

TIPS & BEST PRACTICES  
FROM THE EXPERTS

My**HR**Help™

# Glancing Back but Staying Ahead of the Curve in 2019

Presented by: GORDON&REES  
SCULLY MANSUKHANI

# Where We've Been

## 2018



## 2017



# 2018

**Joint Employer & Independent Contractor Issues**

- The NLRB's Browning-Ferris Industries Decision has had implications for:
  - Independent Contractors
  - Post-Offers
  - Staffing Agencies
- 20 to 25 percent of employers may misclassify full employees as independent contractors

**Prescription & Recreational Drugs in the Workplace**

- All the use of legislation of controlling drug supply and will have other actions, preventing a national database for employers and employees also will be a combination of drug, and research will be done
- Healthcare Employer Workforce
- Drug Tests



**Equal Pay & Gender Equality in the Workplace**

| Federal       | State           |
|---------------|-----------------|
| Equal work    | Similar work    |
| Same location | Other locations |



**Sexual Harassment Claims**

- Altomonte of Wisconsin
- Impact on registrations of outstanding sexual harassment claims
- Activity with potentially associated claims - Me Too movement
- Preventative measures
- Tiered Discipline

# Sexual Harassment Claims

- Aftermath of Weinstein
- Impact on negotiations of outstanding sexual harassment claims
- Activity with potentially associated claims - #MeToo movement
- Preventative measures
- Tiered Discipline

# Equal Pay & Gender Equality in the Workplace

*Federal*

Equal work  
Same location

*State*

Similar work  
Other locations

| Occupation  | Men   | Women |
|---|-------|-------|
| Management occupations                                    | \$871 | \$719 |
| Food preparation and serving related occupations          | \$463 | \$419 |
| Building and grounds cleaning and maintenance occupations | \$517 | \$413 |
| Personal care and service occupations                     | \$607 | \$455 |
| Sales and related occupations                             | \$841 | \$570 |
| Office and administrative support occupations             | \$701 | \$637 |
| Production occupations                                    | \$711 | \$502 |

\*Change by occupation and sex, 2014 median weekly earnings of full-time, wage and salary workers  
Source: BLS.gov, Bureau of Labor Statistics, Bureau of Economic Analysis, Bureau of Economic Analysis

