

Surveying the New Labor Law Landscape: A Rocky Road Ahead

Past Details

April 29, 2015

8:00 AM - 10:30 AM

Jackson Lewis P.C.

44 South Broadway, 14th Floor

White Plains, NY 10601

Registration Fee: Complimentary

To educate our clients and friends about these developments, Jackson Lewis will offer “Surveying the New Labor Law Landscape: A Rocky Road Ahead” in various cities throughout the country. We will discuss the law, trends and recommendations for employer consideration.

Topics to be covered include:

- The new “quickie election” rules – Effective on April 14th, these rules call for, among other significant changes, union elections which could be within two or three weeks of a union petition, as well as earlier, more detailed access by unions to employee contact information. With limited employer opportunity to lawfully communicate with employees, factual information about unionization and greater access by unions to employees will make it easier for unions to organize unprepared union-free and partially unionized employers.
- Employee use of employer email to organize – The NLRB has decreed that employers who allow employees to use their email systems must allow them to use the same systems for personal use (including union organizing and other protected-concerted activity) on their non-work time. Does your policy comply? Can employee email use be restricted?
- New definition of “solicitation” – Most companies with solicitation rules enforce them in a way that is no longer lawful. When does “solicitation” actually occur in the Labor Board’s view and how does that impact current employer rules?
- “Made-to-the-union’s-order” bargaining units – The NLRB continues to permit unions to organize employees in small, easier-to-organize bargaining units, increasing unions’ chances of winning elections.
- The Board’s activist approach to the “joint employer issue” – Several unfair labor practice complaints have been issued against a national fast food franchisor in cases where the alleged unlawful conduct actually was taken by a franchisee. Will the Board take the next step and (in connection with the Browning-Ferris Industries case pending before it) formally liberalize the “test” for determining whether two entities are joint employers for purposes of, for example, unfair labor practice liability? Would your organization be affected by such a decision?
- Protected Concerted Activity – Whether in connection with social media sites, conduct in the workplace or the wording of employee handbooks and HR policies, the NLRB’s laser-like focus on expanding employee Section 7 rights makes business-as-usual a risky approach. Is the NLRB General Counsel’s just-issued memorandum on rules and policies a roadmap for the unwary employer?
- New Deferral Standards – Does your organization’s collective bargaining agreement contain language that enhances the possibility that an arbitrator—and not the union-leaning NLRB—will hear unfair labor practice charges alleging unlawful employee discharge?

These educational programs are for the clients and friends of Jackson Lewis P.C. We reserve the right to refuse participation in the program to anyone other than a bona fide management representative. Individuals affiliated with union organizations are not eligible for registration.

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