

PREFACE

*This cumulative supplement to the first edition of
Construction Industry Labor and Employment Law
is current through January 1, 2018.*

After a year of Mr. Trump in the White House, employers in general have benefited from executive orders and other bureaucratic acts that have favored the management side of things. At the NLRB, there was a significant decision on joint employment that resulted in a significant tidal change as to liability, but the NLRB, in a development after the current-through date for this Supplement, vacated that decision. In the wage and hour area, cases involving whether time spent is compensable or not turned in the employer's favor. On the other hand, changes to paid sick leave for employees involved with government contracts covered by the Davis-Bacon or Service Contract Act were helpful to the employee. Other topics of interest in this supplement include: (1) new issues as to retention of the workforce when Section 8(f) construction agreements expire; (2) secondary boycott cases involving the enmeshing of secondary parties without the traditional "cease doing business" objective; (3) the effect of a change in NLRB case law on appropriate bargaining unit in the construction industry; (4) application of the non-statutory antitrust exemption to union activities; and (5) whether illegal hot cargo contract clauses can exempt union activity from antitrust scrutiny.

President Trump has been busy issuing executive orders that many feel benefit employers and appointing judges who may be more sympathetic to arguments made by the employer community.

This supplement provides more examples and information that give the reader insights in this field. We always will strive to expand both the coverage of subject matter and the depth of information affecting the construction industry. We struggle to provide detailed and precise information without losing what some of us feel is the proportionality of the subject matter. It is our goal to give you the tools to arrive at the best decisions for the lawyer, the human resource professionals, the owner of a construction company, the construction employee, or the union representing those employees. As with all laws, regardless of protocol, there will be winners and losers in any outcome. With this supplement, we also do more than call balls and strikes. We strive to do the analysis to show

both the strengths and weaknesses of the logic of the decisions that are made, overruled, or implemented. The law is never static, and we follow it carefully to guide you, the reader, to a position of knowledge to make the best decisions. This book is more than a single tweet, and therefore it reinforces the concept that not all issues can be successfully explained using 140 characters.

Happy reading. See you next year. Let us hear from you.

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