



## Greetings, CUE-mmunity!

October 29, 2021

We trust everyone had a great last week of October.

We are turning the corner of 2021 in just a couple short months, but have not seemed to turn the corner on employee morale and engagement.

The COVID-19 pandemic has prompted HR leaders to pay attention to various challenges this year, but one critical challenge has been at the forefront of challenges. Employee Engagement. Focused on sudden employee departures, HR leaders are looking for ways to increase and maintain employee engagement and minimize stress and frustration at the same time.

In a global survey conducted by JobSeeker Survey, Bankrate -August 2021, 9 in 10 employers said enhancing the employee experience will be an important priority at their organizations over the next **three years**, compared with just 52 percent that indicated it was important prior to the pandemic.

What's driving these trends? For all the challenges 2020 presented, it is reported that 2020 was actually a bright spot for employee engagement. But 2021, on the other hand, has been a nightmare for businesses at the worst possible time. Here's what's driving the trend.

# WHY WORKERS ARE LEAVING

Here's what's most important to those who are currently employed and looking for work:



The laws regarding marijuana use and drug testing are changing. Are you up to date? Here are a few data points that are good to know.

***Employers still have some leeway to set their own drug-testing standards and associated policies.***

**FALSE: Medical marijuana use is still illegal at the federal level.** However, more than 30 states and Washington, D.C., have comprehensive medical marijuana programs

Some states allow employers to discipline, fire or refuse to hire medical marijuana users—even when all use is off-duty—but others provide some job protections for registered medical users.

Employers in some locations, including Nevada and New York City, cannot consider positive pre-employment marijuana screens. However, some exceptions apply, particularly for safety-sensitive positions.

Eighteen states have already passed laws to legalize and regulate cannabis (three of which did so this year): Alaska, Arizona, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, New York, Oregon, South Dakota, Vermont, Virginia, and Washington. All but five — Illinois, New Mexico, New York, Vermont, and Virginia — were by ballot initiative. Connecticut will become the 19th legalization state — and the sixth to legalize legislatively — when Gov. Lamont signs S.B. 1201 into law.

**Employers should revisit their drug and alcohol policies to make sure they are legally compliant and meet the needs of the organization.**

## Purchase the Fall 2021 Conference

CUE holds 2 major conferences each year; Spring and Fall. Over the last couple years, we've continued to hold our conferences virtually, with the most recent being a hybrid format. It was great to get back together again and engage those who could not meet us in Florida via live stream.

If you missed any part of the Fall Conference, you can still take advantage of any part of or all of the conference. Click below to choose those sessions that might be valuable for you.

**You can purchase the entire conference:  
\$695 member rate | \$995 non-member rate**

**Individual sessions are available for purchase:  
\$59 member rate | \$79 non-member rate**

[PURCHASE THE FALL 2021 CONFERENCE](#)

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**Get INVOLVED!** As a CUE company member, your engagement brings a wealth of shared best practice, insights, creativity and success. We would very much like to add you to the complement of our upcoming Spring Conference as a Committee Member.

**Rather sign on as a topic presenter?** We are preparing for our Spring 2022 Conference and would like to hear from you. Want to get involved...Conference Committee Volunteer

is a great way to get involved. Send us a note to [director@cueinc.com](mailto:director@cueinc.com) and someone will reach out to learn more about your volunteer interest.

**Your select news links are below. Have a great weekend!**

Sincerely,

**Robin Briscoe**

Executive Director

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## IN THE NEWS



### EMPLOYERS BEWARE: PRO-UNION PRIORITIES ADVANCE AT THE NLRB

Good, bad or otherwise... no matter your own personal or professional viewpoint, the fact is the NLRB is poised to usher in new reforms and implement pro-labor priorities...

