



|| Labor Relations

Foster Swift attorneys have extensive experience in the representation of public and private employers in a wide range of labor relations and employment issues. We have been involved in labor relations matters affecting public employees since the adoption of the Michigan Public Employment Relations Act in 1965.

Through the years, Foster Swift attorneys have developed a unique ability to advocate on behalf of our public and private employer clients, while maintaining a reasoned perspective on labor relations.

HIGHLIGHTS

- The negotiation of dozens of collective bargaining agreements with bargaining units representing police and fire units, supervisory employees, clerical/technical employees, and public works employees, as well as the bargaining of individual contracts with non-union employees
- The successful representation of public sector clients in Act 312 (police and fire arbitration) proceedings and in numerous grievance arbitrations involving issues of employee discipline and contract interpretation
- The adoption and administration of Police or Firefighter civil service ordinances
- The handling of Veterans Preference Act hearings
- The representation of public clients in matters before the Michigan Employment Relations Commission involving both representation questions and unfair labor practice allegations

PUBLICATIONS & ALERTS

Federal Trade Commission Prohibits Noncompete Agreements for Almost All U.S. Workers, Legal Challenges Expected, *Foster Swift Labor & Employment Law News E-blast*, April 24, 2024

Independent Contractor Final Rule Could Have Major Impact on Select Industries, *Labor & Employment Law News E-blast*, January 30, 2024

Legal Review of Corporate DEI Critical as Activists Quickly Pursue Litigation, *Foster Swift Labor & Employment Law News E-blast*, October 16, 2023

ATTORNEYS

Shareholder

Michael R. Blum

Clifford L. Hammond

Brian J. Renaud

Senior Attorney

Courtney Gabbara Agrusa

Michael R. Kluck

Associate

McKenna S. Rivers

RELATED PRACTICES

Employment Law

Employment Litigation



New NLRB Rule Speeds Up Union Election Process, *Foster Swift Labor & Employment Law News*, August 25, 2023

NLRB General Counsel Targets Non-Compete Agreements, *Labor & Employment Law News E-blast*, June 6, 2023

Compliance and Regulation Issues of the Family Medical Leave Act: A 2023 Update, *Foster Swift Labor & Employment Law News*, February 16, 2023

Court of Appeals Ruling Halts Pending Minimum Wage Increase and New Earned Sick Time Act – For Now, *Labor & Employment Law News E-blast*, January 27, 2023

Don't Forget! Michigan's Minimum Wage Increases on January 1, Additional Hike Expected, *Foster Swift Labor & Employment Law News E-blast*, December 28, 2022

Final Rule Issued on H-2A Visa Regulations, *Foster Swift Agricultural Law News*, November 9, 2022

DOL Proposes New Rule Related to Employee Classification, *Foster Swift Labor & Employment Law News E-blast*, October 17, 2022

Michigan Court of Claims Invalidates Paid Medical Leave Act, *Foster Swift Labor & Employment Law News E-blast*, July 25, 2022

Rising Temperatures Could Trigger Farm OSHA Inspections, *Foster Swift Agricultural Law News E-Blast*, June 15, 2022

Why You Should Care About Federal Labor Law Even If You Have A Non-Unionized "At-Will" Workforce, *Foster Swift Labor & Employment Law News*, April 12, 2022

Supreme Court Blocks Mandate, Upholds for Health Care Workers, *Foster Swift Labor & Employment Law News E-blast*, January 13, 2022

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

Update MIOSHA Emergency Rules in the Workplace, *Foster Swift Labor & Employment Law News E-blast*, May 25, 2021

MIOSHA to Increase Inspections of Manufacturers' COVID Preparedness and Response Plans and Remote Work Policies, *Foster Swift Labor & Employment Law News*, November 23, 2020

Guide to Bringing Back Workers and Resuming Operations for Michigan Municipalities, July 29, 2020

Employers Remember to Take These Steps by April 1, 2020, *Foster Swift Legal Update E-blast*, March 31, 2020

New DOL Guidance Excludes Workers from Federal Emergency Paid Sick Leave, *Foster Swift Legal Update E-blast*, March 29, 2020

DOL Issues New Rule Regarding Minimum Salary Level for White Collar and HCE Overtime Exemptions, *Foster Swift Employment Labor & Benefits Law News E-Blast*, September 25, 2019

