals for the D.C. Circuit had issued an injunction barring the National Labor Relation Board (“NLRB”) from implementing its then recently promulgated rule requiring that employers post a notice about union rights, during the time that litigation over the propriety of that rule was still pending. As a result, the rule, requiring both unionized and nonunionized employers to display, by April 30, 2012, a poster advising employees of their rights to unionize under Section 7 of the National Labor Relations Act (“NLRA”), was suspended pending further judicial proceedings.

On May 7, 2013, the U.S. Court of Appeals for the D.C. Circuit vacated the NLRB rule, concluding that, for reasons detailed in the Court’s opinion, employers are not required to inform their employees about their rights to unionize under the NLRA.

If you have questions concerning this decision, or any other employment related inquiries, please contact Jeffrey Englander either of the Morrison Cohen partners named below, or your usual Morrison Cohen attorney contact.

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