
Labor and Employment Law Section

e-News

Issue #5

Summer 2015

Message From the Chair



Daniel Swanson

Since September 2014, the Council has been focused on developing a strategic plan for the Section to outline our goals and our plan to achieve those goals over the next 3 years. On June 16, 2015 the Council unanimously approved our first ever strategic plan. Mission accomplished!

This was not meant to be an academic exercise but rather, an exercise to provide a clear vision and direction for the Section so as to make it more relevant and useful to our entire membership.

The mission statement printed above summarizes our purpose: educating, connecting and improving your career as a labor and employment professional.

Your first reaction to this maybe, so what does that really mean? Tap on the attached link and you can read the entire strategic plan summary and get a detailed answer to that question.

The strategic plan the Section will focus on 4 priorities:

1. Provide members with the best possible educational programming.
2. Increase the diversity of our membership and leadership.
3. Invigorate our membership through educational and social events.
4. Increase our organization's transparency and expand participation and leadership opportunities for all members.

[For Full Article, Click Here](#)

LELS Strategic Planning Process - Taking the Section from Good to Great!

STRATEGIC PLAN SUMMARY 2015 - 2018

VISION: A DIVERSE COMMUNITY OF INFORMED, COLLEGIAL AND ETHICAL LABOR AND EMPLOYMENT PROFESSIONALS

MISSION: EDUCATING, CONNECTING AND IMPROVING THE CAREERS OF LABOR AND EMPLOYMENT PROFESSIONALS

[For Full Article, Click Here](#)

Dos and Don'ts Regarding Employee Handbooks

The National Labor Relations Board has aggressively reviewed employee handbooks to determine if policies may chill an employee's right to engage in "protected concerted activity" under Section 7 of the National Labor Relations Act. On March 18, 2015, the National Labor Relations Board General Counsel, Richard F. Griffin, Jr. issued Memorandum GC 15-04, which examines various employee handbook policies and identifies dos and don'ts.

[To see the Memorandum GC 15004, Click Here](#)

Highlights of Recent Events

[Spring-Board](#)



(left to right) Brian E. Koncius, Tad Roumayah, James M. Reid, Ellen E. Hoeppepner

On June 3, 2014, a distinguished panel shared their thoughts on the expansion of civil rights protections based on sexual orientation and the impact on the workplace. It was a very timely event! The panel was followed by roundtable discussions led by experienced law practitioners, in-house counsel, and agency representatives that identified issues and strategies to resolve workplace issues. And of course, networking and socializing at the Reserve at Big Rock Chop House in Birmingham was enjoyed by all.

LELS Women's Luncheon Series

On April 2, 2015, this section hosted its first of four Women's Luncheon Series, focused on issues of interest to women in the profession. "Navigating Gender Issues in the Profession: At Your Firm, In Court, or With Clients/Opposing Counsel." Featured presenters included Sue Ellen Eisenberg (Sue Ellen Eisenberg & Associates), Sarah Prescott (Gordon, Laughbaum, & Prescott PLC) and Michelle LeBeau (Ogletree Deakins).

On June 23, 2015, a luncheon was held that focused on "Starting Your Own Firm". The next Women's Luncheon Series event will be on Tuesday, September 22 at noon at Miller Canfield in Detroit and will feature Megan Norris, Rhonda Tate, Patricia Stamler and Susan Hiser talking about "Negotiation Skills: Advocating for Yourself and Your Clients." This will be followed-up in the winter with "Advocating for Yourself and Your Clients" and "Perspectives from Women of Color."

40th Annual ICLE Labor & Employment Law Institute

On April 9th-10th, the 40th Annual Labor & Employment Law Institute was held at the Inn at St. John's in Plymouth, with over 300 attendees.



In addition to the annual legal updates and panel discussions, this year included a special roundtable luncheon with leaders in human resources, labor, and employment law. The roundtable luncheon was a great opportunity for all to share experiences, meet new contacts, and network with colleagues.

The Debut of the LELS Booth



(left to right) Gary W. Francis, James M. Reid

The LELS Booth was debuted at the 40th Annual ICLE Labor & Employment Law Institute and HR Day in Lansing on April 16, 2015.

ANNUAL ELECTIONS FOR COUNCIL MEMBERS:

The Labor and Employment Law Section will be holding annual elections for Council members on Thursday, October 8, 2015 at 1:30 pm, during the State Bar's Annual Meeting at the Suburban Collection Showplace in Novi, MI.

The nominating committee is accepting names of candidates for the election ballot until July 24, 2015. Council members serve a term of two years. The expectation is that each Council member will attend all regular monthly meetings and will serve on at least one committee. Committees organize and make recommendations to Council about educational sessions, events and other Council business. Council members must be willing to devote the necessary time to meaningfully participate in the activities of the Council.

