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A monthly digest of news and information of interest to HR professionals.

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## 5 Little Words That Will Make You a Much Better Leader

By: Jessica Stillman; Inc.com

We all know great leaders excel at articulating their vision. What's less often appreciated is that listening is an equally valuable leadership skill.

Why? First, because feeling truly heard is deeply empowering for a team. As Yale business professor Marissa Kind has explained, "when employees feel listened to, they are less likely to feel emotionally exhausted and less likely to quit their job. They are also more likely to trust -- and like -- their bosses, and feel committed to them."

Second, because you need to actually hear and process information about the world to be able to set a sensible vision in the first place. Listening well makes you smarter.

So how do you get better at this essential but under sung skill? There are a million suggestions out there, but perhaps one of the most powerful is also the simplest. It comes from author Simon Sinek and consists of all of five little words.

### **"Be the last to speak."**

In a quick snippet of a talk, Sinek offers a profound leadership lesson that's dead easy to remember: be the last to speak.

"I see it in boardrooms every day of the week, even people who consider themselves to be good leaders, who may actually be decent leaders, will walk into the room and say, 'Here's the problem. Here's what I think, but I'm interested in your opinion. Let's go around the room.' It's too late," he warns.

Instead, cultivate the skill to hold your tongue until everyone else has weighed in. Not only does this allow other participants to feel heard, but it gives you an obvious advantage: you get to hear everyone else's brilliant ideas before you contribute your own. Of course, you'll say smarter things compared to when you first walked in itching to put your ideas instantly out there.

The logic behind the idea is unassailable, but actually putting this wisdom into practice can be harder than it sounds, Sinek warns. We're all dying to jump in and prove our brilliance or correct others' errors, after all. But if you can manage to just keep your mouth shut, you'll instantly level up your leadership.

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# The Only Constant is Change: Trump NLRB Reverses Obama NLRB Decisions

By: Marshall & Melhorn, LLC, Labor and Employment Update



## Revisiting the “Quickie Election” Rule

The National Labor Relations Board (NLRB) recently published a Request for Information (RFI), seeking public comment regarding its 2014 Election Rule, i.e., the “Quickie Election” or “Ambush Election” rule. The NLRB’s pending RFI includes the following questions:

1. Should the 2014 Election Rule be retained without change?
2. Should the 2014 Election Rule be retained with modifications? If so, what should be modified?
3. Should the 2014 Election Rule be rescinded? If so, should the Board revert to the Election Regulations that were in effect prior to the 2014 Election Rule’s adoption, or should the Board make changes to the prior Election Regulations? If the Board should make changes to the prior Election Regulations, what should be changed?

All responsive public comment must be provided to the NLRB on or before February 12, 2018.

## Return to the pre-*Browning Ferris* “joint employer” standard

In *Hy-Brand Industrial Contractors Ltd.* (December 14, 2017), the NLRB ruled that in all future and pending cases, two or more entities will be considered “joint employers” if, and only if,

1. both entities exercise control over essential terms and conditions of employment (as opposed to merely having reserved the right to exercise such control), and
2. both entities exercise such control directly and immediately (as opposed to indirectly or indefinitely) in a manner that is not limited and routine.

Under this legal standard, proof of indirect control, contractually-reserved control that has not been exercised, or control that is limited and routine is no longer sufficient to establish “joint employer” status. See NLRB Joint-Employer Press Release, December 14, 2017, <https://www.nlr.gov/news-outreach/newsstory/nlr-override-browning-ferris-industries-and-reinstates-prior-joint>.

## New legal standard for workplace policies

Under past NLRB decisions, employers violated the NLRA by maintaining workplace rules or policies that could be “reasonably construed” by employees to prohibit the exercise of Section 7 rights, even if the employer’s policy was not adopted in response to Section 7 activity, and even if the policy was not applied to restrict such activities.

In *The Boeing Company* (December 14, 2017), the NLRB overruled its previous rulings on this subject, and replaced the “reasonably construed” standard with a new test, i.e., when evaluating a facially neutral company policy, rule or employee handbook, which, when reasonably interpreted, would potentially interfere with the exercise of Section 7 rights, the NLRB will now evaluate two things: (i) the nature and extent of the potential impact on the exercise of Section 7 rights, and (ii) the employer’s legitimate justification(s) for the facially neutral policy or rule in question.

By so ruling, the NLRB created three categories of company rules or policies and the following related legal analysis applicable to each category:

(*The Only Constant is Change: Trump NLRB Reverses Obama NLRB Decisions* continued on Page 4)