

### **LABOR FORUM: NEW DATE!**

Our previously announced Labor Forum, *Common Policy Blunders: Insights from the NLRB*, will now be held on May 29 from 8:00 to 10:30 a.m. at the Radisson Hotel, 215 W South Temple, Salt Lake City, Utah. The \$79 registration fee includes a full breakfast and materials. With the anticipated shift in political power and the rise of big labor influence, *now* is the time to prepare and take action to remain union-free or to improve relations with unionized employees. In this instructive forum, National Labor Relations Board (NLRB) Field Attorney Nancy Brandt will explain what *all* employers need to know to avoid having policies that violate the National Labor Relations Act (NLRA). In addition, Council staff attorney, Summer Morgenstern, will offer tips on how to correct policy blunders and will provide a collection of useful sample policies. She will also discuss current union membership trends. See this week's attachment for registration information. We all need to become more vigilant to avoid vulnerability in this area.

### **REDEFINING A MANAGER'S ROLE**

You may remember reading in your college management textbook that the optimum span of control was approximately 7-10 employees. The term "span of control" refers to the number of workers or employees that a manager or supervisor manages. Companies today, however, are opting to increase the average number of employees supervised. To do this effectively, give more responsibility to front-line workers and brief them on company goals and processes so they can do more themselves. In addition, companies need to develop new pay systems that reward productivity, quality, performance, and teamwork, while discouraging underperformance. Here is a list of pointers for managing a larger number of employees:

- Have managers share knowledge so that workers who are to achieve corporate goals can do more self-supervision.
- It is usually easier for managers to keep workers focused if their wages are tied to performance.
- To help speed knowledge transfer, supervisors and managers need to be able to communicate well and to develop proficiencies in e-mail, intranets, and web-conferencing.

### **SUMMER HELP: CHILD LABOR LAWS**

As warmer weather and the end of another school year approach, many employers consider hiring youth to work during summer break. *Keep in mind, however, that child labor laws may impose hour restrictions, specific duty prohibitions, and required meal and rest periods.* Use caution as you hire and schedule workers under 18 years of age. Be familiar with the key child labor law provisions summarized in the attachment to this newsletter. The U.S. Department of Labor takes a strict enforcement posture in this area, and may even levy penalties for unintended violations. Penalties are up to \$11,000 per violation. If you choose to hire a minor, be absolutely certain his or her supervisor understands the applicable restrictions – and follows them precisely. *No bending the rules here!* Kids can be a great source of energetic, willing, and inexpensive workers. Just employ them with full knowledge of the legal parameters.

### **TACTICS OF SOME POSTER VENDORS**

The following article entitled "**Did you Know?**" appeared in *The UOSH Safety Line*, April 2008:

"We have learned of employers who have received 'official looking' announcements and in some cases threatening notices, messages, or telephone calls from various companies requiring that employers purchase OSHA documents from them in order to remain in compliance with OSHA rules and regulations. Posters required by UOSH are available free to anyone who asks simply by visiting: <http://laborcommission.utah.gov/UOSH/Outreach/MaterialsAvailable/index.html>. The posters are available in both English and Spanish and are required to be posted in each business establishment."

We have heard similar stories from employers about the shameful tactics of some poster vendors. Clearly, one way to comply with the numerous posting requirements is to collect and display the free poster(s) offered by applicable government agencies. A much easier way, however, is to purchase inexpensive, up-to-date, all-in-one laminated posters from us. For more information and an order form, visit [www.ecutah.org/posters.htm](http://www.ecutah.org/posters.htm) or contact the Council.

## Employment of Minors (Ages 14 Through 17)

The following table is a brief summary of Utah and federal standards governing the employment of minors ages 14 through 17 in nonagricultural occupations. They are commonly referred to as child labor regulations. Because harsh penalties can be imposed on employers who ignore or bend these standards, many employers do not hire persons under 18. If your company plans to hire youth 14 through 17 years old, we recommend that you consult The Employers Council ahead of time to ensure that you will be in legal compliance.