Information about our current roster of officers and council members and the positions for which terms will be expiring can be found on the Section's SBM Connect Page at:

<http://connect.michbar.org/laborlaw/council>

If you are interested in seeking one of the open positions, know someone who would be a great addition to the Council, or would simply like to find out more about service on the Council, please contact Gloria Hage at ghage@emich.edu, (734) 487-1055.

Nominations must be accompanied by the nominee's biographical statement and a short statement that addresses the qualifications for membership and how the nominee's participation in the Council would enhance the Section. Qualifications include:

- Current practice devoted primarily to labor and employment law;
- Interest in programming and event organization; and
- Leadership experience, either within or outside of the bar.

REMINDER: VISIT THE NEW LES Website

As a reminder, the Section has launched a new website and interactive online community for its members-SBM Connect. This private community will enhance the way we communicate and build relationships through the Section. To see what all of the buzz is about, log in to SBM Connect today at:

<http://connect.michbar.org/laborlaw/home/>

- ACCESS to archived seminar materials and the Lawnotes.
- FIND upcoming Section events
- NETWORK via a comprehensive member directory
- PARTICIPATE in focused discussion groups
- SHARE knowledge and resources in the member-only library



WANT TO GET INVOLVED? HAVE IDEAS FOR TOPICS/PRESENTERS? THOUGHTS TO MAKE YOUR SECTION MEMBERSHIP BETTER? LET US KNOW!

Don't be shy. We want to hear from you. We want to know what interests you and what you would like to see from your membership in the Section. We strive to provide the best programming around substantive topics and practical application as well as great networking opportunities for our members and think we are doing a good job (at least that is what the surveys and feedback have said) but we are always

looking to do more and do it better. Tell us if you have any thoughts on topics you would like to hear about in our upcoming programs. Tell us if you have any desire to be a speaker and on what topics. Tell us if you have someone in mind that you think would be an interesting speaker on a topic. We want to hear from you. Post it on the SBM Connect or email Brian Koncius (bkoncius@kbogaslaw.com) or Allyson Miller (Allyson.Miller@greektowncasino.com) with your ideas and thoughts.

Recent News and Developments in Labor and Employment Law

- On June 29, 2015, the Department of Labor announced its Notice of Proposed Rulemaking to more than double salary level exempt status in order to reward hard work. <http://www.dol.gov/whd/overtime/NPRM2015/>.
- On June 26, 2015, the Supreme Court of the United States held that same-sex couples may exercise their fundamental right to marry.
- On June 4, 2015, the Equal Employment Opportunity Commissions announced it would expand to the private sector its public sector interpretation of transgender rights in *Lisardi v. Department of Army*.
- On June 1, 2015, the Supreme Court of the United States held that Title VII requires accommodation of a religious practice regardless of whether the employer actually knows that the practice is religious. *EEOC v. Abercrombie & Fitch Stores, Inc.*
- The Department of Labor's Occupational Safety and Health Administration issued guidance concerning restrooms and transgender employees. <https://www.osha.gov/Publications/OSHA3795.pdf>
- On April 10, 2015, the Sixth Circuit Court of Appeals ruled that Ford Motor Company was not required to allow an employee, whose job was interactive, to telecommute for up to four days a week. *EEOC v. Ford Motor Co.*
- The Department of Labor just incorporated Genetic Information Nondiscrimination Act safe harbor language for use through May 31, 2018 in the Family Medical Leave Act forms that are available at www.dol.gov/whd/fmla/.

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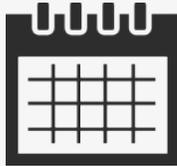
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What's On The Docket?

Detroit Tigers Save the Date!

On August 4, 2015, section members are invited to attend the Tigers' game against the Kansas City Royals. Seats are in Section 116 on the right field line overlooking first base. The pre-game will be in the Witherell Lounge, beginning at 5 pm. Witherell Lounge is indoors, and is located within the Tiger Club. We will have a picnic ballpark buffet with hamburgers, hot dogs, baked beans, pasta salad, chips and soda. The price is \$80 per person. There will be a cash bar. We have a limit of 80 guests, so sign up early by e-mailing or calling Sam Morgan at smorgan@gmgmklaw.com or (248) 865-0001 and mailing your check for \$80 per person to Sam (payable to State Bar of Michigan) at 30500 Northwestern Hwy, Suite 425, Farmington Hills, MI 48334.

Annual Business and Meeting Program

On October 8, 2015, Judge Raymond M. Kethledge of the U.S. Court of Appeals for the Sixth Circuit and judges Nancy G. Edmunds and Laurie J. Michelson of the U.S. District Court for the Eastern District of Michigan will speak on the subject of labor and employment law practice in the federal courts.

Information on the upcoming events can be found on the Upcoming Events section of the State Bar's Labor & Employment Law Section's Homepage.

Bernard Gottfried Labor Law Symposium

On October 15, 2015, section members and students are encouraged to attend the 23rd Annual Bernard Gottfried Labor Law Symposium. Additional details will be posted on the Upcoming Events section of the State Bar's Labor & Employment Law Section's Homepage.

STAY CONNECTED:

