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NLRB Delays Employee Rights Notice Posting Requirement

On August 29, 2011, Day Pitney advised of a new employee rights posting requirement imposed by the National Labor Relations Board (NLRB). (Click here to see previous alert.)Yesterday, the NLRB postponed the effective date for its employee rights posting rule, originally scheduled to take effect on November 14, 2011. The new effective date is January 31, 2012. No changes were made to the content of the notice or the underlying rule requiring the notice. The NLRB's press notice advises that the postponement "followed queries from businesses and trade organizations indicating uncertainty about which businesses fall under the Board's jurisdiction, and was made in the interest of ensuring broad voluntary compliance." However, the decision to change the effective date comes in the wake of lawsuits regarding whether the NLRB exceeded its statutory authority by the promulgation of the rule requiring the notice and a potential injunction delaying the effective date. If the notice posting requirement is not overturned by litigation, on January 31, 2012, most private sector employers will be required to post the 11-by-17-inch notice in conspicuous places, including all places where notices to employees are customarily posted. Employers also are required to post the notice on an Internet or intranet site if they normally use such sites to communicate their personnel rules and policies. The poster is now available here.

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