	14- and 15-Year-Olds	16- and 17-Year-Olds
<b>Hour Limits</b>	Not during school hours. Not more than 3 hours on a school day with a limit of 18 hours in a school week. Not more than 8 hours on a nonschool day with a limit of 40 hours in a nonschool week. Not before 7:00 a.m. or after 7:00 p.m. except from June 1 through Labor day, when the evening hour is extended to 9:00 p.m.	None.
<b>Occupations Permitted</b>	Permitted in retail, food service, and gasoline service establishments: office/clerical work (including operation of office machines); cashiering; selling (state restrictions apply in door-to-door sales); pricemarking/tagging; packing/shelving; bagging/carrying out customer orders; errand/delivery work by foot, bike, public transportation; clean up work, including use of vacuum/floor waxer; ground maintenance (excluding use of power-driven mowers/cutters); kitchen work (using certain machines) and preparing food (baking and cooking are prohibited except with automated deep fryers and electric/gas grills); waiting/bussing tables; washing dishes; limited work in connection with vehicles such as dispensing gas/oil, performing courtesy services, and cleaning/washing vehicles.	Any job not declared hazardous (see below), although 16 or 17-year-olds may load – but not unload or operate – <i>certified</i> scrap paper balers or paper box compactors.
<b>Occupations Prohibited</b>	Prohibited in retail, food service, and gasoline service establishments: work in or about boiler/engine rooms; maintaining/repairing machines/equipment; work using ladders/scaffolds; baking/cooking (except as noted above); operating, setting up, cleaning, repairing power-driven food slicers/grinders, food choppers, cutters, and mixers; work in freezers/meat coolers; loading/unloading goods to and from trucks, railroad cars, conveyors; jobs connected with warehousing (except office/clerical work).  Prohibited occupations further include: manufacturing; mining; most processing; work in rooms/places where goods are manufactured/processed; operating/tending hoisting apparatus or most power-driven machinery; operating/serving as helpers on motor vehicles; public messenger service; work connected with transportation, warehousing/storage, communications, public utilities, construction (except office/ sales jobs when not performed on transportation vehicles or at construction sites); all occupations declared hazardous (see right).	Occupations designated by the U.S. DOL as hazardous: working with explosives/articles containing explosive components; operating motor vehicles or working as outside helper on motor vehicles (limited exception for 17-year-olds); most jobs related to logging and sawmilling; working with radioactive substances; most jobs connected with mining; most jobs related to slaughtering, meatpacking, or processing; operating certain paper-product machines (limited exception for loading balers and compactors); most jobs related to manufacturing of brick, tile, similar products; jobs involving wrecking, demolition, shipbreaking; jobs related to roofing and jobs on or about a roof, including installing television and HVAC equipment; most jobs related to excavation; operating certain power-driven woodworking machines, hoisting apparatuses (such as non-automatic elevators, forklifts, and cranes), metal forming, punching, or shearing machines, meat-processing machines, bakery machines; operating various types of power-driven saws and guillotine shears
<b>Exemptions</b>	Children under 16 employed by their parents in occupations other than manufacturing, mining, or those declared hazardous. Children employed as actors/performers. Children delivering newspapers.	
<b>Meal &amp; Rest Periods (Utah Law)</b>	30-minute meal period not later than 5 hours after beginning of shift. At least a 10-minute rest period for every 4 hours worked, or fraction thereof; however, not over 3 consecutive hours without a rest period.	
<b>Age Certificate</b>	Obtained from school district (possession protects employers from unintentional violations).	
<b>Penalties</b>	Civil penalties up to \$11,000 <i>per violation</i> . In addition, for each <i>willful</i> violation, a criminal penalty of \$10,000, and employer/officers may be criminally prosecuted. For second violation, officers may be given up to six-month jail terms and fined. DOL and state agencies strictly interpret and vigorously enforce child labor regulations.	

Call The Employers Council if more detailed or specific information is needed.

**LABOR FORUM ANNOUNCEMENT**

Did you know that the National Labor Relations Act (NLRA) protects the right of “non-union” employees as well as “union” employees to engage in certain protected activities? Many “union-free” employers incorrectly assume that the NLRA has no effect on their workforce. The reality is that all employers, whether union-free or unionized, can inadvertently violate the law by maintaining policies that interfere with employees’ protected rights. Unions, facing a decline in membership, are becoming more likely to challenge such policies in an attempt to exert pressure on employers and gain support among employees.

In this instructive forum, our regional National Labor Relations Board (NLRB) Field Attorney, **Nancy Brandt**, will provide an overview of the NLRB and zero in on common policy blunders. She will explain what employers need to know to avoid violating the law. Topics covered include:

- ▶ Employer’s right to restrict email communication
- ▶ Non-solicitation policies that violate the NLRA
- ▶ Protected, concerted activities – what *all* companies must know

Our own Employers Council Staff Attorney, **Summer Morgenstern**, will begin the presentation with an overview of national and regional union membership trends based on newly released data. She will also provide insight to the current labor climate and collective bargaining trends. Summer will conclude the forum with tips on how to correct policy blunders and provide sample policies.

**Who should attend:** Any company representative who oversees labor relations or workplace policies, including human resource professionals, company executives, managers, and supervisors.

<p><b>Where:</b> <b>Radisson Hotel</b> 215 W. South Temple Salt Lake City, Utah</p>	<p><b>When:</b> <b>Thursday, May 29, 2008</b> Presentation - 8:00 - 10:30 AM Registration &amp; breakfast buffet - 7:15 - 8:00 AM</p>
<p><b><i>Free validated parking provided in the Radisson Hotel underground parking lot</i></b></p>	

Send registration to:  
The Employers Council  
175 West 200 South, Suite 2005  
Salt Lake City, Utah 84101

Register by fax: 801.364.8915  
Email registration information to: [info@ecutah.org](mailto:info@ecutah.org)

Please register the following for **Common Policy Blunders: Insights from the NLRB** at **\$79** per Council member (**\$149** per non-member). Registration includes materials, full breakfast buffet, and **validated parking** in the Radisson Hotel parking lot. Enrollment is limited to available space. Refunds will be given if cancellation is received at least one week prior to forum.

Name \_\_\_\_\_ Company \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
 Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email address(es) of the person(s) to receive reminder: \_\_\_\_\_  
 \_\_\_\_\_

Check enclosed \_\_\_ Bill Me \_\_\_ Charge credit card Visa \_\_\_ Master Card \_\_\_ American Express \_\_\_  
 Credit card number \_\_\_\_\_ Expiration Date \_\_\_\_\_ Total \$ \_\_\_\_\_  
 Name as shown on card \_\_\_\_\_ Signature \_\_\_\_\_