

Labor and Employment Law Alert

NLRB Postpones Implementation Date for New Workplace Posting

Client Alert | October 7, 2011

The National Labor Relations board announced yesterday that it has *postponed* the effective date of its new mandatory posting rule, which requires workplace posting of an official Notice of Employee Rights under the National Labor Relations act. The rule had been scheduled to go into effect on November 14th. **Now the rule will be effective on January 31, 2012.** For more information about the rule, [click here to see our Client Alert of August 31, 2011](#).

According to the NLRB, the postponement will “allow for enhanced education and outreach to employers, particularly those who operate small and medium sized businesses.” The NLRB also noted confusion over which businesses fall within the jurisdiction of the NLRA. Coverage under the NLRA depends on the extent to which a company engages in interstate commerce rather than on a numerical measure, but the threshold for coverage is very low and the act extends to almost all private sector employers. The board stated that no other changes in the rule will be made.

Last week the National Federation of Independent Business (NFIB) filed a lawsuit to block the posting rule, but so far the suit has not affected the implementation of the rule. The postponement will help employers prepare to comply with the posting and to evaluate their strategies and actions for staying union free.

For questions about the new posting rule and assistance with preventing and countering union activity in your workplace, please contact [Linda McGill](#) or [Glenn Israel](#) in Portland or [Terry Shumaker](#) in Manchester.