

# HR in the Maelstrom: Right to Work, Social Media, and Millennials

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# Remember (the) Protections...

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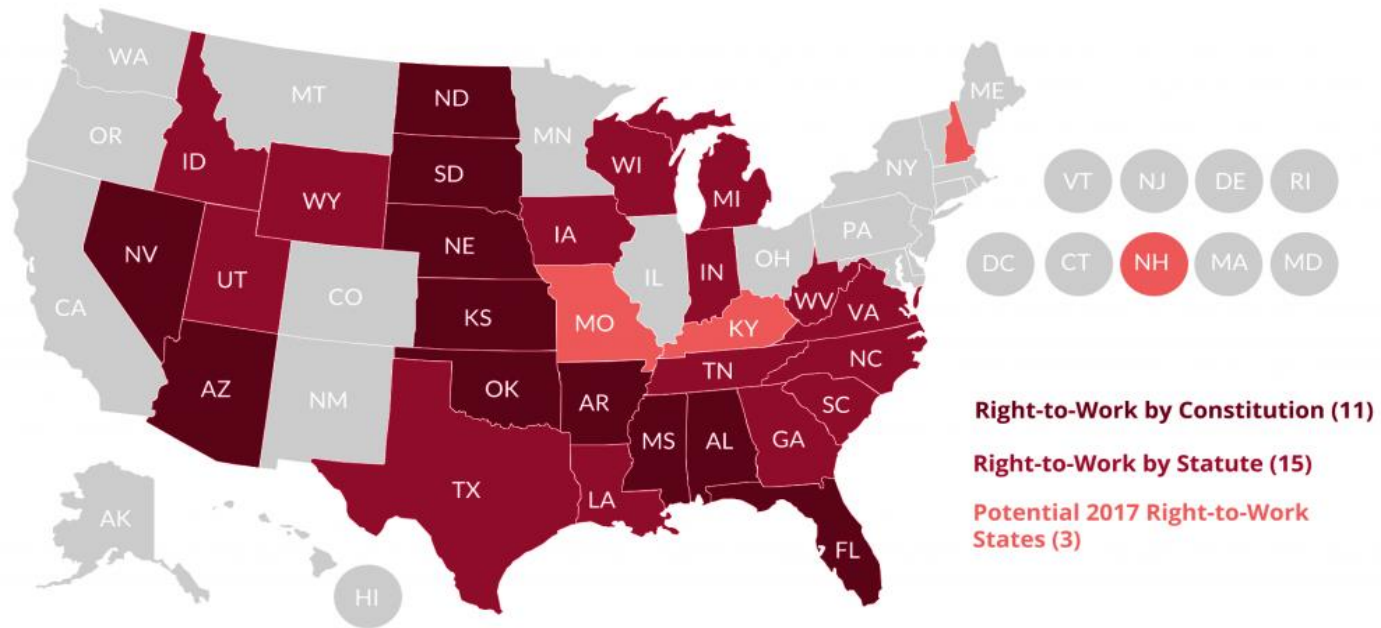


From non-discrimination to non-retaliation provisions, to collective bargaining and whistleblower rights, there are many, many protections in the workplace for library employees.

# Right to Work

## Right-to-Work States:

And states that will potentially pass right-to-work statutes in 2017.



Right-to-work laws, which exist in 26 states, allow employees to decide whether to join or financially support a labor union.

**MULTISTATE**

# The Effect of “Right to Work”

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*Michigan’s Right To Work Law, Effective March 2013*

- Amended PERA.
- Prohibits mandatory union membership (or related dues or fees payment) as condition of employment.
- Does not apply to police and fire service unions.



