



COUNSEL TO GREAT COMPANIES

Recent NLRB Rulings

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The National Labor Relations Act

The National Labor Relations Act ("NLRA") was passed in 1935.



Who Does the NLRA Protect?



What Does the NLRA Protect?

It is national labor policy to:

- **Encourage** collective bargaining, and
- **Protect** workers' rights to
 - Associate
 - organize, and
 - designate representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection

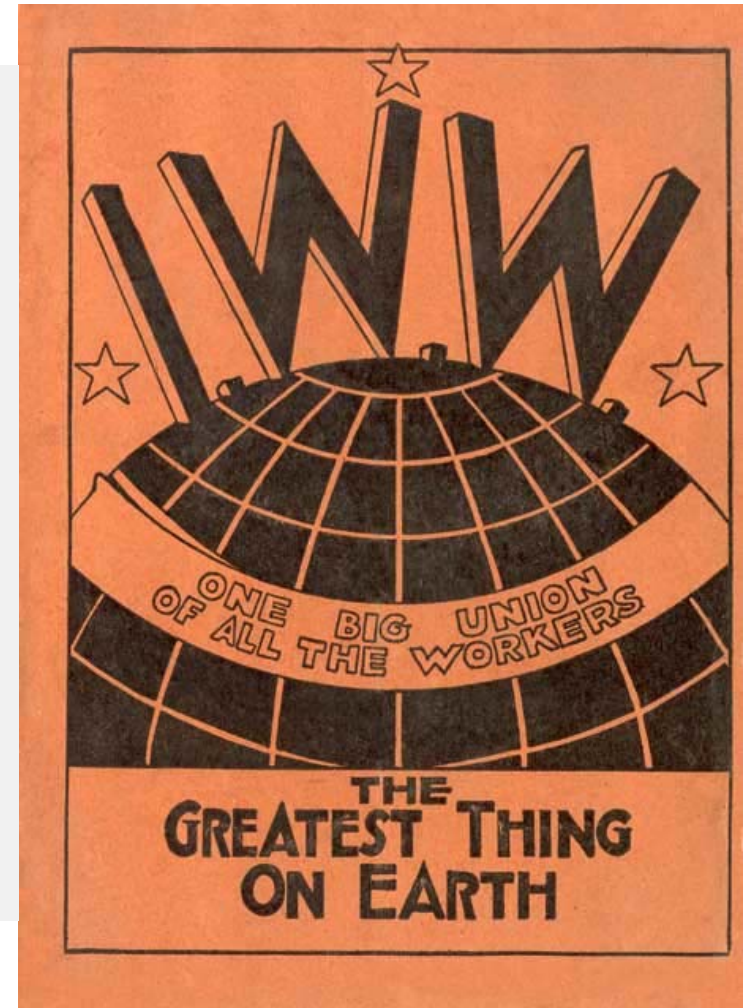


The National Labor Relations Board

- Five member board.
- Holds elections.
- Decides cases.
- Investigates unfair labor practices charges.



