



SCWA Legislative Update

November 7, 2022



Tomorrow, November 8 - Election Day

If you have not voted early – be sure to go vote tomorrow and make your voice heard.



NLRB Reminds Employers of the Importance of Applying Consistent Discipline Policies in Workplace

Noting the employer did not have an employee code of conduct policy prohibiting the use of derogatory language, the National Labor Relations Board (NLRB or Board) has held an automotive dealership violated the National Labor Relations Act (NLRA) by wrongfully terminating an employee for calling the owner a derogatory term. The Board explained that such derogatory language was common in the employer's workplace.

The NLRB's decision reminds employers that they should create, maintain, and consistently enforce clear and narrowly tailored work rules and policies. Doing so will help an employer establish it would have taken the same action against an employee should discipline later be challenged.

We recommend employers have their Employee Handbook reviewed annually to ensure legal compliance.

You can contact the SCWA Headquarters or the SCWA endorsed attorney Jacob Monty for more information on Employee Handbooks.



DOL Recovers \$600K in Back Wages for 1,823 Workers Due to Reported FLSA Violations

In separate developments, the Wage and Hour Division of the U.S. Department of Labor recently announced recovery of a total of \$596,365 in back wages for 1,823 workers due to reported Fair Labor Standards Act (FLSA) violations that include failing to pay minimum and overtime wages, misclassification as independent contractors, and overlooking joint-employer obligations.