[Learn more](#)

## HR/ER & LEADERSHIP

### **Working Wise: Appropriate Costumes vs. Cultural Appropriation: A Halloween Guide for Employers**

With Halloween creeping up, Rio Gonzalez and Claire Flowers offer various considerations employers should keep in mind... [Learn more](#)

### **Federal Contractor Vaccination Mandate: Important Dates for Covered Contractors**

In response to the Path Out of the Pandemic: COVID-19 Action Plan announced by President Biden on September 9, and Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors... [Learn more](#)

## **Most New York Employers Are Now Forbidden to Test Their Employees for Cannabis Use**

On October 19, 2021, New York State's Department of Labor updated its initial guidance to employers – itself issued only days earlier – concerning the legalized use of cannabis and the workplace. [Learn more](#)

### **HEALTH & WELLNESS**

## **Healthcare Workers' Religious Freedom Exemption Fails to Convince First Circuit to Block Maine Vaccine Mandate**

A three-judge panel for the United States Court of Appeals for the First Circuit affirmed the lower court's order denying plaintiffs' motion for a preliminary injunction against Maine's Covid-19 vaccine mandate... [Learn more](#)

### **LABOR & LEGISLATIVE**

## **Unionized Employers Confront Unique Challenges in Face of Federal Vaccine Mandate**

When COVID-19 vaccines were made available to the public in January 2021, we published an Insight advising unionized employers of the unique challenges... [Learn more](#)

## **Must Employers Bargain with Unions over Mandatory Vaccines?**

A unionized employer can't usually impose a mandatory vaccine policy unilaterally. Instead... [Learn more](#)

## **Draft Act on protection of whistleblowers**

A draft of the long-awaited act on protection of persons reporting violations of law, commonly known as the Act on protection of whistleblowers has appeared on the website of the Government Legislation Center... [Learn more](#)

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## Full List of Hot Links and Headlines

### **Leadership, Organizing and Technology:**

[Unionization Effort at Amazon Facility in Staten Island, N.Y., Moves Forward](#)

[Social Media, Employees and Reputational Risks](#)

[Recent Lawsuit Emphasizes Importance of Proper Immigration-Related Hiring Questions](#)

[Recording Zoom Calls: What to Know Before Hitting the Red Button](#)

[Peer Equity and Inclusion Coaches Can Help When Identity-Based Trauma Occurs](#)

### **OSHA/Wellness & COVID-19:**

[The Federal Contractor Vaccine Mandate is Here](#)

### **Unions/NLRB & Legislative, Biden Admin:**

[NLRB General Counsel Signals Much Stronger Enforcement Actions Against Employers](#)

[NLRB's Pro-Union Shift and Ripple Effect On Your Workplace Policies](#)

### **State-Specific**

#### **California:**

[California Creates New Issues for Supply Chain Employers](#)

[End of California 2021 Legislative Session Brings New Laws Affecting California Employers](#)

[New California Laws for 2022: What Employers Should Know](#)

#### **New York:**

[New York's General Contractors are Jointly Liable for Construction Worker Wages](#)

#### **Texas:**

[New Texas Executive Order Limits Employers' Ability to Mandate COVID-19 Vaccines in Texas](#)

#### **United States:**

[Milwaukee, facing shortage of snow plow drivers, looks to raise pay](#)

[Unvaccinated City Of LA Workers 'Should Be Prepared To Lose Their Job,' Garcetti Says](#)

[Netflix employees stage a trans solidarity walkout, pose list of demands](#)

[Facebook tells employees to preserve all communications for legal](#)

[4 Steps for Handling Religious Objections to Workplace Vaccine Mandates](#)

[Amazon Settles Employee Pot Testing Case In Iowa](#)

[Unionization Effort at Amazon Facility in Staten Island, N.Y., Moves Forward](#)

[Enhancing the Employee Experience](#)

[White House Releases Plan to Promote Gender Equality](#)

[Employee engagement is sliding at a terrible time. Here's why.](#)

[Jury Hands White Male Ex-Novant Exec \\$10M In Bias Suit](#)

[Employers Can't Skirt Unions In Offers To UK Workers](#)

[EEOC Issues Additional Guidance on Religious Objections to COVID-19 Vaccine Mandates](#)

[EEOC Issues Updated COVID-19 FAQs](#)

[New NLRB Members Could Heighten Burden for Employers Seeking to Challenge “Micro-Units”](#)

[How to Be Advocates and Enlighten Leaders on DE&I](#)

**Canada:**

[Guidance on How Employers Should Fill Out Records of Employment During COVID-19 Pandemic](#)

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