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Inside this issue:

Congratulations	1
Madelyn Wecker Selected as Queen for the 2015 Delaware County Jr. Fair	1
See OSU vs. Virgin- ia Tech on the Big Screen	1
A Major Success	1
Delaware County Second Happiest Place to Live in the U.S.	2
NLRB New "Joint Employer" Rule	2
Notice	2

Client Bulletin



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Congratulations

Business First's list of top women-owned businesses, ranked by 2014 company revenue, listed ASC Group, Inc. at No. 36. ASC Group, Inc. serves as cultural, ecological and environmental consultants. Congratulations to Shaune Skinner and Elsie Immel-Blei.

Madelyn Wecker Selected as Queen for the 2015 Delaware County Jr. Fair

Congratulations to Madelyn Wecker, the daughter of attorney Wecker and his wife, Kendra, for being selected as the queen for the 2015 Delaware County Jr. Fair. Entering her senior year at Big Walnut High School, Madelyn has been active in 4-H since the 3rd grade. She raises and shows market lambs, chickens, and rabbits, and is a member of the Kountry Kids 4-H Club, where she is a former club president. Madelyn has also earned the right to have competed twice in the multi-species Showman of Showmen Competition. The Delaware County Agricultural Society can trace its history back to 1833, and this year will host the 70th Little Brown Jug, the anchor of the Triple Crown of Horse Pacing race.

See OSU vs. Virginia Tech on the Big Screen—FOR FREE!

On Monday evening, September 7 (Labor Day evening), The Strand Theatre is showing OSU's season opener. Admission is FREE. The concession stand will be open. The "tailgate" starts at 6 p.m., with kickoff at 8 p.m. Details will be on The Strand's web page (www.thestrandtheatre.net) and Facebook page. Go Bucks!

A Major Success

SourcePoint's Rock the Boat 2 fundraiser held on August 28, for which the law firm was the Presenting Sponsor, was a roaring success, selling out in advance of the event.

Continued . . .

Delaware County Second Happiest Place to Live in the U.S.

A study conducted by Smart Asset found that Delaware County is the second happiest county in the U.S., trailing only Loudoun County, Virginia. The rankings used a variety of data, such as family stability (marriage rates and divorce rates), affordability (income-to-expenses ratio), personal bankruptcy filings, average life expectancy, exercise rates, and economic security (unemployment and poverty rate). Delaware County's median income of \$89,757, combined with \$34,057 or more needed for a three person household to afford the necessities, gave it an income-to-expense ratio of 2.64, the second highest of the almost 1,000 counties analyzed. With a marriage rate of 64.2 percent of adults, Delaware County had the fourth highest marriage rate of counties with a population of 50,000 or more.

NLRB New "Joint Employer" Rule

Last week, on a 3-2 vote, the National Labor Relations Board, which has jurisdiction over private employers, revised its definition of "joint employer." Previously, to be considered an employer, it had to be demonstrated that a company had "direct and immediate" control over workers. Under the new rule, the test is whether a company has the potential to impact workers' pay and working conditions irrespective of whether or not the company has actually exercised that power.

Unless Congress, exercising its powers to review agency rules, would adopt legislation to block the NLRB rule and then be able to override a likely presidential veto by a two-thirds vote in both the House and the Senate, the new definitional rule will likely have a very significant impact in the franchise situation. Under the new rule, it is likely to be found in franchisor-franchisee situations (i.e., McDonald's) where the franchisor prescribes employee training, etc., that the franchisor is a joint employer with the franchisee and, hence, the franchisor is liable for the franchisee's violations of the National Labor Relations Act. The new rule is also likely to result in increased attempts at unionization in franchised businesses, especially the fast food industry.

In the franchising setting, a big question is how will franchisors respond to the potential joint liability from the new definition of "joint employer." Will franchisors seek to lessen potential liability for a franchisee's labor practices by adopting measures that give the franchisor more control over the franchisee's employment practices, or will franchisors seek to avoid potential "joint employer" liability by amending the franchise agreement to preclude the franchisor having any potential control over the franchisee's workers' pay and working conditions, or will we see varying approaches from franchisor to franchisor?

Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates who you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

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