

PUBLICATION

District Court Partially Upholds NLRB Notice-Posting Rule

March 5, 2012

Judge Amy Jackson of the District of Columbia district court has upheld the NLRB's rule requiring employers to notify employees of their rights under the NLRA. In so doing, she rejected a challenge brought by several business groups seeking to invalidate the rule on first amendment and other grounds. The court also upheld a provision of the rule which allows the NLRB to treat a failure to post the notice as evidence of an employer's anti-union animus in unfair labor practice proceedings. A copy of the opinion can be found [here](#).

At the same time, the court struck down provisions of the rule equating the failure to post such a notice as an unfair labor practice under the NLRA, as well as a provision that would toll the statute of limitations in unfair labor practice actions against employers who failed to post the notice.

Readers of this Alert will recall that the NLRB first promulgated its final notice-posting rule in August 2011 (see our original Alert [here](#)). It later delayed implementing the rule twice (in [October](#) and [December](#)), most recently to April 30, 2012.

In a press statement responding to the March 2 ruling, the business groups announced their intent to appeal the court's decision. If you have questions about how this decision might affect your business, please contact any of the attorneys in the Firm's Labor and Employment Department.