Duff on Hospitality Law

NLRB's April 30 Posting Requirement Delayed by Court Rulings

04.27.12

In a previous employment law update, Hospitality, Travel & Tourism practice group member, Diana Shukis, summarized the much discussed National Labor Relation Board's (NLRB) new notice posting rule. Diana provides below a brief update on the deadline for complying with the rule and her thoughts on where things go from here.

Recent court decisions have delayed the April 30, 2012 deadline for complying with the NLRB's notice posting rule. Based on the court decisions, employers are not required to post the statement of employee rights at least for now.

How did the deadline get delayed? Business groups filed two challenges to the notice posting rule - one in the District of Columbia and the other in Charleston, South Carolina. On April 13, 2012, the South Carolina court invalidated the entire notice posting rule, but questions abounded as to whether the ruling applied outside of of South Carolina. On April 17, 2012, the United States Court of Appeals for the District of Columbia issued an emergency order prohibiting the NLRB from enforcing the rule, pending a ruling on the merits of the case before it. The District of Columbia court's decision clarified that employers do not need to post the notice required in the rule. The NLRB posted a notice on its website confirming the delay in implementation of its rule.

Where does this leave employers? For now, employers do not need to post the notice required by the rule. Both courts will decide the cases before them and the losing party may ask the United States Supreme Court to review.

If you have questions about the rule or how it affects you, please let Diana or me know.

Posted in Employment Law

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