

Labor & Employment Bulletin



Client Alert

The National Labor Relations Board has postponed to April 30, 2012 the requirement that its new employee rights poster be prominently displayed in union and non-union workplaces. The former deadline was January 31, 2012. The purpose of the delay is to facilitate resolution of legal challenges to NLRB's authority to impose the mandatory posting requirement. The rule has been challenged in federal courts in the District of Columbia (*National Association of Manufacturers v. NLRB*, D.D.C., No. 11-cv-1629) and in South Carolina (*Chamber of Commerce v. NLRB*, D.S.C., No. 11-cv-2516).

The final rule requiring employers to display the poster explains in detail which employers are subject to the requirement. Generally speaking, the poster must be displayed by retail employers with an annual gross business volume of \$500,000 or more, and by non-retail employers with annual inflows or outflows across state lines of \$50,000 or more. Agricultural, airline, and railroad employers are exempt from the posting requirement, as are the U.S. Postal Service and states or political subdivisions not subject to NLRB jurisdiction. Federal contractors already are required to display a similar Department of Labor poster, and a contractor displaying the DOL notice is regarded as complying with the new NLRB requirement. The NLRB poster must be displayed wherever an employer customarily places notices to employees concerning personnel rules and policies, including the employer's intranet and internet sites. If 20% of employees speak a language other than English, the poster must be displayed in the second language as well. The poster can be downloaded at www.nlr.gov/poster.

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