

Northern New England

MONDAY MORNING MINUTE

May 12, 2014

Here's Your Hat, What's Your Hurry...?

On May 1, 2014, the National Labor Relations Board ruled that the enforcement of a policy barring employees of a continuing care retirement facility from remaining at work after their shift had ended, unless they first obtained permission from a supervisor, violated the National Labor Relations Act ("the Act").

The NLRB ruled that because the "off-duty access" rule allowed supervisors "broad – even unlimited – discretion" to decide when and why access to the facility by off-duty employees would be allowed, the rule violated Section 8(a)(1) of the Act. Under Section 8 (a)(1) of the Act, enforcement of off-duty access rules is generally permitted only where the policy applies to all employees seeking access to the facility after their regular working hours.

Two of the three Board members found that the policy of American Baptist Homes of the West was facially invalid, and although the third member did not find the rule invalid on its face, he agreed that the enforcement of the employer's policy, as applied to two employees who sought after-hours access to the facility to assist the union in presenting a grievance to management, violated the Act. *American Baptist Homes of the West*, 360 N.L.R.B. No. 100 (May 1, 2014).

Your Jackson Lewis Attorney can answer questions regarding this and other employment law issues.

For specific information or answers to questions, please contact any of the attorneys in the Portsmouth, NH office:

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SAVE THE DATE!

ON MAY 20TH, Portsmouth Managing Shareholder **Debra Weiss Ford** will be presenting at the **“Employment Policies and Handbooks: What You Need...and What You Don’t”** seminar at **Brightview North Andover Independent & Assisted Living**.

An educational opportunity for Human Resource & Management Professionals

This interactive seminar will address not only the policies employers must have, but also identify employment policies that actually create unnecessary liability. Learn what policies you need and what policies create ticking time bombs and may violate the NLRA. This seminar will help insulate your company against ex-pensive and time-consuming litigation.

Date/Time:

Tuesday, May 20th, 2014
8:00 a.m. – 10:30 a.m.

Location:

Brightview North Andover Independent & Assisted Living
1275 Turnpike Street | North Andover, MA 01845

Cost:

\$35.00/person (on or before 05/15/14)
\$45.00/person (on or after 05/16/14)

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Email: LDoiron@familyservicesEAP.org

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