# The Effect of Right to Work— on Unions

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It is unclear what the long-term impact may be, as membership has varied widely year-to-year

633,000 MI workers in 2013



585,000 MI workers in 2014



621,000 MI workers in 2015



606,000 MI workers in 2016



# The Effect of Right to Work— on Public Employers

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- Public employee may choose to join, or *not join*, the union.
- Public employee may choose to contribute, or *not contribute* to the union.
- Regardless of an employee's choice:
  - The union must still represent all employees that are in the bargaining unit, irrespective of membership in the union.
  - All employees are still subject to all provisions of the collective bargaining agreement.
  - All employees are permitted to file grievances, and in that process, union representations.

So what's the point of continued membership?

# Ponder...

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- What should the contract terms be as to union membership?
  - Do we continue dues collection?
  - Do we still manage the collection of dues deduction forms?
  - Do we retain the old contract language about union membership in case the law is overturned?
- Do we still allow the union to participate in new employee orientations?
- How do we handle peer pressure to join the union?
- How do we handle retaliation or the “cold shoulder?”
- What do we do if our employee withdraws his/her dues deduction form?
- How do we train supervisors, who may be members of their own unit, to deal with “right to work” issues?

# Social Media

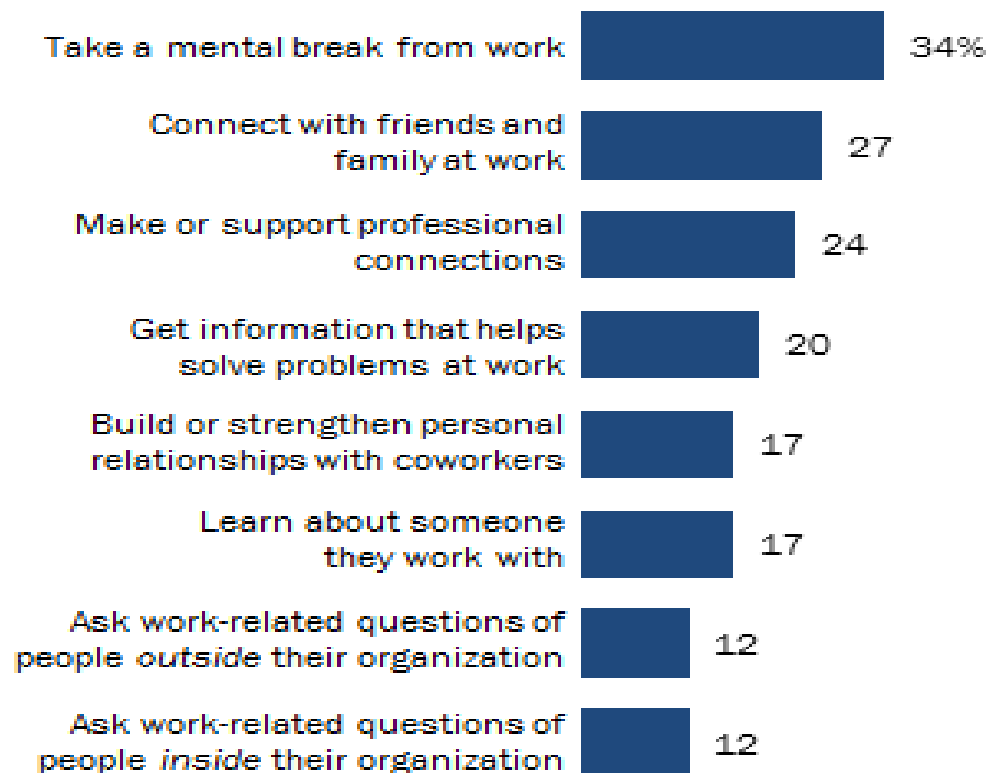
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## Workers use social media at work for many reasons; taking a mental break is one of the most common

*% of workers who ever use social media platforms to ...*



Source: Survey conducted Sept. 11-21, 2014.  
"Social Media and the Workplace."

