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BOARDROOMS ON EDGE

HR's Role in Protecting Your Brand's Reputation

37th Annual Workforce Management Briefing

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Your Workforce. Our Business.SM

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A Time of Change at the NLRB: *Effectively Navigating Evolving Labor Relations Requirements*

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Presented By



Adam C. Abrahms

Epstein Becker Green
Member of the Firm
aabrahms@ebglaw.com



Philip F. Repash

Northwell Health
Office of Legal Affairs
Associate General Counsel



Jay K. Sharma

Tesla, Inc.
Associate General Counsel



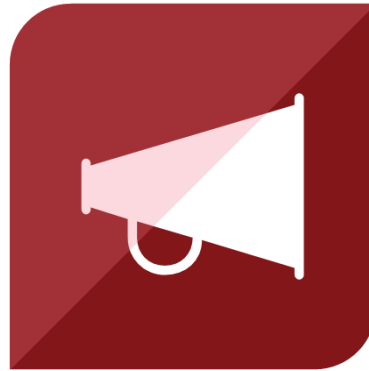
Steven M. Swirsky

Epstein Becker Green
Member of the Firm
sswirsky@ebglaw.com

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The National Labor Relations Board: A Year in Review

A Recomposed Board and New General Counsel



- Between August 2017 and April 2018, three new Republican members joined the Board and a new General Counsel assumed office.
How have these four appointments affected the Board's agenda?

Joint-Employer Status



What is the current standard for determining whether businesses will be considered “joint employers” given the *Browning-Ferris* and *Hy-Brand* decisions? How should employers expect the standard to change in light of the proposed rule the Board recently issued regarding joint employers?

Legality of Work Rules



What are the implications of the NLRB's decision in *The Boeing Company*, which overruled the standard set forth in *Lutheran Heritage*, for determining the legality of work rules?



Mandatory Arbitration and Class Action Waivers



- What does the U.S. Supreme Court's decision in *Epic Systems* mean for businesses seeking to require employees to agree to mandatory arbitration of employment disputes and the waiver of the ability to join class and collective actions?

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Direction of the Board Over the Next Year

General Counsel's Memorandum Regarding Mandatory Submissions



What does Memorandum GC 18-02 tell us about the likely direction of Board decisions in the near future?

Procedural Changes at the Board



Since assuming office, General Counsel Peter Robb has expressed an intention to implement a number of procedural changes. What notable changes have taken place, and what changes should employers anticipate over the next year?

Use of Business Resources for Union Purposes



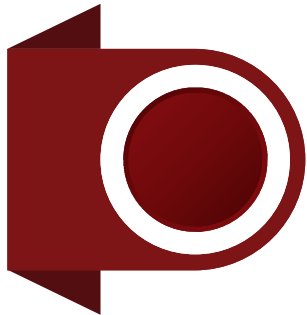
What is the significance of the Board's invitation for briefing regarding *Purple Communications*, which currently permits employees to use company email systems for union-related purposes?

Representation Cases and Organizing Strategies



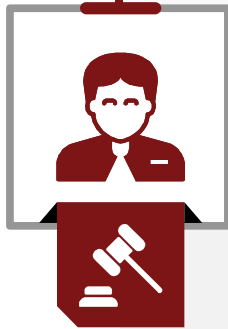
What do the ongoing changes to the legal standards and methods of processing of R-Cases, such as the Board's reinstatement of the traditional "community of interest" standard in *PCC Structurals*, mean for employers facing organizing campaigns, and how are unions responding?

An Uncertain Pro-Employer Majority



In light of the Board's decision to reverse itself and vacate the *Hy-Brand* decision, will conflict-of-interest concerns and calls for Board member recusals persist in subsequent cases?

Consequences of the Supreme Court's decision in *Janus v. AFSCME*



While the *Janus* decision pertains to public-sector employees, should employers expect a legislative movement for similar changes in the private sector or other judicial action on First Amendment issues?

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Any Questions?

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