The Difficult Intersection of Workers' Compensation, FMLA and ADA when an Employee gets Sick or Injured, *Foster Swift Employment Labor & Benefits News*, October 1, 2018

Intentional Tort Exception to Michigan Workers' Compensation Act – Court of Appeals Reaffirms High Standard, *Foster Swift Employment Labor & Benefits Law News*, May 31, 2018



Are Interns Injured on the Job Entitled to Michigan Workers' Compensation Benefits?, *Foster Swift Employment Labor & Benefits Law News*, May 29, 2018

U.S. Supreme Court Rules Employers can Prohibit Employees from Filing Class Action Lawsuits, *Foster Swift Employment Labor & Benefits Law News E-Blast*, May 24, 2018

Can Michigan Employers Terminate Employees Who Lawfully Use Medical Marijuana?, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

Understanding the Ins and Outs of the "Favored-Work" Doctrine Under Michigan Workers' Compensation Law, *Foster Swift Employment Labor & Benefits News*, January 25, 2018

Stopping Sexual Harassment in the Workplace, *Foster Swift Employment Labor & Benefits News*, January 22, 2018

Do Employees Have the Right to Electronically Monitor Their Employers?, *Foster Swift Employment, Labor & Benefits News*, May 1, 2017

Acronyms That Can Cost You Money: A Defense Lawyer's Primer On Employment Law - Whistleblowers Protection Act, *Foster Swift Employment, Labor & Benefits News*, December 14, 2016

Has Your Business Adapted Its Internet and Social Media Policies to New Changes?, *Foster Swift Business & Corporate Law Report*, May 2013

How Michigan's New Right-To-Work Legislation Will Affect Municipalities, *Foster Swift Municipal Law News*, January 2013

Labor Corner: 2011 Labor Law Changes Impact Municipalities, *Foster Swift Municipal Law News*, January 2012

I-9 Compliance & E-Verify – A Potentially Useful Tool, But Not A Substitute For A Comprehensive Compliance Policy, *Foster Swift Agricultural Law Update*, January 2012

Governor Snyder Has Signed Legislation Changing the Process for Arbitration of Public Safety Labor Disputes, *Foster Swift Employment, Labor & Benefits E-News*, July 26, 2011

Municipality May Require Employees to Disclose Medical Information When Returning From Sick Leave, *Foster Swift Municipal Law News*, March 2011

Remember Federal Requirements Before Reinstating Drunk Employees to Perform Safety-Sensitive Job Duties, *Foster Swift Municipal Law News*, February 2011

Michigan Public Sector Labor Law 101, *Foster Swift Municipal Law News: MTA Edition*, January 2011

Employer's "Honest Belief" Defeats Military Reservists' USERRA Claim, *Foster Swift Employment, Labor & Benefits Quarterly*, Fall 2010

Transfer During Pregnancy Raises Bias Claims, Sixth Circuit Rules, *Foster Swift Employment, Labor & Benefits Quarterly*, Fall 2010

Employer's Thorough Investigation Defeats Military Member's Discrimination Claim, *Foster Swift Municipal Law News*, September 2010

The HIRE Act May Save your Tax Dollars, *Foster Swift Business & Corporate Law Update*, Spring 2010

DOL Finalizes the 7-Business-Day Safe Harbor for Depositing Participant Contributions and Loan Repayments, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010



HITECH: New Security and Privacy Requirements, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010

Mental Health Parity and Addiction Equity Act, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010

Michigan Employers Must Ban Smoking in Indoor Work Places, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010

Private Emails Sent on Public Systems are not Automatically Subject to Disclosure Under FOIA, *Foster Swift Municipal Law News*, March 2010

Protecting Company Interests When Employees Use Social Media, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010

The Top Ten Costly Mistakes You Should Avoid Making Under Your Labor Contracts, *Foster Swift Employment, Labor & Benefits Quarterly*, Spring 2010

Continuation Coverage Rights Under Michelle's Law, *Foster Swift Employment, Labor & Benefits Quarterly*, December 2009

Here We Go Again...Congress has Expanded the FMLA Yet Another Time, *Foster Swift Employment, Labor & Benefits Quarterly*, December 2009

Employee Use of Medical Marijuana: What Must Employers Allow?, *Foster Swift Employment, Labor & Benefits Quarterly* (Also published in the November 2010 *Municipal Law News*), October 2009