PEW RESEARCH CENTER

# Social Media

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- *The New(ish) Frontier*
  - Impact to personnel policies (confidentiality and non-solicitation)
  - Management strategies for employee venting about work conditions or bullying coworkers
- *Meanwhile, at the NLRB...*

# Dangers of Social Media for Employers

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Standing Rule: employers cannot actually or unreasonably tend to chill employees' speech or actions (concerted activities) under bargaining laws.

- Activity is “concerted” when an employee acts “with or on the authority of other employees and not solely by and on behalf of the employee himself.”

Generally, employer is not liable for discipline under even an unlawfully overbroad rule if the employer can show:

- The employee's conduct *actually* interfered with the employee's own work, work of other employees, or the employer's operations generally *and*
- The interference was the reason for the discipline.

# NLRB on Social Media

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Employer can't enforce a policy that purports to limit restraint on protected (read: concerted) activity to communications made through its own technology system.

Protected activity must be allowed on the employer's premises, so long as taking place during non-work times and in non-work areas. This includes social media on library computers.



# When might Social Media Use be the Basis for Discipline

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Communications that are an intentional appeal to the general public can lose their protection if they refer to a labor dispute and are so disparaging as to go beyond the intended protection of criticism.

Alternatively, communications between the employee and a supervisor balance a number of factors to determine whether the bargaining law continues to protect, including:

- place of discussion
- subject matter of discussion
- nature of outburst, and
- whether outburst was provoked by employer's unfair labor practices

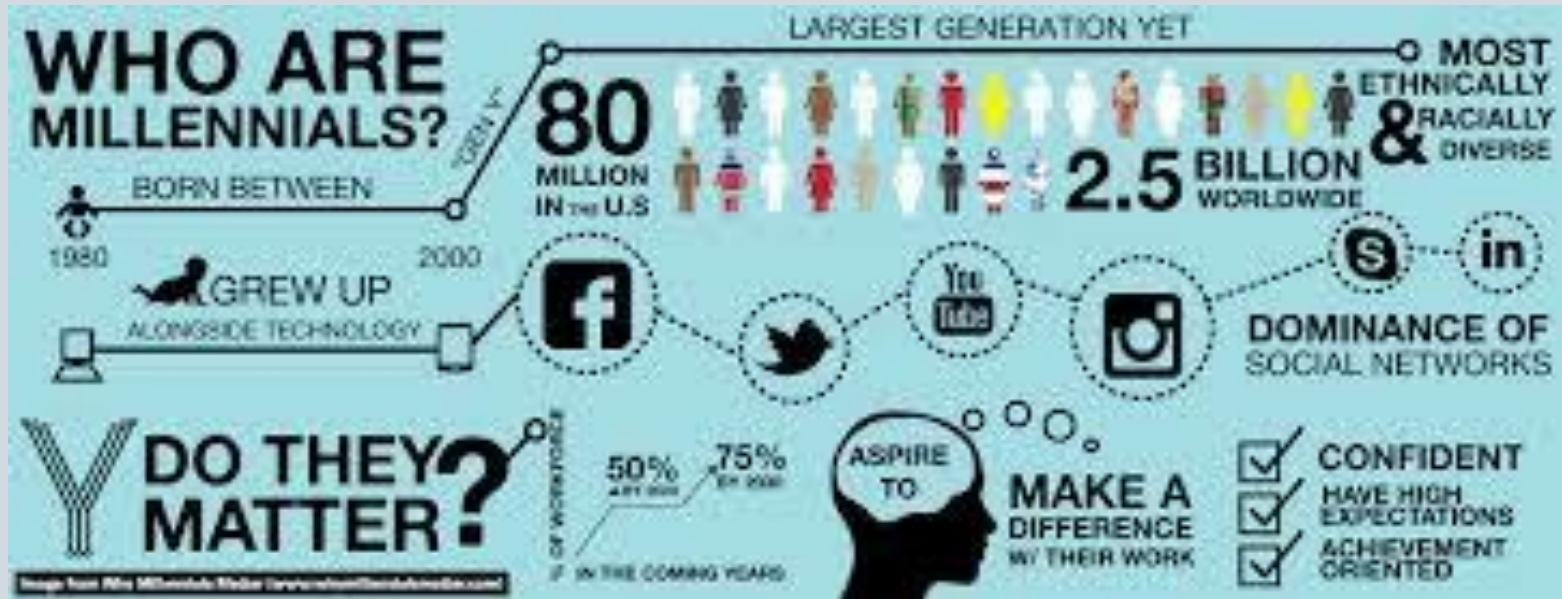
# Remember the 1<sup>st</sup> Amendment?

