

JUDGE RULES IN CHAMBER'S FAVOUR - NLRB MULL APPEALING RULING



Chief U.S. District Court Judge David C. Norton, in a lawsuit filed by U.S. Chamber of Commerce, has ruled that the National Labor Relations Board cannot compel private businesses to post union notices. He wrote on Friday that the requirement exceeds the federal agency's powers, "There is not a single trace of statutory text that indicates Congress intended for the board to proactively regulate employers in this manner." Norton wrote in his 31-page ruling Friday that for the 77 years since the National Labor Relations Act was passed, the NLRB "has been nearly unique among federal labor agencies in not requiring employers to post a general notice of employee rights in the workplace." He went on to say that in that late 2010, the board "changed course" and proposed the new regulation. Pro-business plaintiffs, led by the US Chamber of Commerce, had filed a lawsuit in September, challenging the NLRB requirement. The ruling is seen as favouring them. This is the third time lucky for them, as the ruling was postponed twice before. The rule is supposed to take effect from April 30. A chamber official had called the NLRB's proposed rule, "nothing more than labor regulation run amok. Adding insult to injury, the board's new rule violates the First Amendment by forcing employers to use their own resources to post the NLRB's pro-union message on the company's own property." However, the issue is not been conclusively set to rest. In another, alike lawsuit, District Court Judge Amy Berman Jackson in Washington, D.C., said that the National Labor Relations Board does have the power to require the union notices. "The notice-posting rule is a reasonable means of promoting awareness," she wrote. It seems that an appeal will be required to determine and agree on the contradictory legal opinions. Lawyers from both sides were assessing and evaluating the ruling to see if it applied to all unions across the country or was it South Carolina specific. NRLB, spokeswoman Nancy Cleeland said, "Our attorneys are studying the decision and deciding what our response will be." South Carolina is mostly free of unions and the NLRB is seen as body with a penchant for controversy. In 2010 they had blamed Boeing Co. in 2010 of unfair labor practices and wanted them to shift their new 787 aircraft assembly line from North Charleston to the Seattle area. The dispute was settled last year. As of now, the workplace notices have to posted in a prominent location. The notice could highlight employee's rights that the employee has under the have under the National Labor Relations Act, rules and conditions and financial implications of joining the union.