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WORKPLACE RULES SELDOM PASS LABOR BOARD'S LEGAL TEST

News

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Administrative law judges have struck down 16 of the 17 confidentiality rules that they've examined in cases applying the NLRB's December 2017 decision in *Boeing*. The rulings provide clues about whether the myriad rules employers impose to control employee conduct in unionized and nonunionized workplaces will ultimately survive board review under the *Boeing* framework. Speaking with *Bloomberg Law* about how the NLRB categorizes its rules since *Boeing*, labor relations attorney Reyburn Lominack said: "Trying to fit every workplace rule into one of the *Boeing* categories is problematic because, even though certain rules may involve the same subject matter, the context of the rules and the specific verbiage used can vary significantly among employers. I caution employers not to get too comfortable with the notion that certain rules are always lawful or always unlawful."

To read the full article, visit [Bloomberg Law](#) (subscription required).

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