



MURPHY HESSE
TOOMEY & LEHANE LLP

Attorneys at Law

Labor & Employment Alert
April 17, 2012

**Federal District Court Judge In South Carolina Rules That
The NLRB Exceeded Its Regulatory Authority In Requiring A
Workplace Posting Of Employees' Union Rights**

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The saga of the National Labor Relations Board's Posting Rule continues. Friday afternoon Judge David C. Norton of the Federal District Court for the District of South Carolina, in a case brought by the South Carolina Chamber of Commerce and the U.S. Chamber of Commerce, ruled that the Board exceeded its regulatory authority in requiring a workplace posting of employees' union rights. Earlier, as we informed you, another Federal District Court in the District of Columbia upheld the Rule's requirement of a posting, but ruled that other parts of the Rule exceeded the Board's regulatory authority. That case currently is on appeal.

It is uncertain what this means for the current Board deadline of April 30 for employers to post the Board's notice. The geographical jurisdiction of the South Carolina Court extends only to South Carolina, and we now have two contradictory District Court rulings on the posting requirement. As things stand now, theoretically the Board could require the posting everywhere except South Carolina, but this seems somewhat impractical. Or the Board could pull back on the effective date until these court challenges are finally resolved. We expect that the Board will clarify its position on the April 30 deadline within a week, and we will keep you informed of any further developments.

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.

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Phone (617) 479-5000

Fax (617) 479-6469

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