

D.C. Federal Court Enjoins NLRB Poster Rule

By Hope Eastman

The Court of Appeals for the DC Circuit today enjoined the NLRB from putting its controversial union rights poster rule in place on April 30, 2012. The National Association of Manufacturers (NAM) had appealed the January 2012 ruling of the district court upholding the rule. The NAM sought an emergency injunction from the Court of Appeals to delay the rule pending the outcome of the appeal. The court granted the request.

The Court expressly cited the recent decision of the District Court of South Carolina on April 13, 2012 that granted summary judgment to the U.S. Chamber of Commerce in its suit seeking invalidation of the regulation on the basis that the NLRB exceeded its statutory authority in creating the regulation.

The NLRB is now prohibited from requiring employers to post notices apprising employees of their rights to organize unions pending the resolution of the NAM appeal on the merits. Nothing will happen before the fall at the earliest as oral argument will be held in September 2012 and the Court ruling would be expected sometime after that.

For now, the April 30 deadline is a thing of the past. Stay tuned for future developments.