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NLRB POSTPONES POSTER REQUIREMENT

On October 5, 2011 the National Labor Relations Board announced the postponement for the implementation date for its new notice-posting rule by more than two months. The new effective date of the rule is January, 31, 2012. The rule was slated to go into effect on November 14, 2011.

Many believe that the decision to postpone was made in response to the lawsuit filed by the National Association of Manufacturers (“NAM”) on September 8, 2011, now pending in the U.S. District Court for Washington, D.C. In that case, the NAM claims the regulation requiring employers to post a unionization notice is outside the NLRB’s authority under the National Labor Relations Act and is in violation of the Administrative Procedure Act. As discussed at our September 22, 2011 seminar, most private sector employers will be required to post the 11-by-17-inch notice, which is available at no cost from the NLRB through its website, either by downloading and printing or ordering a print by mail.

The NLRB said the decision to extend the posting date followed queries from businesses and trade organizations indicating uncertainty about which businesses fall under the Board’s jurisdiction, and was made in the interest of ensuring broad voluntary compliance. However, the NLRB also said that no other changes in the rule, or in the form or content of the notice, will be made.

The NAM court case is set for hearing on summary judgment motions on December 19, 2011 with a decision to be rendered by the Court before the new effective date of January 31, 2012.

For more information concerning the NLRB rules and regulations please contact a member of our Labor and Employment law practice group at (419) 244-6788.

THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.

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