



## Labor & Employment ADVISORY ■

**JANUARY 8, 2014**

### NLRB Accepts Defeat: Notice-Posting Rule Effectively Void

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The National Labor Relations Board (NLRB) issued a [statement](#) earlier this week indicating that it has decided not to seek Supreme Court review of two U.S. Court of Appeals decisions invalidating the NLRB's Notice-Posting Rule, a rule that would have required most private-sector employers to post a notice of employee rights in the workplace.

In May 2013, the U.S. Court of Appeals for the D.C. Circuit invalidated the rule in [National Association of Manufacturers v. NLRB](#) on the grounds that the enforcement mechanisms imposed by the rule were unlawful. A month later, the Fourth Circuit Court of Appeals struck down the rule in [Chamber of Commerce v. NLRB](#) on the grounds that the NLRB had exceeded its rulemaking authority.

While many people watching the issue expected the NLRB to appeal the decisions to the Supreme Court, it opted not to do so, letting the January 2 deadline for appeal pass. The NLRB has not provided any insight into its decision not to appeal, but has indicated that it "will continue its national outreach program to educate the American public about the statute." In the meantime, the Notice-Posting Rule is effectively void.

For more background on the D.C. and Fourth Circuit decisions invalidating the Notice-Posting Rule, please see our prior advisories:

[D.C. Circuit Court of Appeals Strikes Down NLRB Notice-Posting Rule](#)

[Courts Further Delay Enforcement of NLRB Posting Requirement](#)

[D.C. Federal Court Upholds NLRB Posting Requirement but Invalidates Enforcement Provisions](#)

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