



**Labor & Employment Alert  
October 2011**

**National Labor Relations Board's New Posting Rule  
Implementation Date Changed to January 31, 2012**

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A month ago the National Labor Relations Board ("Board") posted its new posting rule, which requires a posting in most private sector workplaces advising employees of their rights under the National Labor Relations Act ("Act"). As we advised you at the time, the Board's original implementation date was November 14, 2011.

The Board has now postponed the implementation date for this posting until January 31, 2012, "to allow for enhanced education and outreach to employers, particularly those who operate small and medium sized businesses." There have been no other changes made to the posting rule or the content of the posting.

You also should be aware that there are at least two court cases currently pending which challenge the Board's authority to promulgate and implement such a rule. The National Association of Manufacturers has alleged that the Board's rule exceeds its authority under the Act. The National Right to Work Foundation additionally alleges that the posting rule infringes on the constitutional free speech rights of employers. We will keep you apprised of any further developments.

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*This Alert was prepared by Geoffrey P. Wermuth, a partner in the law firm of Murphy, Hesse, Toomey & Lehane, LLP. If you have any questions or concerns with regard to this alert, please contact Attorney Wermuth, the attorney assigned to your account, or your own labor counsel.*

*Murphy, Hesse, Toomey & Lehane, LLP, is a multi-service law firm with offices in Quincy, Boston, and Springfield, Massachusetts. The firm emphasizes labor & employment law, employee benefits law, municipal law, public sector labor law, education law, special education law, and related litigation.*

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