

# EMPLOYMENT & LABOR LAW NETWORK (ELLN)

## NETWORK CHARTER

[Updated May 2018]

### I. MISSION STATEMENT

The mission and purpose of the Employment Labor and Law Network (hereinafter the “ELLN” or “Network”) shall be to act as a central resource vehicle and networking destination for all ACC members with an interest in, or need for guidance concerning, employment, labor and benefits law matters.

### II. NETWORK LEADERSHIP STRUCTURE

The Network leadership shall consist of the Network’s Leadership Committee, consisting of officers and the appointed chairs or co-chairs of the below referenced Subcommittees and Focus Areas.

#### **Leadership Committee**

The Leadership Committee shall consist of the Leadership Committee Officers, Subcommittee and Focus Area Chairs or Co-Chairs, and the Immediate Past Chair of the Network, along with such other members of the Network as may be invited by the Chair. The role of the Leadership Committee is to lead and coordinate the efforts and activities of the Subcommittees and Focus Areas and the Network at large, provide a central organizational and administrative function, and establish a common vision for the Network. The Leadership Committee shall meet in person or by teleconference at twice per year.

#### **Leadership Committee Officers**

The officers of the Leadership Committee shall be elected from the Network’s membership and shall consist of a Chair, Vice Chair, and Secretary; however, any one or more of the offices may be jointly held as Co-Chairs or multiple Vice Chairs.

#### **Subcommittees and Focus Areas**

The activities of the Network Leadership Committee will include both administrative Subcommittees and Focus Areas. Administrative Subcommittees will carry out the organizational tasks of the Network and the Leadership Committee, while the Focus Areas will monitor and provide substantive discussion, materials, resources, and networking opportunities for Network members in the subject matter of each Focus Area.

Each of the Subcommittees and Focus Areas shall have a chair or co-chairs appointed by the Chair of the Network. The Subcommittee and Focus Area chairs and or co-chairs are responsible for carrying out tasks and functions of their group and enlisting the assistance of other ELLN members and ACC professional staff. Each Subcommittee and Focus Area shall maintain a “mission statement” summarizing its purpose and expectations, which shall be updated periodically. The current Subcommittee and Focus Areas mission statements are as follows:

**Communications Subcommittee.** The Communications Subcommittee of the Employment & Labor Law Network is devoted to communications with members about upcoming events and publicizing important Network activities. The Communications Subcommittee is primarily responsible for publication of a bi-monthly newsletter to members and will solicit and edit materials from all Focus Areas to provide a concise update to members that includes upcoming events, lists of available resources, and summaries of recent reports on developments in the law.

**InfoPAKs Subcommittee.** The InfoPAKs Subcommittee of the Employment & Labor Law Network develops succinct and high-level overviews, summaries, surveys and primers on topics of interest to the membership. The subject matter of an InfoPAK could be focused on a single topic such as wage and hour, or non-competes, or it could span the full spectrum of labor and employment law specific to a particular country such as Canadian Labour and Employment Law. Depending on the content, development of an InfoPAK may involve working with the Co-Chairs of other Focus Areas that cover the substantive topic area. What distinguishes InfoPAKs from other ELLN resources is the comprehensive and in-depth treatment of the subject matter covered in an Info PAK. The InfoPAKs Subcommittee partners closely with multiple law firms to accomplish this goal. The InfoPAKs Subcommittee Co-Chairs, in conjunction with ACC and the law firm, assist in the preparation of the outline for the InfoPAK and, once submitted in draft form, review the Info PAK and provide substantive input, feedback and comments to the authors. The Co-Chairs also track progress against pre-determined milestones and provide reports on these timetables and deadlines at monthly ACC meetings. ELLN members are encouraged to share their topic ideas, and Network members are welcome to participate in making substantive contributions to an Info PAK.

**Membership Subcommittee.** The membership Subcommittee of the Employment & Labor Law Network is responsible for outreach to new members and efforts to increase membership and awareness of the Network's activities. The membership Subcommittee contacts all new members with information about Network activities and upcoming programs and also works with the ACC headquarters staff on outreach efforts to encourage ACC members to also become members of the Employment & Labor Law Network.

