

# MorrisonCohen<sub>LLP</sub>

## CLIENT UPDATE

Employer Reminder of NLRB Posting Requirement: April 30, 2012 Deadline

On March 2, 2012, a D.C. federal court affirmed the right of the National Labor Relations Board (NLRB) to require both unionized and nonunionized employers to display the poster informing employees of their right to exercise rights granted under Section 7 of the National Labor Relations Act, including the right to unionize. The posting requirement becomes effective April 30, 2012. The court's decision follows a challenge to the requirement that the notice be posted in all workplaces. In a partial victory for employers, the court invalidated the blanket rule that failing to post would itself constitute an unfair labor practice and toll the statute of limitations period in unfair labor practice proceedings. Rather, the court held that the NLRB would be required specifically to show that a failure to post hindered an employee's exercise of his/her rights.

On March 5, 2012, employer-side groups appealed the decision seeking to overturn the NLRB's posting requirements. As of now, however, there has been no stay granted or changes to the posting requirement that become effective April 30th. Therefore, unless the D.C. appellate court enters a stay or otherwise reverses the lower court's decision before April 30th, the obligation for virtually all employers to display the NLRB's poster as of April 30, 2012, remains in full force and effect.

A link to the NLRB's Employee Rights Notice Posting page is found here:

<http://www.nlr.gov/poster> and a copy of the poster in English can be found here:

<http://www.nlr.gov/sites/default/files/documents/1562/employeerightsposter-8-5x11.pdf>

If you have questions about this posting requirement, or any other employment-related inquiries, please contact Jeffrey Englander at (212) 735-8720 or Keith Markel at Morrison Cohen LLP at 212 735-8736.