



December 18, 2017

## ● The Editors' Note

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

With the recent headlines dominated by stories of individuals coming forward with allegations of sexual harassment against numerous celebrities from all walks of life, businesses need a renewed focus on internal policies and procedures regarding preventing and addressing claims of harassment. With each new allegation, there will be an ever-growing expectation that harassment in the workplace will not be tolerated. In addition to the liability companies (and possibly individuals) could face, these stories are becoming more public, and allegations of harassment in the workplace is publicity no company wants. Mitch Rhein and Sarah Kowalkowski examine five strategies to improve existing policies and practices. In doing so, keep in mind that we here at Spilman can assist by:

- Reviewing and editing policies to make sure they are effective
- Designing any employee surveys
- Conducting on-site training for supervisors and/or employees
- Preparing on-boarding information, including video and electronic presentations for all employees on the first day of employment

Elsewhere in this edition, claims of public accommodation discrimination under Title III of the Americans with Disabilities Act based on business websites are on the rise everywhere. Carrie Harris explains what one should be on the lookout for and how to protect oneself.

The National Labor Relations Board reversed precedent on two important issues (joint employer status and how handbook policies will be reviewed) just weeks after the new General Counsel presaged those changes in a formal memorandum. Pete Rich explains those changes.

And Chelsea Thompson describes best practices in handling requests for religious accommodations with vaccinations (especially the flu shot).

We look forward to partnering with you during 2018 and addressing all of your labor and employment law needs, and we look forward to seeing you at one of our SuperVision symposia next year. Plans already are underway for next year's symposia, so be on the lookout for more details in the near future.

[Eric Iskra](#), Chair of the Labor & Employment Practice Group

[Eric Kinder](#), Executive Editor of *SuperVision*

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## ● Immediate Strategies for Responding to the #MeToo Movement and Harassment in the Workplace

By [Mitchell J. Rhein](#) and [Sarah E. Kowalkowski](#)

As a result of troubling personal accounts of sexual harassment that have permeated coverage on national media outlets and our social media accounts during the past few months, employers may appropriately question whether they do enough to prevent sexual harassment in the workplace. To help employers address this question, and respond to the acute awareness employees now have to the problem of sexual harassment, we discuss the basic, must-have tools for employers to prevent sexual harassment.

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

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## ● **Getting the Dreaded Plaintiff's Letter: Businesses Being Sued for the Accessibility of Their Websites**

By [Carrie M. Harris](#)

A rash of lawsuits are being filed around the country against businesses and retailers, claiming their websites are not accessible to those with visual or hearing impairments. These lawsuits are being filed under Title III of the Americans with Disabilities Act ("ADA"). Title III of the ADA requires equal access for persons with disabilities in places of public accommodation. This is not a new provision of the ADA, but the focus on websites has been a relatively recent development.

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

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## ● **Reversing the Course: Changes Coming to the NLRB**

By [Peter R. Rich](#) and [Eric E. Kinder](#)

*The Board Reverses Course on Handbooks and Joint Employers While the General Counsel Announces More to Come*

Peter B. Robb took over as General Counsel of the National Labor Relations Board ("Board") on November 17, 2017, and soon after issued an official memorandum signaling his intention to reexamine Board precedent from the prior administration. Less than two weeks later, two Board rules from the prior administration were reversed.

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

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## ● **Did You Get the Shot? Religious Exemptions to Employer Mandated Flu Vaccinations**

By [Chelsea E. Thompson](#)

The last months of the year are marked by holidays, family, snow days -- and influenza, commonly known as the flu. For the 2017-2018 flu season, the Center for Disease Control ("CDC") recommends adults receive an injectable flu shot to combat the illness. Because the flu translates into lower productivity and increased sick days, some employers echo the CDC's recommendation and incentivize its employees to be voluntarily vaccinated. For some employers, however, vaccination is considered necessary for business and public health. As a result, they have created policies making flu vaccinations mandatory for employees.

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

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