

PANEL DISCUSSION

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MEDICAL MARIJUANA & EMPLOYEE RIGHTS

- ✿ Because of marijuana's status under federal law, physicians are not permitted to write a prescription
- ✿ Recommend/Order a medical marijuana card
 - ✿ Allows patient to fill at a state-approved dispensary
- ✿ 2/3 of states have medical marijuana laws
 - ✿ Most allow discipline/termination for use at work
 - ✿ Even if needed for a medical condition





MEDICAL MARIJUANA & EMPLOYEE RIGHTS

❁ **Off Duty Use – 20 states prohibit discrimination**

❁ **Against Cardholders**

❁ **Termination for off-duty use – some prohibit/some allow**

❁ **Some require accommodation for employees who need medical marijuana for condition (glaucoma)**

❁ **Recreational Use – Legalized States**

❁ **Most allow employers to enforce zero-tolerance policies and fire for off-duty use**

❁ **Maine protects off-duty recreational use**





STATE LAW EXAMPLES (QR CODE)

❁ California (medical/rec)

- ❁ Employers not required to accommodate for medical or recreational use in workplace
- ❁ Can fire for positive tests, even if use was off duty or for a medical condition with a valid medical card

❁ New Mexico (medical only)

- ❁ Fire or discipline based on positive test

❁ Minnesota (medical only)

- ❁ Can't discriminate against applicants for status as a medical marijuana patient
- ❁ OR for testing positive UNLESS it causes employer to violate federal law or lose money or licensing-related benefits under federal law
- ❁ Can take adverse action against use/possession or impairment on company property or during work hours





TIPS FOR HANDLING MEDICAL USE

✿ Be Proactive – Comprehensive Drug Policy

✿ Including the use of medical/recreational marijuana

✿ Be Prepared – Policy is Clear, Up-to-Date

✿ Evaluate for each state you operate in, and consider:

✿ Prohibit use, possession, sale, distribution, manufacture or drugs and paraphernalia at work

✿ Forbid employees from reporting to work under the influence

✿ Reserve the right to conduct searches of workspaces upon reasonable suspicion

✿ Leave NO room for misinterpretation





TIPS FOR HANDLING MEDICAL USE

❁ Be Interactive – Disclosure or Positive Test

❁ Confirm with the employee's healthcare provider

- ❁ 1. Marijuana is the most effective medication for your employee's ailment.
- ❁ 2. Any alternative medication permitted by your company's drug policy would be less effective.

❁ Consult with Occupational Health Specialist

- ❁ 3. Using medical marijuana will not inhibit the employee's ability to perform the job or pose a significant safety risk

❁ Be Safe – Employment Practices Liability Insurance (EPLI)





STAY ON HIGH ALERT

- ❁ **Fast growing industry – 55 million American Adults use marijuana**
- ❁ **Balancing act to comply with state/federal laws while serving needs of your business**
- ❁ **Violating Employee Rights can lead to costly litigation**
- ❁ **Stay current on changing laws**





EMPLOYEE RECRUITMENT & RETENTION

❁ Facebook

❁ Allows you to target by demographics and geography

❁ Radio Ad

❁ Certain markets



AZZ Inc. posted a job.

Aug 12, 2021 · 🌐

We're looking for a Material Handler to join our team at AZZ Galvanizing - Hamilton.

- Primary duties include driving a forklift, unloading and loading trucks, etc.
- This position will pay \$18-\$21/hour, depending on experience.
- The hours will be Monday – Friday, 7 am – 4 pm with occasional Saturday work.



AZZ INC.
Material Handler





VIDEO RECRUITMENT - PEORIA





LABOR SHORTAGE: SUCCESSFUL

- ❁ **Wage Increases for hourly**
 - ❁ **Increase for every 10 years service**
 - ❁ **Targeted at retention of long-term employees**
- ❁ **Upgraded bathrooms & break rooms**
- ❁ **Multiple Shift Types**
 - ❁ **Swing, weekend, overtime**
- ❁ **Modernized Vacation**
 - ❁ **Earlier accrual, more each year**





LABOR SHORTAGES: NOT AS SUCCESSFUL

- ❁ Referral Bonus (hit/miss)

- ❁ 72-hour annual no questions asked attendance policy

 - ❁ Tracking hours takes a lot of HR time – not sure how this will help attendance

- ❁ Halfway Houses, Worker Release Programs

 - ❁ Transportation Issues; If carpool setup, driver & everyone else leaves early

- ❁ Social Media

 - ❁ No real data on if this is helping





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DISCUSSION AND QUESTIONS

