

## Implementation of NLRB Workplace Posting Requirement Delayed a Second Time

The National Labor Relations Board (the “Board”) announced late last week that it has delayed implementation of its new workplace posting requirement a second time. The rule originally required posting by employers as of November 14, 2011, but the implementation date, postponed once already, has now been put off until April 30, 2012.

As we advised you in two earlier alerts, in August the Board issued a rule requiring almost all private employers (both unionized and non-union alike) to post notices in their workplaces informing employees of their rights under the *National Labor Relations Act* (the “Act”), including their rights to form and join unions, to bargain over their wages, hours and other conditions of employment, and to take collective action to improve their working conditions. Among the more controversial elements of the Board’s rule are provisions making failure to post an independent violation of the federal labor laws. Where postings are not made, the rule likewise purports to toll the normal six month statute of limitations and to permit an inference of anti-union animus in connection with charges of unfair labor practices against employers.

The Board’s announcement indicated that the implementation date was postponed “at the request of the federal court in Washington, D.C. hearing a legal challenge regarding the rule.” That legal challenge was filed by the National Association of Manufacturers, alleging that the Board overstepped its statutory authority by promulgating the rule.

We will keep you apprised of developments regarding this matter. For more information on this notice requirement, or on employee rights and employer obligations under the *National Labor Relations Act* more generally, contact an attorney in Ropes & Gray’s [Labor & Employment](#) department.