

## HUNTON EMPLOYMENT & LABOR PERSPECTIVES™

HELP / ANALYSIS & DEVELOPMENT IN EMPLOYMENT & LABOR ISSUES

This Client Alert is a monthly update on labor and employment developments as posted on [Hunton & Williams' Employment & Labor Perspectives Blog](#). If you would like to receive email alerts when new posts are published, please visit our blog and enter your email address in the subscribe field.

Recent posts on the **Hunton Employment & Labor Perspectives** Blog include:

- [California Finds Uber Drivers are Employees, Not Independent Contractors - Ruling Could Shake Up Mobile App-Based Business Model](#)
- [Medical Marijuana - Colorado Supreme Court Further Clarifies Employer's Right To Drug-Free Workplace](#)
- [DOL Proposes That Federal Contractors and Subcontractors Self-Report Violations of 14 Federal Laws and Executive Orders](#)
- [Oregon Increases Safeguards on Employee's Social Media Rights](#)
- [Supreme Court Holds That Employers Can Violate Title VII's Religious Discrimination Provisions, Even Where Applicants Have Not Disclosed Need for Accommodation](#)
- [PAGA Claims Survive Class Action Waiver Challenge - Again](#)
- [NLRB Ambush Election Rules Upheld by Texas Federal Court](#)

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### California Finds Uber Drivers are Employees, Not Independent Contractors - Ruling Could Shake Up Mobile App-Based Business Model

June 30, 2015

A recent decision from the California Labor Commissioner's Office found that a former Uber driver was an employee of the company, not an independent contractor as the firm has labeled its motorists. The implications for Uber, as well as other companies with similar business models, could be far-reaching.

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### Medical Marijuana - Colorado Supreme Court Further Clarifies Employer's Right To Drug-Free Workplace

June 29, 2015

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As we previously [discussed](#), employers continue to grapple with the workplace effect of medical marijuana laws (enacted in twenty-three states and the District of Columbia), as well as the recreational marijuana laws of Colorado, Washington, Oregon and Alaska. Notwithstanding these laws, marijuana remains illegal under the federal Controlled Substances Act, and all courts to have addressed the issue thus far have held that employers may continue to insist on a drug-free workplace, conduct drug tests, and take adverse employment action based on positive drug tests.

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## DOL Proposes That Federal Contractors and Subcontractors Self-Report Violations of 14 Federal Laws and Executive Orders

June 25, 2015

Recent guidelines have been issued by the Department of Labor in connection with President Obama's "Fair Pay and Safe Workplaces" Executive Order 13673. Interested parties will have until July 27, 2015 to submit written comments to the Regulatory Secretariat for consideration before the proposals are finalized.

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## Oregon Increases Safeguards on Employee's Social Media Rights

June 22, 2015

State legislation concerning employee privacy in social media continues to grow with six states passing such legislation in 2014, including Tennessee, Louisiana, New Hampshire, Oklahoma, Rhode Island, and Wisconsin. As discussed [here](#), these laws focus on an employee's right not to disclose personal social media passwords to an employer, as well as prevent employers from requiring access to content not available to the general public.

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## Supreme Court Holds That Employers Can Violate Title VII's Religious Discrimination Provisions, Even Where Applicants Have Not Disclosed Need for Accommodation

June 11, 2015

The Supreme Court recently held in *EEOC v. Abercrombie & Fitch Stores, Inc.* that Title VII prohibits a prospective employer from refusing to hire an applicant in order to avoid accommodating a religious practice that it could accommodate without undue hardship, even where the applicant has not informed the employer of his need for an accommodation.

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## PAGA Claims Survive Class Action Waiver Challenge - Again

June 3, 2015

The U.S. Supreme Court refused on Monday to take up a challenge to the California Supreme Court's holding that California Private Attorney General Act ("PAGA") claims cannot be waived in employment arbitration agreements containing a class action waiver.

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## NLRB Ambush Election Rules Upheld by Texas Federal Court

June 2, 2015

The United States District Court for the Western District of Texas has just denied one of the employer community's challenges to the NLRB's ambush election rules. As covered [previously](#), the Board's new election rules, which went into effect on April 14, 2015, shorten the potential timeline for elections to be held 11 to 12 days after a union representation petition has been filed. Several business groups have challenged the validity of the ambush rules in the federal courts.

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