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# SuperVision™ TODAY

LABOR & EMPLOYMENT NEWS

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## EEOC Announces Expansion to EEO-1 Reporting

By [Mitchell J. Rhein](#)

Late last month, the Equal Employment Opportunity Commission ("EEOC") announced that it will begin collecting employee pay data from many private employers and federal contractors. Beginning with the EEO-1 reports due **March 31, 2018**, private employers and federal contractors with 100 or more employees must report "summary pay data" as part of annual EEO-1 reporting. While the EEOC intends the changes to the EEO-1 to address "persistent wage gaps" - a heavily debated issue during the presidential campaign and key agenda item for the Obama Administration - employers attempting to comply with the changes may encounter problems with compiling and reporting the required pay data.

Click [here](#) to read the entire article.

## Notes from the Chair and Executive Editor

Welcome to the third quarter edition of *SuperVision Today*, the quarterly e-newsletter published by Spilman's Labor & Employment Group.

One issue on which our clients repeatedly seek guidance is how to assess requests for accommodations by an employee asserting a disability. In order to help our clients navigate this problematic area of the law, we here at Spilman have devised a flowchart to help businesses in responding to requests for an accommodation. This flowchart will help make sure you are assessing the request properly and considering possible issues. If you would like to receive a copy of this matrix, please click [here](#) to email Pamela Kesling and we would be happy to send one to you.

Our final SuperVision Symposium of the year was last month in Greensboro, North Carolina. Feedback from our many clients and friends who attended demonstrates this was one of the most valued yet, and planning already has begun for next year's event series. If you have any ideas or suggestions, including topics you would like us to address, please contact April Bias at 304.720.5699 or [abias@spilmanlaw.com](mailto:abias@spilmanlaw.com) to share your thoughts.

Our teaching efforts don't stop with SuperVision, however. Sam Brock and Mitch Rhein will be presenting our latest webinar on November 9 at noon on how to mitigate the risk of lawsuits related to workplace injuries. If you want to attend,

## The NLRB Recognizes Student-Employees: The Effect of *Columbia University* on Private Universities

By [Sarah E. Kowalkowski](#)

In August 2016, the National Labor Relations Board ("NLRB") held in a 3-1 decision that undergraduate and graduate student assistants at private colleges and universities are employees under Section 2(3) of the National Labor Relations Act. The Graduate Workers of Columbia-GWC, UAW filed a petition with the Board to represent student assistants who provide instructional services with the goal of unionizing this component of the school's student workforce. The NLRB's ruling in *Columbia University* gives graduate and undergraduate teaching assistants, as well as graduate research assistants, at private higher education institutions the right to unionize. The NLRB's 2004 decision in *Brown University* precluded student assistants at private universities from unionizing. In *Columbia University*, the NLRB overruled its 2004 decision because it "deprived an entire category of workers of the protections of the Act, without a convincing justification."

Click [here](#) to read the entire article.

please click [here](#) to register. We look forward to having you join us.

In this edition of *SuperVision Today*, Carrie Harris offers timely advice in this election season for employers who are dealing with divisive non-work issues in the workplace. Mitch Rhein explains the upcoming changes to the EEO-1 Forms that are required of all employers with 100 employees or more. Finally, Sarah Kowalkowski explains the National Labor Relations Board's latest reversal on whether students at private universities may organize under the National Labor Relations Act.

We try to bring new and important content to each edition of *SuperVision Today*. As always, if you have any questions or topics you would like us to cover in the future, please do not hesitate to let us know.

[Eric W. Iskra](#)  
Chair, Labor and Employment Group

[Eric E. Kinder](#)  
Editor of *SuperVision Today*

## A Contentious Presidential Election, #BlackLivesMatter and Bathroom Laws:

Addressing Polarizing Current Events in the Workplace

By [Carrie M. Harris](#)

It is practically impossible these days to turn on the news, get on the internet or listen to the radio without hearing about some polarizing event. Whether it is a debate over the presidential candidates, the #BlackLivesMatter movement, or the legality of North Carolina's HB-2 (dubbed the "Bathroom Bill") or other similar state law, the American populace is being bombarded from all sides. These issues have generated a very strong response from the public, often seeing people taking diametrically opposed views.

With the American public more divided than ever, it is no surprise that these differing viewpoints bleed into the workplace. A June 2016 Society for Human Resource Management survey reported that more than 25 percent of the workforce reported tension, hostility or arguments among co-workers because of political affiliations. People do not stop having personal opinions on these weighty issues when they walk through the door of an establishment. An employer in modern society must take steps to prepare itself to respond when these issues affect the workplace.

Click [here](#) to read what employers can do during these trying times.

## the Risk of a Lawsuit Related to Workplace Injuries



Please join Samuel M. Brock III and Mitchell J. Rhein for an informative webinar on November 9, 2016 from 12pm to 1pm EDT. Sam and Mitch will be discussing the prevalence of workplace injuries, subsequent lawsuits and how employers can best avoid them.

Click [HERE](#) to register now!



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