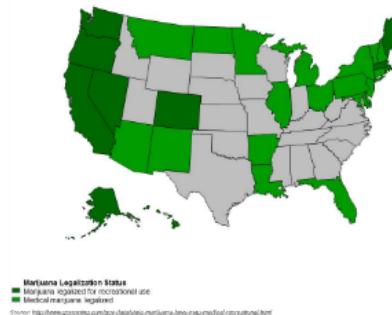
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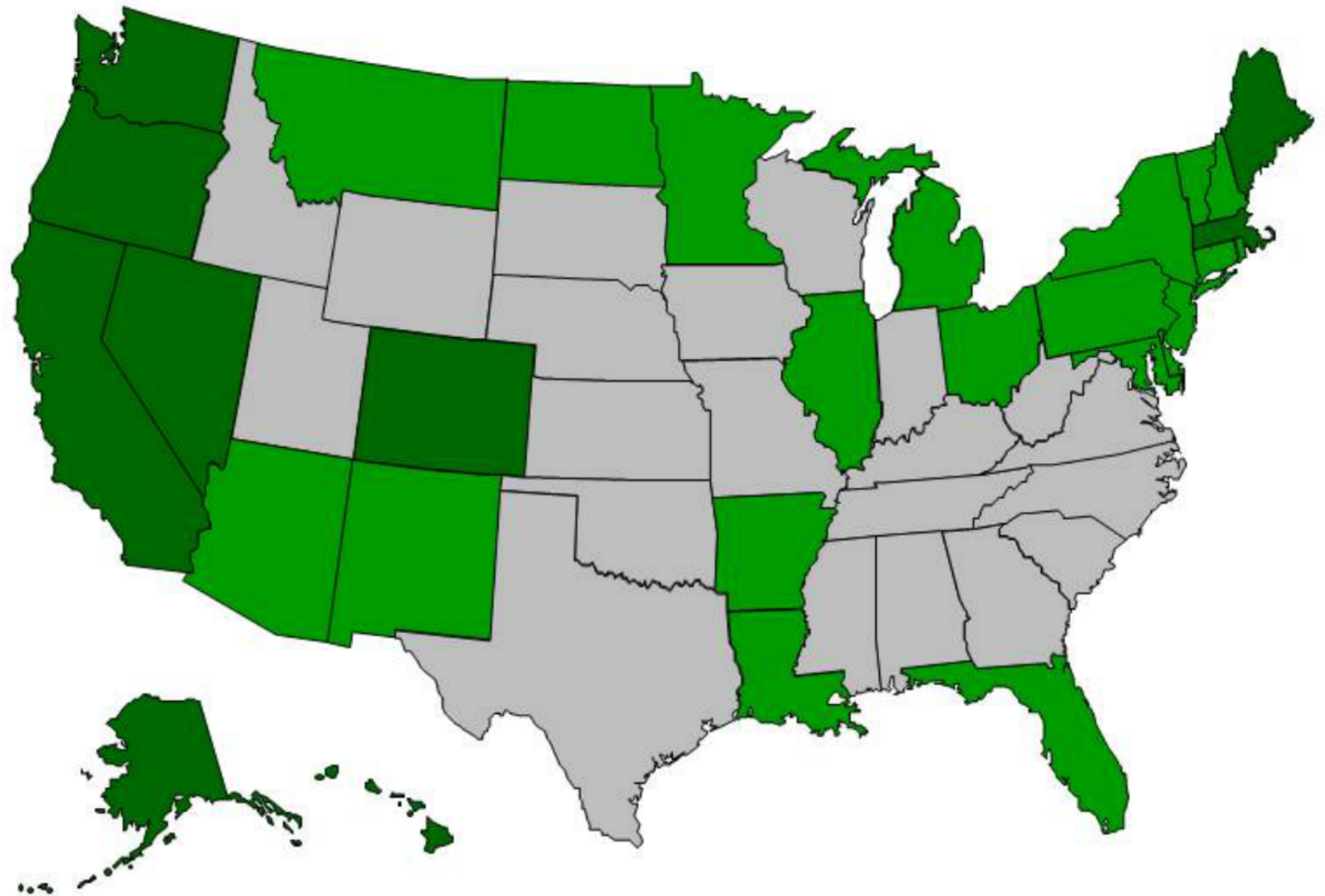
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Source: [https://www.dol.gov/wb/stats/earn\\_occ\\_sex\\_14\\_med\\_weekly\\_earn\\_ft\\_wsw\\_2\\_txt.htm](https://www.dol.gov/wb/stats/earn_occ_sex_14_med_weekly_earn_ft_wsw_2_txt.htm)

# Prescription & Recreational Drugs in the Workplace

- With the rise of legalization of marijuana, drug testing and drug free office policies are becoming a hot topic of discussion for employers and employees alike – the law is convoluted and vague, and it necessarily varies by state
- Prescription Drugs in the Workplace
- Drug Testing





**Marijuana Legalization Status**

- Marijuana legalized for recreational use
- Medical marijuana legalized

Source: <http://www.governing.com/gov-data/state-marijuana-laws-map-medical-recreational.html>



## Joint Employer & Independent Contractor Issues

- The NLRB Browning-Ferris Industries Decision has had implications for:
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- 10 to 30 percent of employers may misclassify their employees as independent contractors.

