

## You've Got Mail! NLRB Chairman Issues Letter Regarding Employer Email Case

September 25, 2018 | [National Labor Relations Board, Labor And Employment](#)



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Per an announcement last month, the National Labor Relations Board (NLRB) is contemplating changing its current stance related to employer policies governing [employee use of company email systems](#). Under current board law, employers generally cannot prohibit employees from using a company's email system for union organizing purposes or other activities protected by the National Labor Relations Act. In a pending case, the agency is considering whether companies may be permitted to institute blanket bans on non-business use of company email.

After the NLRB announced its intent to re-evaluate its position on employer email policies, several senators sent a letter to the board urging the agency to leave its current stance in place and also suggesting that board member William Emanuel recuse himself from the proceedings. Member Emanuel has been alleged by some to have "conflicts of interest" in [various cases](#) stemming from his former private practice.

On Sept. 24, Chairman John Ring [issued a response](#) to the senators' letter. In his response, Ring notes that the NLRB is accepting input from people and entities on both sides of the issue and that all input will be considered. He also offers assurances that Member Emanuel – and all other board members – will always adhere to applicable ethical limitations when presiding over cases.

This looks to become a politically charged issue. If the board changes its position and allows limitations on employee use of company email, it would be welcome news to those companies who desire to limit non-business use of their systems. Stay tuned to see how it plays out.

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