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# EMPLOYMENT NEWS ALERT

## *JULY NEWSFLASH*

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### *A New Look To Go With A New Law Firm Affiliation*

As many of you know from last month's *ENA NewsFlash*, I am now Counsel with Stryker, Tams & Dill LLP, a prestigious Newark firm with a long and storied tradition of superior quality legal representation to its clientele. I am proud to be affiliated with this firm. In honor of this exciting new venture, both the quarterly *Employment News Alert* and the monthly *ENA NewsFlash* have been totally redesigned.

The new, cutting-edge *Employment News Alert* will be unveiled in just a few weeks on its regular publication date of August 1, but here, right now, we have the brand new *ENA NewsFlash*. Let us know what you think ... we want to hear from you!



You can view our new designs at <http://community.icontact.com/p/brianeccurtisemploymentnewsalert> just copy and paste this address into your browser and you can instantly see our fresh and exciting new formats. To make it easier here, and more readily accessible to our subscribers, we are going to continue our basic format for the newsletters posted to our website.

### *A Second Look at Medical Marijuana: Will The NJ Workplace Be 'Going To Pot' After All?*

As I previously reported in the March 2010 *ENA NewsFlash*, the NJ Legislature earlier this year legalized the use of 'medical marijuana' to become effective July 1, 2010. However, the State Assembly voted on June 29 to delay implementation of the Compassionate Use Act for 90 days until October 1, 2010.

This 'hot-button' topic is potentially so problematic for NJ employers, if for no other reason than its utter lack of guidelines for implementation, that ENA recognizes the need to re-visit the issue. It is clear that the law will impact a

wide range of employment issues, from hiring protocols and drug-testing policies to bona-fide occupational qualifications to medical confidentiality and employee privacy concerns.

Those who have championed the law say its primary purpose is to help alleviate the suffering of persons afflicted with certain debilitating conditions by allowing them to use marijuana for medicinal reasons while protecting them from criminal prosecution for such use and possession. But, as with any new law, you must not only consider its purpose, you must also consider its *'unintended consequences'*.

**So, what is the impact on NJ employers?** It is dire ... especially because so little attention has been paid to its unintended consequences. The statute is silent and, thus far, so are the regulations, as to its interaction with other laws, particularly the myriad employment laws affecting the NJ workplace. Employers must incorporate the requirements of the Act into how they manage their hiring protocols, drug-testing policies, disability accommodation processes, confidentiality requirements, employee privacy concerns, and a host of other internal policies and procedures.

The 90-day delay was imposed to resolve the logistics of creating and licensing the marijuana dispensaries, also known as 'alternative treatment centers', or ATCs, and in securing locations to grow and cultivate the marijuana crop.

Be aware, this delay is not about harmonizing the Act with any of the employment laws in NJ. But it does provide a golden opportunity for GCs and for HR managers to now get out ahead of the curve.



### ***What Can Employers Do Right Now?***

#### ***Ask Us ... We Can Help***

You really do need to be reviewing and updating your handbooks and policies now!

Although we gave you this same advice back in March, the 'tried and true' always seems to work the best, doesn't it? So if you have not started updating yet, you need to now!

The law doesn't often give you time to 'catch up', but the NJ Legislature's recent vote to delay implementation of the Act until October 1 gives you the chance to get your revised policies in place, particularly for that multitude of NJ employers required to conduct drug testing at hire and/or conduct regular ongoing drug-screening in the workplace. Whether it is a potential hire or a long-term model employee, know what to do and how to manage information you receive on their use of and need for medical marijuana. We can help you!

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