Solicitation and Distribution



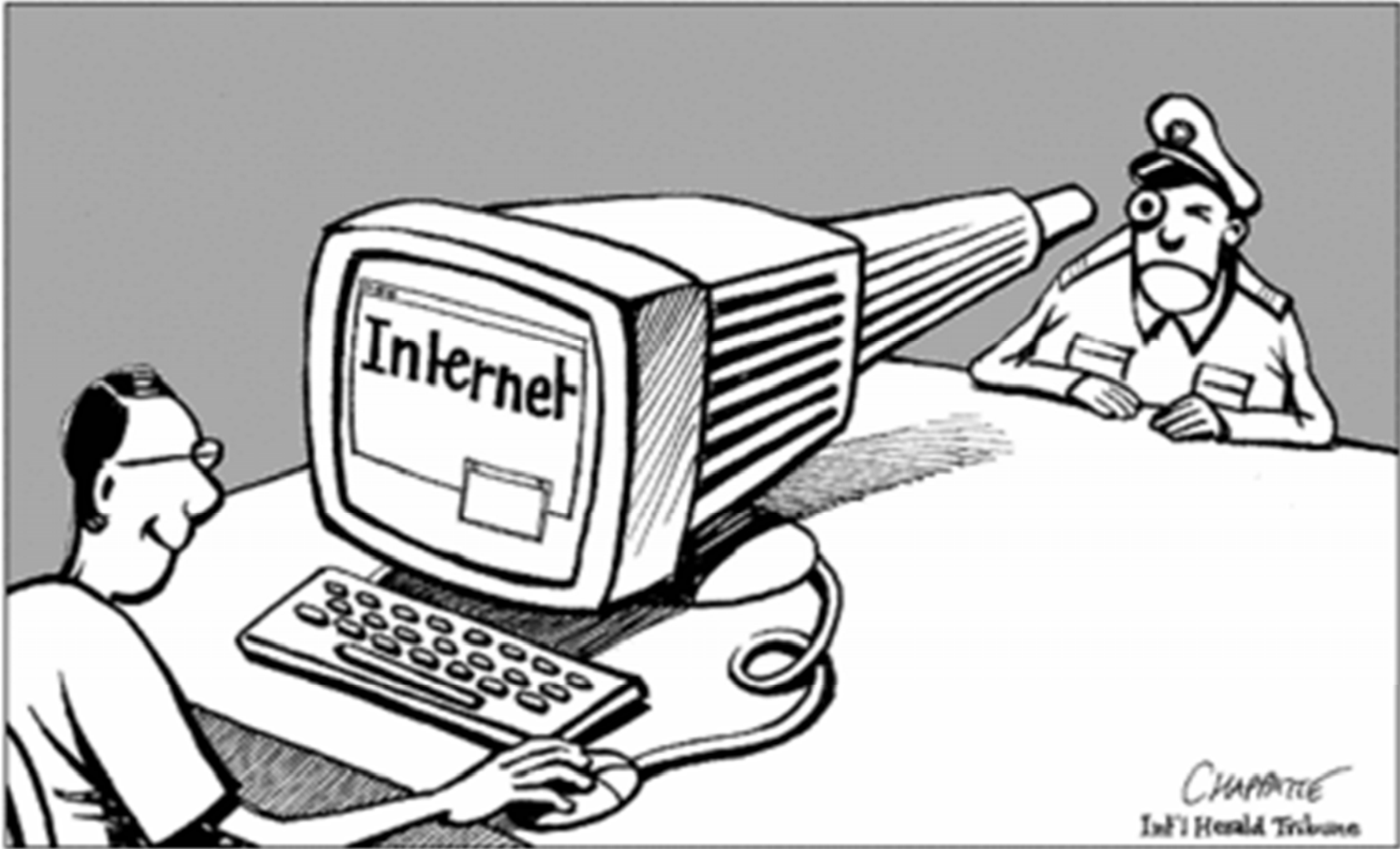
Conduct Rules



Confidentiality Rules



Internet Monitoring



When is employee use of social media "concerted activity?"



Examples of Problematic Policies

- “Do not discuss your salary.”
- “Your performance evaluation should be discussed only with your supervisor.”
- “Do not disclose confidential information about our customers, fellow employees, or company business.”

More Examples of Problematic Policies

- “Do not act in a disrespectful manner.”
- “Do not say anything that is untrue about the company.”
- “Do not be critical of the company or its employees in social media.”
- “Do not discuss this investigation with anyone else.”

Consequences



New Quickie Election Rules

- Accelerated election process.
- Mandatory pre-election posting requirements.
- Statement of Position Required.
- And more...



The Importance of Prevention Programs

- Empower Supervisors.
- Improve Communications.
- Foster Involvement.
- Reasonable Standards.



Questions?

