NLRB's Miscimarra Lays Path For Handbook Rule Challenges

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The article, “NLRB's Miscimarra Lays Path For Handbook Rule Challenges,” featured in *Law360,* discussed how -- National Labor Relations Board member Philip Miscimarra has called on the board to adopt a new standard for evaluating workplace handbook rules that take employers' justifications for those policies into account a position attorneys say could be used as a roadmap by employers seeking to challenge the standard.

Steve Bernstein commented on how Miscimarra’s position could be used as a roadmap by employers seeking to challenge the standard.

He said Miscimarra's dissent "will form the basis for a more robust discussion at the court of appeals level."

"This becomes potentially a road map for other aggrieved parties to make similar arguments," Bernstein said. "It carries a lot of weight. In front of the right panel of judges in the right circuit, it could be very powerful."

To read the full article, please visit *Law360*.

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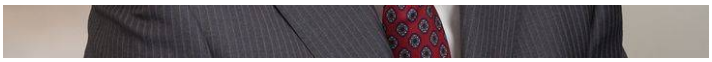

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