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Public employees *cannot* be disciplined for speech if:

1. Employee is speaking about a matter of public concern;
2. Employee is speaking as a private citizen, outside of his or her official duties; **and**
3. The interest in the speech outweighs the public employer's interest in operating efficiently and effectively.

# Millennials



# Common Beliefs About Them

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- Seeking 30+ hours/week jobs with known or knowable hours and pay
- Engagement and connection with job and culture is critical
- Socially oriented; seeking purposeful life beyond physical fitness, which means they may have more community and social ties

Following data from Gallup poll:

<http://www.gallup.com/reports/189830/millennials-work-live.aspx>



# Reality

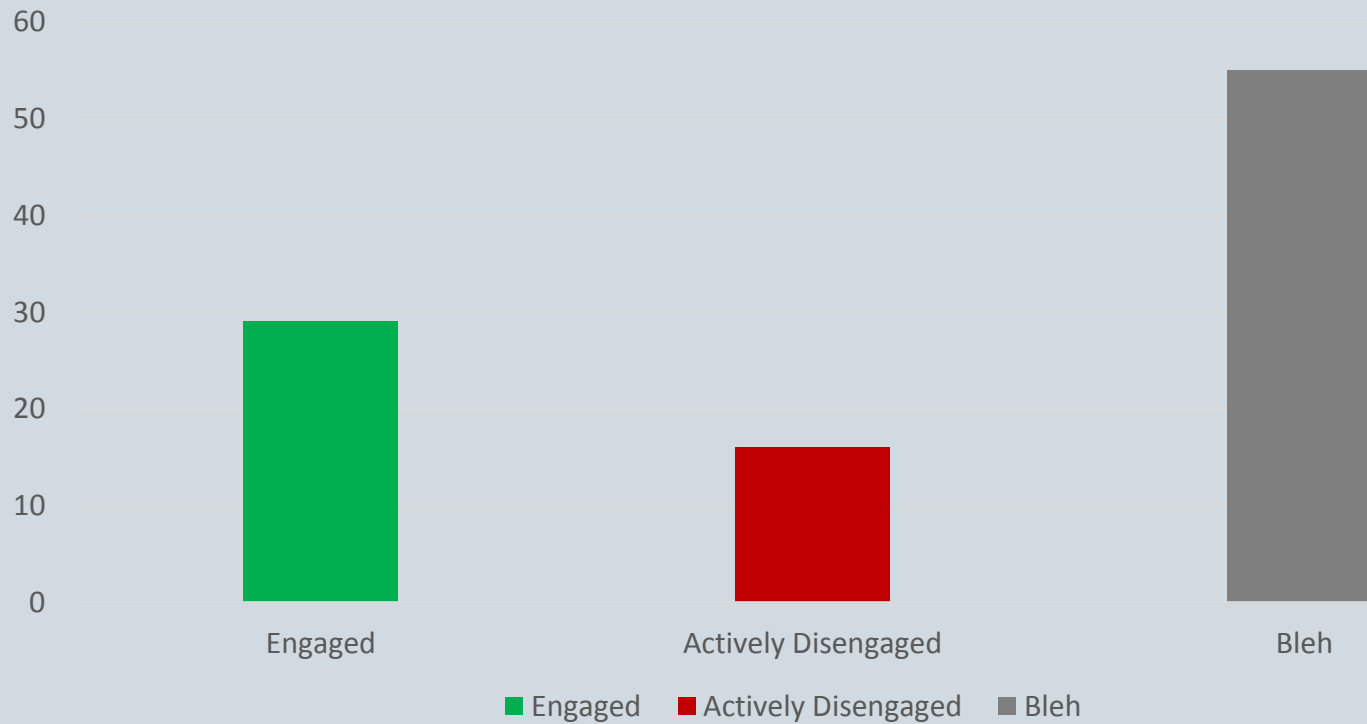
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1. *Checked Out of Jobs*
2. *Is the Grass Greener?*
3. *Relationships and Feedback*
4. *Plugged In*
5. *Importance of Religion*
6. *Politics*

