



Howard's End of the Week Roundup. January 6, 2017

Insights

1.06.18

This Week's Labor, Employment Law and OSHA Legal Developments:

- Administration is resubmitting Scott Mugno for OSHA leader and shooting for a January 11 Committee hearing.
- The vital US Labor Department Solicitor position was finally filled when Kate O'Scannlain was approved by the Senate. The solicitor's outsized importance is often disguised behind the scenes.
- Peter Robb, the NLRB's new general counsel set records with swift action to undue Obama-era NLRB changes – the NLRB GC can reshape the Agency.
- After the slew of major NLRB decisions the last week of 2017 (LINK), expect few more major changes until a 5th NLRB member is approved.
- US Attorney General Jeff Sessions rescinded the *2013 Cole Guidance Memorandum* and now allows US prosecutors to go after **Marijuana** use in states with medical or recreational marijuana laws. It's not likely such prosecutions will occur and the move adds to the confusion of employer's responsibilities involving medical and recreational marijuana use. LINK to January 4 and 5 FP Articles.
- OSHA penalties for other-than-serious, serious and failure to abate violations increased to **\$12,934 per violation**. The penalty for willful and repeat violations increased to **\$129,336**. The new penalty increase will apply to any citations issued through the remainder of 2018. To learn more, click here.

California, Maryland, Minnesota, South Carolina, Utah Washington and Wyoming have not adopted OSHA's Electronic Injury Reporting regulations, and employers in those states are not yet required to electronically submit their Form 300As.

State Law Developments of Note:

- Check the host of New York employment laws that took effect this month.
- California, not surprisingly, has a horde of new employment laws taking effect this month including Ban the Box rules, prohibitions on salary history inquiries and expansion of parental leave, but some of the most complex involve employer obligations under the Immigration Worker Protection Act.

Practical Observation of the Week:

The pending fire sale of the once omnipotent Weinstein Company is a stark reminder of how a crisis or catastrophe can destroy a company, and the need for your own "what-if" risk planning.

Podcasts that I've recently enjoyed:

- The Tim Ferris Show – Discipline Equals Freedom – Jocko Wilink, October 27, 2017.
- The Tim Ferris Show – The Most Curious Man in Hollywood – Brian Glazer. November 12, 2017.
- Harvard Business School Cold Calls: How to Monetize Happiness, January 3, 2018

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