



March 5, 2012

## **NLRB NOTICE POSTING APPROVED BY COURT BUT NOT PENALTY FOR FAILURE TO POST**

In breaking news, the United States District Court for the District of Columbia ruled in a lawsuit filed by the National Association of Manufacturers and National Right to Work Legal Defense and Education Fund that the National Labor Relations Board (NLRB) rule requiring posting Notices in the workplace advising employees of their rights under the National Labor Relations Act (NLRA) was within "the Board's broad rule making authority to implement the provisions of the Act." Consequently, the Notices must be posted by April 30, 2012 and can be obtained from the NLRB website ([www.nlr.gov](http://www.nlr.gov)).

On a positive note, the Court held that (1) the Board exceeded its statutory rule making authority by holding the failure to post the Notice is an unfair labor practice, and (2) the provision that tolls the statute of limitations against the employer who fails to post violates the NLRA, and is invalid as a matter of law. Consequently, the NLRB is apparently unable to take any punitive measures against employers who fail to post the Notice.

If you have any questions concerning this topic, please contact the member of our GrayRobinson [Employment & Labor](#) law team with whom you work.

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