# Checked Out at Work?

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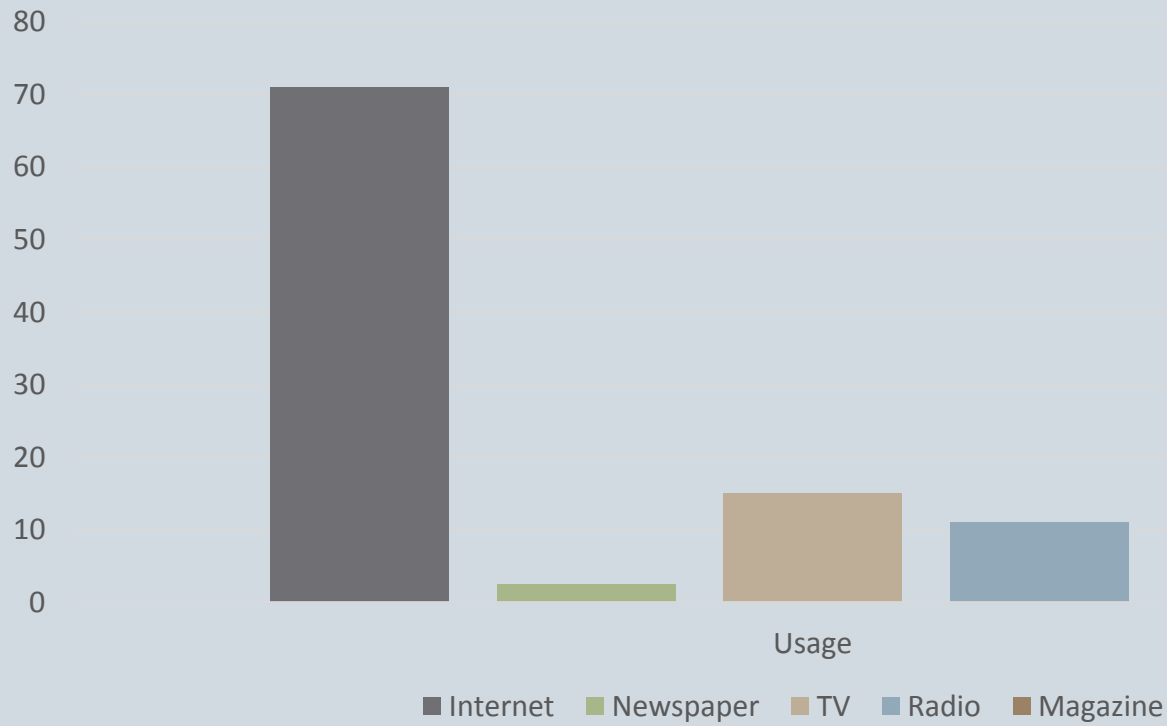
Percent of Millennials



# Plugged In?

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Chart Title



# Management Strategies

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1. Provide opportunities for learning development
2. Balance
3. Money is not the primary motivation
4. Prepare for and anticipate movement
5. Mentoring is not the same as being the boss
6. Focus on workplace culture
7. Utilize the plugged in nature

# Questions?

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