Non-Competes: Proper Parameters are Essential, *Foster Swift Employment, Labor & Benefits Quarterly*, October 2009

Seasonal Employer Designation May Reduce Unemployment Costs, *Foster Swift Employment, Labor & Benefits Quarterly*, October 2009

The E-Verify Program: Requirements for Federal Contractors, *Foster Swift Employment, Labor & Benefits Quarterly*, October 2009

Advocacy for Co-Workers as Basis for Hostile Work Environment Claim, *Foster Swift Employment, Labor & Benefits Quarterly*, July 2009

DHHS Policy Prohibiting Discriminating Against Health Care Providers based on their Moral Beliefs, *Foster Swift Employment, Labor & Benefits Quarterly*, March 2009

Fair Pay Act Becomes Law, *Foster Swift Employment, Labor & Benefits News*, March 2009

New "Red Flag" Requirements for Financial Institutions and Creditors to Prevent Identity Theft, *Foster Swift Employment, Labor & Benefits Quarterly*, December 2008

Federal Court Expands Class of Persons Protected by Title VII Retaliation, *Foster Swift Municipal Law News*, August 2008

Congress Prohibits Discrimination Based on Genetic Information, *Foster Swift Employment, Labor & Benefits Quarterly*, June 2008

Ministerial Exception Exists in Michigan, *Foster Swift Employment, Labor & Benefits Quarterly*, June 2008



NEWS

Preparing Women Business Leaders for 2024 Legal Challenges, *Meltwater Newswire*, February 20, 2024

Foster Swift Listed in "Best Law Firms" 2024, *Best Lawyers in America*, November 2, 2023

Municipal Attorney Courtney Gabbara Agrusa Joins Foster Swift, *Detroit Legal News*, August 21, 2023

Foster Swift Attorneys Named 2024 Best Lawyers in America, *Best Lawyers in America*, August 17, 2023

17 Attorneys Selected to 2023 Michigan Super Lawyers and "Rising Stars", *Michigan Super Lawyers*, August 11, 2023

Foster Swift Listed in "Best Law Firms" 2023, *Best Lawyers "Best Law Firms"*, November 3, 2022

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

Foster Swift Elects EC Members for 2022, February 21, 2022

Foster Swift Addresses Changes Coming for Employers in 2022, February 16, 2022

Blum and Fershtman in dbusiness 2022 Top Lawyers, *dbusiness Magazine*, November 12, 2021

Foster Swift Listed in "Best Law Firms" 2022, *Best Lawyers in America*, November 5, 2021

Foster Swift Attorneys Named to 2022 Best Lawyers in America®, August 19, 2021

Weekly TV Show Launches to Help Businesses Navigate the Pandemic, *mConnexions*, March 15, 2021

Hammond Weighs in on Minimum Wage Hike, *Grand Rapids Business Journal*, January 8, 2021

Foster Swift Listed in "Best Law Firms" 2021, *Best Lawyers*, November 5, 2020

Foster Swift Attorneys Named to 2021 Best Lawyers in America®, August 20, 2020

Sanders Named to 2020 "Leaders in the Law", February 24, 2020

Foster Swift Attorneys Listed in dbusiness 2020 Top Lawyers, November 12, 2019

Foster Swift Listed in Best Lawyers® "Best Law Firms" 2020, November 1, 2019

Hammond Speaks at NLRB Labor Law Symposium, October 1, 2019

23 Attorneys Selected to 2019 Michigan Super Lawyers and "Rising Stars", *Automation Alley*, September 3, 2019

Three Foster Swift Attorneys Named to dbusiness 2019 Top Lawyers, November 14, 2018

Mamat Named to ACG Detroit Board of Directors, September 24, 2018

31 Foster Swift Attorneys Selected to 2018 Michigan Super Lawyers and "Rising Stars" Lists, September 10, 2018

Michigan Court of Appeals Reiterates That Worker's Compensation Claims Are the Exclusive Remedy for Injured Employees, *Detroit Legal News*, May 1, 2018

Employment Attorney Re-elected as Chairman, *dbusiness*, March 27, 2018

44 Foster Swift Attorneys Named to 2016 Best Lawyers in America® Roster, August 21, 2015

Foster Swift attorneys author human resources publication, May 1, 2013



EVENTS

Classification: Employees vs. Independent Contractors in a New Era, *Second Wednesday Sessions*, April 10, 2024