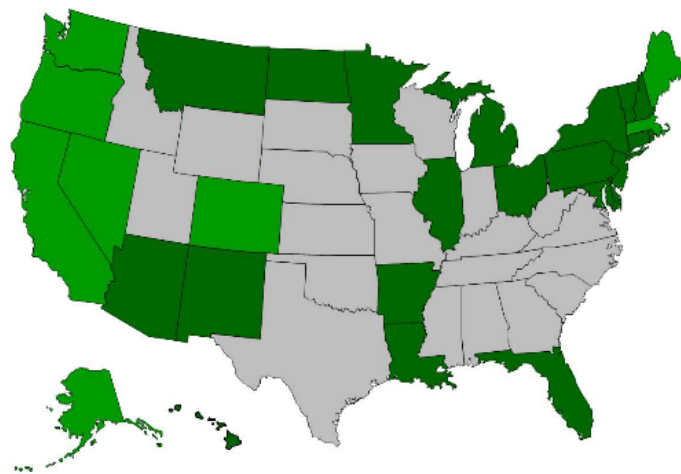
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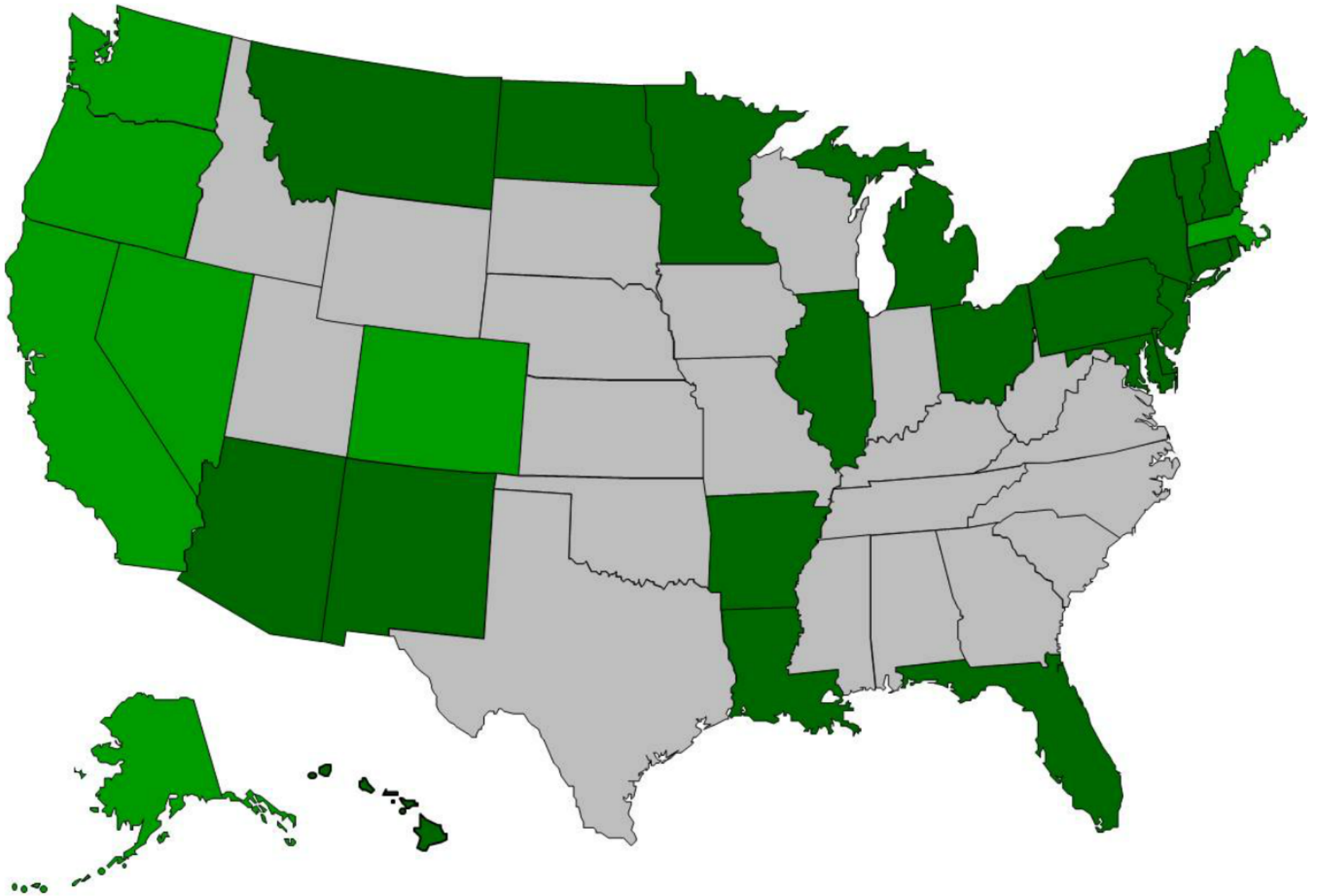


**Social Media  
and Bullying in  
the Workplace**

# Marijuana & Other Drugs



**Marijuana Legalization Status**  
■ Medical marijuana legalized  
■ Marijuana legalized for recreational use  
■ No laws legalizing marijuana



**Marijuana Legalization Status**

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# Piecemeal Legislation

- Minimum wage increases
- Sick Leave
- Exemptions



# Salary Exemptions

- Be prepared

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## Leaves of Absence and Whistleblower

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- ADA Issues



## Pay Equality - Independent Contractors & Joint Employers

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## #METOO

- Handling #metoo cases
- Agency enforcement
- Changes in the law as a result of #metoo

