

MAY 9, 2013**COURT DECLARES NLRB POSTING RULE INVALID**

One year ago, we published an Alert on a new rule issued by the National Labor Relations Board (“NLRB”), requiring virtually all employers to post a notice about employees’ rights under the National Labor Relations Act. The rule was supposed to take effect in April 2012, but several employer groups challenged its validity, causing the NLRB to temporarily suspend implementation of the rule.

After a lot of legal wrangling, the United States Court of Appeals for the District of Columbia declared this week that the rule was, indeed, invalid. The court struck down the entire rule, reasoning that it unlawfully restricted employers’ free speech rights.

The court ruling is great news for employers, because the notice posting rule was expected to lead to an increase in unionization, employee confusion, and NLRB enforcement activity. While it’s possible that the NLRB could appeal to the Supreme Court, for now, employers no longer need to worry about the NLRB notice posting rule.

If you have questions regarding the Court’s decision on the NLRB notice posting rule, please feel free to contact Jim Spencer at jspencer@hinklaw.com or Trinidad Galdean at tgaldean@hinklaw.com or (316) 267-2000.

DOWNTOWN WICHITA

301 N. Main St., Ste. 2000
Wichita, KS 67202-4820

EAST WICHITA

8621 E. 21st St. N., Ste. 200
Wichita, KS 67206-2991

OVERLAND PARK

6800 College Blvd., Ste. 600
Overland Park, KS 66211-1533