

If you have questions regarding the information in this alert or would like to receive further information regarding our Labor and Employment Department, please contact:

William D. Sargent
Department Chair
313.465.7538
wsargent@honigman.com

Laura A. Brodeur-McGeorge
313.465.7312
lbrodeur@honigman.com

Sean F. Crotty
313.465.7336
scrotty@honigman.com

Matthew S. Disbrow
313.465.7372
mdisbrow@honigman.com

Cameron J. Evans
313.465.7370
cevans@honigman.com

Christopher R. Kazanowski
313.465.7332
ckazanowski@honigman.com

Russell S. Linden
313.465.7466
rlinden@honigman.com

Tara E. Mahoney
313.465.7442
tmahoney@honigman.com

Robert J. Muchnick
313.465.7498
rmuchnick@honigman.com

Mary L. Pate
269.337.7828
mpate@honigman.com

Stanley H. Pitts
313.465.7516
spitts@honigman.com

Luke A. Suchyta
313.465.7546
lsuchyta@honigman.com

National Labor Relations Board Notice-Posting Requirement Begins April 30, 2012

As previously reported, the National Labor Relations Board (NLRB) announced a new rule requiring many private-sector employers to post an 11x17 inch poster detailing employees' rights under the National Labor Relations Act (the "Employees' Rights Notice") starting April 30, 2012. [Click to view the "New NLRB Rule Requires Employers To Post Notices Regarding Employee Rights Under the NLRA" alert.](#) Further, two lawsuits have been filed seeking to have this requirement invalidated. These lawsuits have been the subject of earlier Labor Alerts. See "[Labor Alert Update: NLRB Posting of Employee Rights Requirement](#)" and "[National Labor Relations Board Delays Notice-Posting Requirement Until April 30, 2012](#)".

In the first decision on this issue, on March 2, 2012, a federal district court held the NLRB's rule requiring the posting of the Employees' Rights Notice to be valid and enforceable, except to the extent that the NLRB has attempted to add blanket-rules that would have automatically (1) made an employer's failure to post the Employees' Rights Notice a chargeable unfair labor practice (ULP) and (2) extended (tolled) the six-month statute of limitations for bringing any ULP charge where an employer fails to post the Employees' Rights Notice. Although the district court's decision has been appealed, the district court refused to delay the April 30th deadline. This means that, unless the court of appeals orders the April 30th deadline delayed, employers will have to post the Employees' Rights Notice by April 30th. It is likely the NLRB will cross-appeal the ULP and statute of limitations invalidations.

The labor and employment attorneys at Honigman will keep you abreast of any further developments touching upon this new important issue. An updated Labor Alert will be issued on or before April 16, 2012, detailing recommended courses of conduct related to posting the Employees' Rights Notice. In the meantime, if you or your company have any questions regarding this issue, please contact any member of the Honigman Labor and Employment Department listed on this alert.