

# CAPLAW *e-news brief*

## Practical NLRB Guidance Regarding Personnel Policies

By Chris Logue, Esq.  
June 2015

The National Labor Relations Board (NLRB) continues to refine its guidance around Section 7 of the National Labor Relations Act (NLRA) which provides all workers, both non-unionized and unionized, with a protected right to engage in concerted (or group) activity for purposes of collective bargaining, mutual aid or protection. This right includes communications with one another about the terms and conditions of employment. Turning its attention to personnel handbooks and policies, the NLRB released a 30-page report, [Office of General Counsel \(GC\) Memorandum GC 15-04](#), in which it analyzes a wide range of policies contained in employee handbooks, including those related to:

- Confidentiality;
- Employees' rights to protest or criticize their employer's labor policies or treatment of employees;
- Conduct toward fellow employees, including policies regarding harassing or abusive behavior;
- Employee contact with the media;
- Use of cell phones and cameras at work;
- Conflicts of interest; and
- Use of social media.

This report follows a recent NLRB decision addressed in a prior [CAPLAW e-News bulletin](#) that examined an employer's restrictions on employee email use and found those restrictions largely unlawful. The report provides community action agencies (CAAs) and other employers with a point of reference when reviewing and revising language in their personnel handbooks and policies. The report not only compares provisions from different personnel policies and explains why some are considered lawful while others are not, but also discusses a recently settled unfair labor practices case which resulted in the company charged revising its handbook rules to bring

them in compliance with NLRA Section 7 requirements. As always, CAAs should work with an employment law attorney licensed in their state when updating their employment policies.

For more information about the recently issued NLRB report and its impact on all employers, read this [legal alert](#) from the law firm Kilpatrick Townsend.

*This article is part of the Community Services Block Grant (CSBG) Legal Training and Technical Assistance (T/TA) Center. It was created by Community Action Program Legal Services, Inc. (CAPLAW) in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services Cooperative Agreement – Grant Award Number 90ETO441-01. Any opinion, findings, and conclusions, or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Health and Human Services, Administration for Children and Families.*