

NLRB At It Again: Another Confidentiality Policy Bites The Dust

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The NLRB has struck down another confidentiality policy.

In this particular case, the company fired an employee based upon its good faith belief that the employee improperly accessed company files to ascertain the salary information for a company executive and then shared that information with co-workers. The Board rejected the company's basis for termination and upheld the ALJ's conclusion that the misconduct had not taken place. Rather, the Board found that an employer's handbook policy which stated that: "dissemination of confidential information within [the company], such as personal or financial information, etc., will subject the responsible employee to disciplinary action or possible termination" was overbroad and in violation of the employee's Section 7 rights. Accordingly, the Board ordered the employer to rescind the policy and reinstate the employee with backpay.

This case ([full decision found here](#)) is another powerful reminder for employers to review their handbook policies in light of the Board's active agenda and focus on employer policies.

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