The Commissioner's Role in Union Negotiations, *County Road Association of Michigan: 2024 Highway Conference & Road Show*, March 20, 2024

Preparing for New Independent Contractor Rules, *Michigan Business Network*, February 16, 2024

How Recent Ruling Will Impact Your Business Initiatives, *Second Wednesday Sessions*, November 8, 2023

Fall 2023 Labor & Employment Law Update, *Foster Swift Going Forward Webinars*, October 12, 2023

Latest in Noncompete Developments, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

How the New Wage and Hour Laws Impact Your Township, *Michigan Townships Association Annual Conference 2023*, April 19, 2023

Learn Recent Changes in Employment Law, *Foster Swift Second Wednesday Lunch Break*, February 8, 2023

Changes to Michigan Minimum Wage and Paid Leave with Mike Blum, *Library of Michigan*, February 3, 2023

Why You Should be Worried About the NLRB as a Nonunion Employer, *ASE*, November 10, 2022

What Employers Need to Prepare for in 2023, *Foster Swift Going Forward Webinars*, October 12, 2022

Employers: Are You Ready for the Changes Coming in 2022?, *Foster Swift Going Forward Webinars*, March 10, 2022

What Does 2022 Hold for Employers?, *Foster Swift 2nd Wednesday Morning Break*, January 12, 2022

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

What Can Employers Expect Returning to Work?, *Foster Swift 2nd Wednesday Morning Break*, June 9, 2021

Businesses have big questions even as new MIOSHA guidelines are released, *WDIV 4 Detroit News*, May 24, 2021

Hot Employment Law Topics for HR Teams in 2021, *Foster Swift*, February 25, 2021

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020

2019 Comprehensive Guide to Employment Law, *National Business Institute (NBI)*, November 13, 2019

Dealing With the Troubled/Troubling Employee, *National Business Institute (Employment Law: 2019 Comprehensive Guide)*, November 13, 2019

Rats, Rules and Reevaluations: Current Affairs at the NLRB, *NLRB, Bernard Gottfried Memorial Labor Law Symposium*, October 17, 2019

The Shifting Sands of Employment Law, *MICPA: CPEconomy Event, Frankenmuth*, May 9, 2019

Employee Handbooks and Personnel Policies, *Michigan Chamber of Commerce: Lansing*, April 23, 2019

Employee Handbooks and Personnel Policies, *Michigan Chamber of Commerce: Walsh College, Novi*, April 18, 2019



Your Employee is Hurt, but is it FMLA, ADA or Workers Comp?, *Michigan Chamber of Commerce*, March 7, 2019

No, that Employee is NOT an Independent Contractor, *Michigan Chamber of Commerce*, January 31, 2019

Responding to Workplace Violence: Workers' Compensation, *Foster Swift*, October 17, 2018

"A Swinging Pendulum or Course Corrections: Recent Cases and Upcoming Changes", *26th Annual Bernard Gottfried Memorial Labor Law Symposium*, October 11, 2018

Why Worry About Unions Under the Trump Administration?, *American Society of Employers (ASE)*, August 9, 2018

Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, May 9, 2018

Getting a Grip on Workplace Violence in 2018, *PSLabor Talk*, April 3, 2018

Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, February 7, 2018

Can an employee be fired while away on FMLA?, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Labor Preparedness Seminar, *Associated Builders and Contractors, Inc.*, April 28, 2015

When an Employee Dies: HR & Accounting Essentials, *Michigan Chamber of Commerce*, April 2015

Legal Update on Employee Issues and Seasonal Employee Options, *Michigan Agri-Business Association Winter Conference & Trade Show*, January 12, 2015

Surviving the NLRB's Newest 'Ambush Election' Rules, *Michigan Manufacturers Association*, April 29, 2014

Public Employment and Labor Law – The Basics, *Foster Swift Webinar Series for New Municipal Officials*

Ask the Library and Labor Lawyer, *Michigan Library Association Annual Conference*, October 26, 2011

Top Ten Labor Contract Mistakes to Avoid, January 2010

Current Trends and Developments in Labor Law, *Industrial Relations Research Association, Mid-Michigan Chapter*, 2004

E-mail - New Uses and Prohibitions, *The Bernard Gottfried Memorial Labor Law Symposium*, 2000