



HOT TOPICS
IN LABOR & EMPLOYMENT

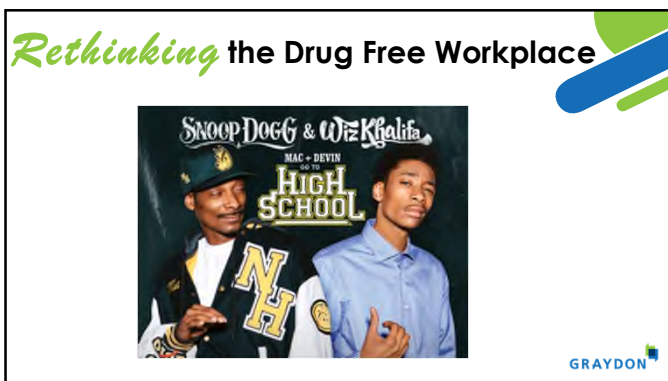
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HR Collaborative





Rethinking the Drug Free Workplace



SNOOP DOGG & WIZ KHALIFA
MAC + DEVIN
GO TO
HIGH SCHOOL

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Rethinking the Drug Free Workplace



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Rethinking the Drug Free Workplace

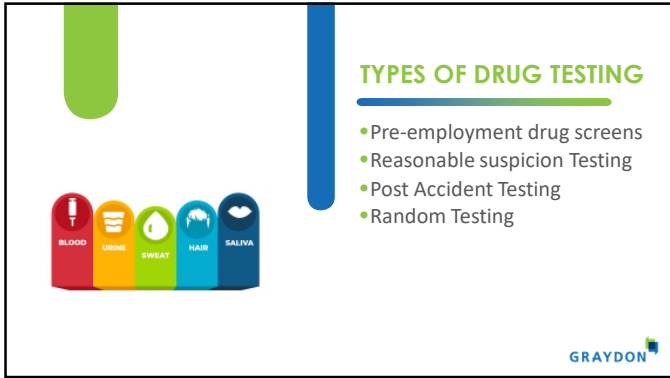


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Rethinking the Drug Free Workplace



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TYPES OF DRUG TESTING

- Pre-employment drug screens
- Reasonable suspicion Testing
- Post Accident Testing
- Random Testing

BLOOD URINE SWEAT HAIR SALIVA

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Considerations for the Workforce

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Family and Medical Leave Act




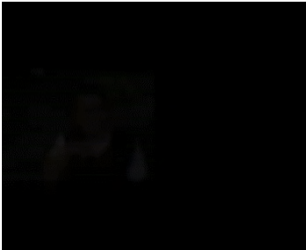
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 Family and Medical Leave Act




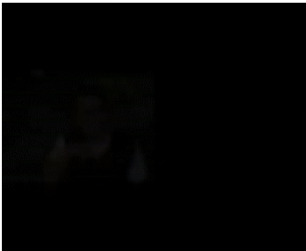
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 Americans with Disabilities Act



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 Americans with Disabilities Act




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Investigations (cont.)

- Have a plan
- Consult legal counsel
- Impartial investigator
- Identify witnesses
- Prepare questions
- Be thorough
- Witness statements
- Document, document, document


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Harassment Update



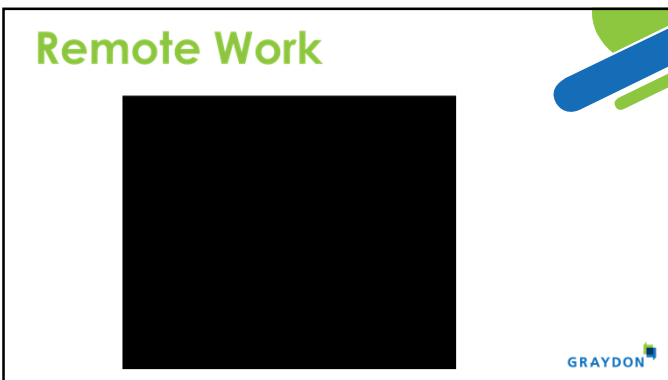
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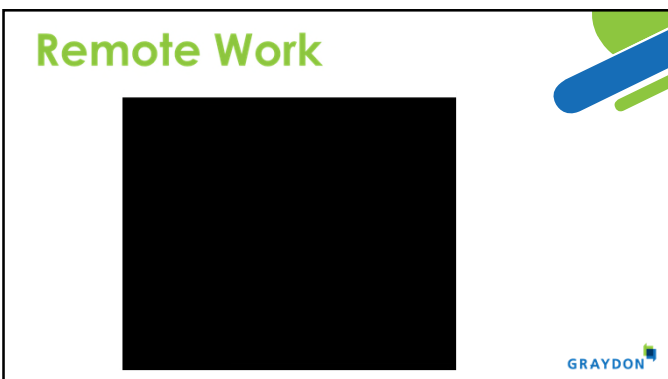
Harassment Update



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Remote Work in Light of FMLA, ADA, and FLSA

- Accommodating
- Attendance is essential
- Wage and hour violations

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COVID-19 
Vaccine and Masks Update





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COVID-19 
Vaccine and Masks Update





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The "LABOR" Part of L&E
Does it apply to me?

The "LABOR" Part of L&E
Does it apply to me?



**UNION-FREE EMPLOYEES
Have Rights!**

Right to engage in protected concerted activity

- Includes discussion of wages, hours and terms and conditions of employment
- Social Media!


NLRB is leading the charge on social media

- Strikes down policies all the time
- OK to ban illegal discussions (trade secrets, etc.)
- Can't prohibit all discussions (e.g. supervisor is a jerk, etc.)



TERMINOLOGY

- **National Labor Relations Act** (“NLRA” or “the Act”)
- **National Labor Relations Board** (“NLRB”)
- **Collective Bargaining Agreement** (“Contract”)
- **The Bargaining Unit**
- **Unfair Labor Practice** (“ULP”)
 - Interfere with, restrain or coerce in exercise of guaranteed rights
 - Discrimination
 - Domination



LABOR:

Unfair
Labor Practice Charges





Early WARNING SIGNS



Early **WARNING** Signs of Union Organization

- The nature of employee complaints changes and frequency increases.
- Employees forming in groups that include individuals who do not normally associate with each other.
- Large number of policy inquiries, particularly on pay, benefits and discipline.
- Employees in work areas they do not normally visit.
- Avoidance of supervision - employees quit talking to you.
- Argumentative questions being asked in meetings. Provocation, not discussion.



Early **WARNING** Signs of Union Organization

- Exit interview information indicating that people are attempting to escape an unpleasant environment.
- News items placed on bulletin boards or online about union settlements in local companies or other industries.
- Cartoons or graffiti which direct humorous hostility toward the organization, management or supervision.
- Non-union people begin meeting and talking with known union members. (Where some, but not all, employees are organized.)
- Complaints begin to be made by a delegation, not single employees



Early **WARNING** Signs of Union Organization

- Strangers appear and linger upon the Company premises or in work areas or in parking lots.
- Employees or strangers show unusual curiosity about the Company affairs and policies.
- Employees adopt a new, technical vocabulary which includes such phrases as "protected activity," "unfair labor practices," "demands for recognition," "concerted activity," and "labor board."
- Union authorization cards, handbills, or leaflets appear on the premises or in parking areas.
- Union representatives visit or write employees at their homes.
- Surveys by telephone
- FOIA Information Requests



