

TIMBER! National Labor Relations Board (NLRB) Cuts Down Another Employer Policy (This Time it is Off-Duty Access)

Article By:

Adam L. Bartrom

A nursing home had a policy forbidding employees for hanging around after the end of their shift unless they had previous permission to be on the premises from a supervisor. The Union alleged that two employees were denied access to the facility to assist with processing grievances.

The **NLRB**, upholding the decision of the ALJ (Administrative Law Judge), found the nursing home's policy was unlawful. While the Board acknowledged that an employer can generally prohibit **off-duty access** – it held the policy must apply to all off-duty employees for any reason. In this case, the Board found that because the supervisors enjoyed “broad – indeed, unlimited – discretion to decide when and why employees may access the facility” under the policy, it was in violation of the Act. The Board went on to hold that the nursing home further violated the Act by applying this policy in a **way which prohibited two employees from engaging in protected activity – helping to process grievances.**

Finally, the Board held that the employer violated the Act by posting a sign in the employee break room which prohibited employees from having union meetings in the break room.

The full opinion can be found [here](#).

© 2025 BARNES & THORNBURG LLP

National Law Review, Volume IV, Number 129

Source URL: <https://natlawreview.com/article/timber-national-labor-relations-board-nlr-b-cuts-down-another-employer-policy-time-it>