

NLRB GC Releases Guidance on Employer Handbook Rules

MARCH 23, 2015

On March 18, 2015, the General Counsel of the National Labor Relations Board (Board), Richard F. Griffin, released a lengthy report, [GC 15-04](#), addressing recent Board case developments in the context of employee handbook rules. The General Counsel's insights are intended to provide employers with guidance in maintaining workplace policies that the Board would likely deem compliant with federal labor laws. In that regard, the GC Memorandum observes that while most employers do not draft handbook rules with the intention of circumventing federal labor law, "the law does not allow even well intentioned rules that would inhibit employees" in the exercise of protected labor law rights.

The two-part report first examines the legality of various types of work rules and policies that are often challenged or otherwise at issue in Board litigation, including confidential information, employee conduct towards supervisors, fellow employees and/or third parties, trademarks, photography and recording in the workplace, restrictions on employees leaving work, and employee conflicts-of-interest. The GC Memorandum highlights policies determined both lawful and unlawful, and seeks to harmonize differing case outcomes and explain the rationale behind any distinctions. Second, the report discusses handbook rules from recently settled unfair labor practice charges against Wendy's International LLC, including discussions of the handbook rules that the Board deemed facially unlawful, as well as the modified "model" policies that were held to be acceptable under the settlement.

As noted above, GC 15-04 is intended to aid employers in proactively shaping handbooks to adequately protect business interests without running afoul of employees' Section 7 rights. Employers should review the memorandum and contact counsel to ensure handbooks comply with Board scrutiny.

We will cover this important development in depth at our upcoming eLunch, *NLRB Case Developments Addressing Employee Handbooks and Policies*, on April 30, 2015. Contact [Cary Wertz](#) if you would like to attend this eLunch.

Click [here](#) to view GC 15-04.

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