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NLRB Extends Deadline for Posting Employee Rights Poster

Today, October 5, 2011, the National Labor Relations Board postponed the implementation date of its new employee rights notice-posting rule from the original date, November, 14, 2011 until January 31, 2012. In its notice, the Board states that its decision to extend the rollout period “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.” According to the Board, the extension will “allow for enhanced education and outreach to employers, particularly those who operate small or medium sized businesses.”

The NLRB has been sued over this posting requirement by several national business trade associations, who argue that the Board does not have the authority to implement a posting requirement, since Congress did not choose to require a general posting requirement when it enacted the National Labor Relations Act, as it did in most other federal labor and employment laws it enacted. Stay tuned for the outcome of that lawsuit.

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