

The NLRB's Office Of General Counsel Provides Guidance Regarding Handbook Policies

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On March 18, 2015, in the wake of a number of controversial decisions by the National Labor Relations Board (NLRB) regarding policies in employee handbooks (both in unionized and non-unionized settings), the NLRB's General Counsel **issued a report** summarizing the recent case law and issuing guidance for employers. In particular, the report highlights that confidentiality rules violate the National Labor Relations Act (NLRA) if employees would reasonably understand the rules to prohibit discussions about the terms and conditions of employment, such as rules that prohibit discussion of "personnel" or "employee" information without further definition. The report identified similar issues with rules prohibiting "disrespectful," "rude," or "negative" conduct by employees towards supervisors or the company, absent sufficient clarification or context. This issue often arises in the social media context, as well. Given that the NLRB appears to be aggressively pursuing companies whose handbooks may violate Sections 7 or 8 of the NLRA -- for example, on March 19, 2015, an administrative law judge with the NLRB **ruled** that a hospital's English-only rule violated the NLRA, despite the hospital's articulated concerns over patient safety -- employers should carefully scrutinize current policies for NLRA compliance purposes.

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