The NLRB is Eyeing Your Personnel Policies – You Should Be Too

APRIL 8, 2015

Over the course of the last few years, the National Labor Relations Board ("NLRB") has made a concerted effort to expand and assert its enforcement authority into non-union environments including private institutions. As a part of this effort, the NLRB has focused on examining employee handbooks and other policies for rules which may violate the National Labor Relations Act ("NLRA") by restricting or "chilling" the right of employees to engage in protected activities. Indeed, the NLRB's efforts in this regard have resulted in several actions against non-union employers.

On March 18, 2015, the NLRB's general Counsel issued guidance document to all Regional Directors distilling the NLRB's position concerning rules on several topics based on recent enforcement actions. The guidance document provides examples and explanations of policies on various topics including confidentiality, employee conduct, social media and at-will employment, among others, that it has found to be unlawful as well as others it has found to be lawful. The guidance document can be found on the NLRB's website at http://www.nlrb.gov/.

Client Tip: *Given the NLRB"s focus on employment policies, institutions are advised to review the guidance and to review and evaluate their employment and personnel policies for compliance with the examples and explanations provided.*

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