



Employment Regs To Watch In The 2nd Half of 2014

News

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Steve Bernstein and Ed Foulke were quoted in a July 18, 2014 *Law360* article "Employment Regs To Watch In The 2nd Half of 2014."

Steve was quoted on the NLRB's rule aimed at streamlining the union election process. He warned that the new election rules could have unintended negative consequences, including increasing rather than reducing delays. Making employers stake out their positions in an early written statement could force them to raise challenges they might not make after more a more in-depth investigation just to avoid waiving those arguments, he said, and putting off disputes over unit eligibility issues could translate to lengthy post-election battles.

"I think it's a huge deal, and I think it's difficult to overstate the final impact," Bernstein said. "The framework for administering representation elections in this country has been tweaked from to time, but has remained relatively unchanged for decades now."

Ed was quoted on OSHA's attempts to regulate exposure to breathable silica.

OSHA unveiled the rule on its website in August and published a notice of proposed rule-making in the Federal Register on Sept. 12. The proposed regulations would dramatically lower the allowable limits for worker exposure to silica dust, which is known to cause lung disease and cancer.

There was a public hearing on the proposal in March, and the post-hearing comment period wrapped up this month.

The rule, and a drastic cut to OSHA's current permissible exposure limit for silica, could hit the construction and foundry industries particularly hard, according to Foulke.

"There's a lot of interest in the business community on this," he said. "There will be lawsuits."

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