# #METOO

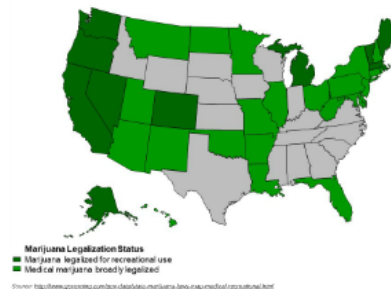
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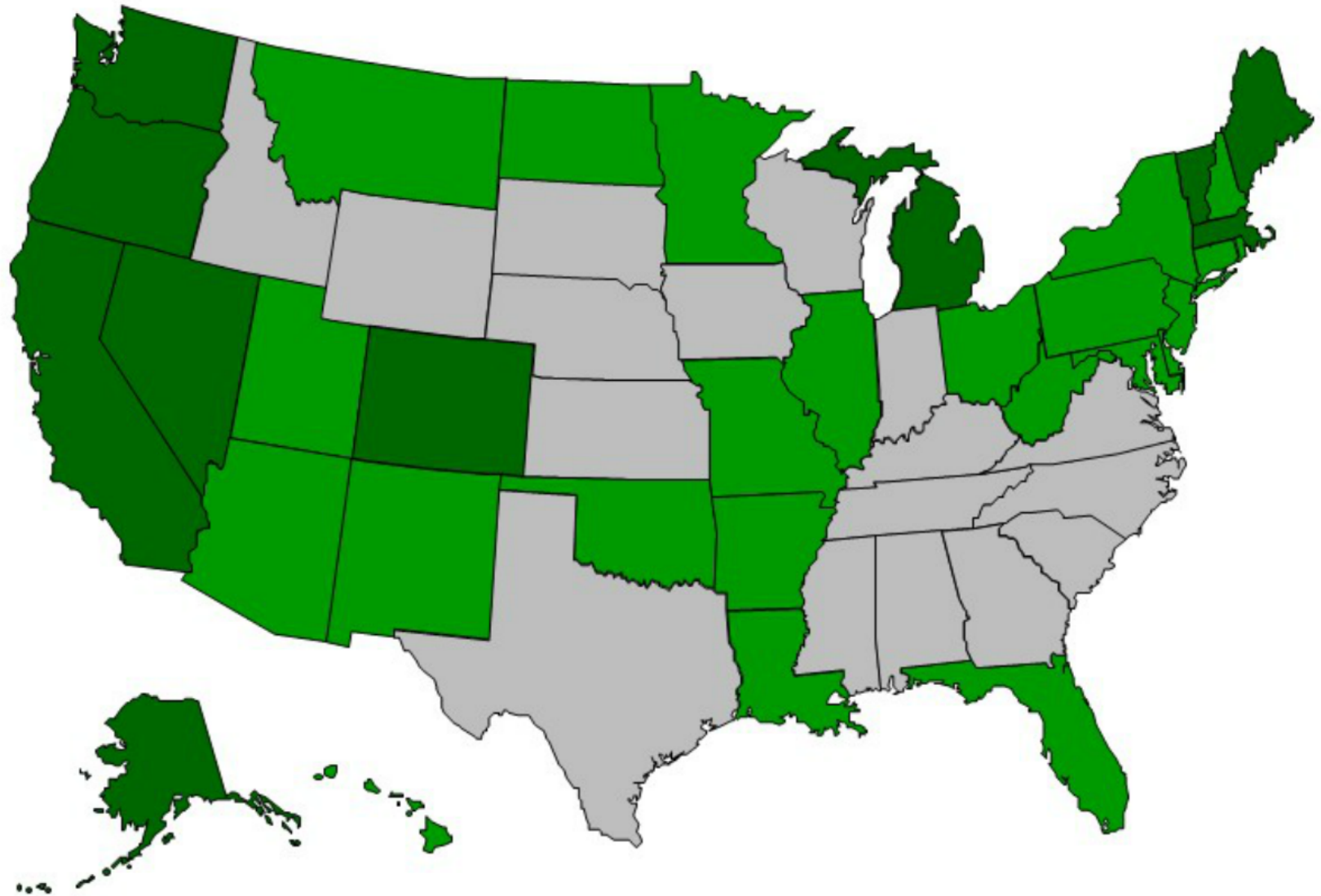
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## Leaves of Absence and Whistleblower

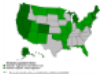
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