

New NLRB Guideline Lessens Restrictions on Employee Policies



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On June 6, 2018, the General Counsel for the National Labor Relations Board ("NLRB") issued a memorandum announcing the NLRB's new approach to employers' policies, rules, and handbooks. In the past, the NLRB prohibited any rule that could potentially limit an employee's rights to engage in activities protected by the National Labor Relations Act, including rules limiting employees' rights to discuss working conditions, wages, and benefits with other employees.

Under the NLRB's new approach, neutral rules will generally be deemed lawful, even if their application could in some circumstances impinge on an employee's rights, if the employer's interests in maintaining the rule outweigh the rule's negative impact on employees' rights. This guidance grants more latitude to employers in drafting handbook rules, particularly for rules requiring civility and professionalism in the workplace.

Employers may wish to re-examine their policies in light of this guidance. Please contact Jessi Thaller-Moran or Elizabeth Troutman for additional advice or for assistance conducting a handbook review.