

# 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





# 7IPS 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





# 7IPS 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





# RECRUITMENT CASE STUDIES



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Redford, MI

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# RECRUITMENT CASE STUDIES

**We're HIRING** Join Our Team

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For more information, or to apply for this position please call the office at – (313) 535-2600

Apply Within –  
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# DISCUSSION AND QUESTIONS

