

February 2013

1992-2012: 20 YEARS OF EMPLOYMENT LAW REPORTING

Reporter

Employment Law

by Kelly O. Scott, Esq.

The Twenty Pros and Cons of Working in Human Resources

In keeping with our “Top 20” theme to celebrate the 20th Anniversary of the Employment Law Reporter, we present the top 20 pros and cons of working in human resources, as related to us by some of the best in the business (you know who you are!). Which side are you on?

The Cons

20. “Terminations are depressing.”
19. “I feel like the California Legislature is out to get me.”
18. “I have to work with boring lawyers.”
17. “The workers are always complaining to me.”
16. “The leave of absence laws are ridiculously complex.”
15. “I have to investigate every little thing.”
14. “There are too many protected characteristics – I can’t keep track of them all.”
13. “These job applicants – are they kidding me?! You call that a résumé?!”
12. “The wage and hour laws are set up to trap employers.”
11. “There are no job perks, whatsoever.”
10. “The disability laws are over-inclusive and too indefinite.”
9. “Employees lie to me every day.”
8. “The compliance paperwork is killing me.”
7. “Progressive discipline is cumbersome and performance reviews are a drag.”
6. “I have to listen to sob stories all the time.”

The Pros

- “I transition people to greener pastures!”
- “Politicians in Sacramento care what I do!”
- “I get to work with interesting legal eagles!”
- “People trust me to solve their problems!”
- “The leave laws are like a fun jigsaw puzzle!”
- “I get to play detective!”
- “Everyone is so special!”
- “I love recruiting; the résumés are so interesting!”
- “My employer needs me!”
- “Free pens!”
- “I love the law!”
- “My co-workers tell me colorful stories!”
- “The personnel files are like my babies!”
- “I help people become successful!”
- “My work is like watching a soap opera!”

Upcoming 2013 Seminars at ECJ**Wednesday, February 13, 2013 - 8:30 a.m.-10:00 a.m.**

SOCIAL PRESSURE: When Is Employee Speech On Social Media Too Much?

by Kelly O. Scott, Esq. and Karina B. Sterman, Esq.

Wednesday, February 13, 2013 - 10:30 a.m.-12:00 p.m.

New Laws for 2013: Just When You Thought it Was Safe to Go Back in the Water! by Kelly O. Scott, Esq.

Please contact Brandi Franzman at bfranzman@ecjlaw.com for registration information.

The Cons

5. “The workers’ compensation scheme doesn’t work well and we have no real control over it.”
4. “People can be so grouchy.”
3. “I can never get a moment alone – I am constantly interrupted.”
2. “I have to stay abreast of constantly changing laws.”
1. “I see dead people.”

The Pros

- “Workers’ compensation? It is someone else’s problem.”
- “The work force is so diverse – their personalities are so different! I am so popular!”
- “I get to read newsletters and attend wildly entertaining seminars put on by legal eagles!”
- “I get to work closely with people all day long!”

California Supreme Court Issues Harsh Ruling Regarding Union Picketing on Private Property

A ruling by the highest court in California has adjusted this state’s employment law, as union workers were effectively granted new rights in a case that dealt with a grocery store in the Golden State.

In *Ralphs Grocery Co. v. United Food & Commercial Workers Union Local 8*, labor union employees had sought to protest in front of the privately owned entrance to the establishment. Ralphs sought an injunction arguing that this was in violation of the state’s law regarding picketing on private property.

In a 6-1 vote, the California Supreme Court ruled that Labor Code section 1138.1 and Code of Civil Procedure section 527.3 establish “the state’s interest in promoting collective bargaining to resolve labor disputes” and allow labor unions and workers to picket on privately owned property, including the entrance to the shopping center supermarket.

It should be noted that the Court agreed with the grocery chain that privately owned space was not a public forum. Despite this acknowledgement, the court cited the statutes in defense of the workers, noting that unions have special protections written into the law. “Certain activities undertaken during a labor dispute are legal and cannot be enjoined,” the Court stated. These aforementioned activities include peaceful picketing on private property.

While labor unions celebrated the ruling, the California Chamber of Commerce noted that this positioned the workers’ rights in a higher standing than that of the employer. “The court’s willingness to protect one type of speech (labor) over another (non-labor) is one of many concerns with the decision,” the Chamber said in a release.

Did you know...

That the workplace, and the laws that regulate it, continue to change at an unparalleled pace? The start of 2013 marks, yet again, a dramatic change in many California employment laws, including, laws that:

- require new dress and grooming standards;
- require changes to the definition of gender discrimination;
- mandate revisions to social media policies;
- provide for new record keeping policies; and
- require new policies on providing copies of personnel files.

Staying abreast of these changing laws is a herculean task that no employer can or should attempt on their own. Legal counsel should be consulted to ensure compliance and assist with the updating or creation of employee handbooks, policies and forms. ECJ has a variety of handbook packages designed to meet your needs. One size does NOT fit all, so contact us to discuss your options TODAY!

Well, now you know!

If you have any questions regarding this bulletin, please contact Kelly O. Scott, Esq., Editor of this publication and Head of ECJ’s Employment Law Department, at (310) 281-6348 or kscott@ecjlaw.com. If one of your colleagues would like to be a part of the Employment Law Reporter mailing list, or if you would like to receive copies electronically, please contact Brandi Franzman at (310) 281-6328 or bfranzman@ecjlaw.com.