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D.C. APPEALS COURT ISSUES INJUNCTION DELAYING IMPLEMENTATION OF NEW NLRB POSTING RULE UNTIL AT LEAST SEPTEMBER 2012

We reported on Monday that the United States District Court for the District of South Carolina invalidated the NLRB's new rule requiring employers to post a notice informing employees of their rights under the National Labor Relations Act. That decision is in conflict with a District of Columbia federal court that had earlier upheld the validity of the rule. On Tuesday, the United States Court of Appeals for the District of Columbia granted an injunction prohibiting the NLRB from implementing the new posting rule while the issue is under consideration by that Appeals Court. The Court has scheduled oral arguments for September 2012, meaning that the injunction will stay in place until at least this fall. This decision does not impact a separate requirement, pursuant to an Executive Order that covered federal contractors and subcontractors, to post a notice informing employees of their right to unionize and engage in protected activities under the National Labor Relations Act.

Please contact Peter Bennett at pbennett@thebennettlawfirm or Rick Finberg at rfinberg@thebennettlawfirm.com with any questions regarding this issue.

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