**Policy Subcommittee.** The ELLN Policy Subcommittee's mission is to **inform** ACC members of emerging employment law developments, to **advocate** for members in the most significant employment law court cases and rulemakings, and to **connect** ELLN members to federal policymakers. The Subcommittee keeps members informed through oral reports on the ELLN's monthly calls, a written summary of the reports posted on the ELLN's webpage, and issue-specific memoranda made available to members. The Subcommittee advocates for members on employment law issues of national significance by submitting amicus briefs in employment cases and written comments in federal regulatory proceedings. Finally, the Subcommittee connects ELLN members with federal policymakers through a series of Washington D.C.-based meetings with EEOC Commissioners, NLRB members, and Department of Labor officials.

**Programs Subcommittee.** The mission of the Programs Subcommittee is to ensure that the ELLN's presentations at the ACC Annual Meeting effectively address important trending labor and employment (L&E) issues for a variety of in-house practitioners, including those who are L&E specialists, those with general practices that require them to have basic knowledge of and familiarity with key L&E issues, and those with L&E responsibilities that are international in scope. Our responsibilities and activities include: (1) soliciting and submitting proposals for the ELLN's Annual Meeting presentations on labor and employment issues; (2) putting together excellent panels for these presentations; and (3) assisting our panels in developing and

delivering stellar presentations. We look for opportunities to submit presentations in partnership with other ACC Networks, and we welcome input from all members of the ELLN community.

**Webcasts Subcommittee.** The Webcast Subcommittee of the Employment & Labor Law Network provides 60-90 minute webcasts on timely employment and labor-related legal topics to in-house counsel. The Webcast Subcommittee works closely with Jackson Lewis and other law firms to accomplish this goal. The Webcast Subcommittee co-chairs review and select webcast topics, secure outside counsel partnership for webcasts, and serve as liaisons between ACC and the webcast presenters. The co-chairs also track webcast topics and attendance and provide reports on these data points and on upcoming webcasts at monthly ACC meetings. We encourage ELLN members to share their topic ideas, and we welcome participation from any Network members interested in moderating a webcast.

**Absence and Disability Management Focus Area.** The mission of the Absence & Disability Management Focus Area (A&D) is to provide value to ACC members on a variety of legal issues related to employers' efforts to effectively, and lawfully, manage attendance and accommodations. We are aware that absence and accommodation issues are among the most vexing for HR, and that the legal requirements for absence and disability change at a rapid rate through both judicial interpretation of the FMLA and ADA as well as legislation adopted by very active state and local legislative bodies. Our goal is to educate ACC members about relevant legal requirements and to provide practical solutions and suggestions to help them comply. This includes hosting monthly calls for interested ACC members to discuss challenging A&D issues and exploring other innovative ways that we can provide value to ACC members.

**ERISA Focus Area.** The ERISA Focus Area of the Employment & Labor Law Network is charged with monitoring and reporting on important developments in the area of employee benefits and other ERISA-related topics. The ERISA Focus Area will work with the Webcasts and InfoPAKs Subcommittees to develop programs and targeted resources and will report to the broader Network on breaking news and impending regulatory changes, including tax issues that affect employment lawyers.

**Health & Safety Focus Area.** The Health & Safety Focus Area of the Employment & Labor Law Network is charged with monitoring and reporting on important developments in Health & Safety law, including OSHA regulatory and compliance issues, and alerting ELLN members to important requirements or impending regulatory changes. The Health & Safety Focus Area will work closely with the Webcasts and InfoPAKs Subcommittees on substantive programs and materials.

**International Focus Area.** The international Focus Area seeks to broaden the scope of ELLN beyond the US borders and raise awareness of and provide resources on global employment law issues. We do this by organizing webinars, reviewing and suggesting international materials for inclusion on the ACC website including InfoPAKs, and advocating to incorporate international employment law topics at ACC meetings. Whether the subject is a sexual harassment claim in India, a request from the VP of HR to implement a global RIF, or a demand from the VP of Sales to hire independent contractors in Germany, our mission is to provide support and resources for the harried in-house counsel.

**Labor Focus Area.** Labor Focus Area members identify and track the most pressing labor law issues, case law developments, emerging trends and provide practical advice to the ELLN

through oral and written reports during the monthly Network conference calls. Written reports are posted on the ELLN web page. Members of the Focus Area are available to facilitate educational programs and to serve as a resource on traditional labor law topics for colleagues advising both union and non-union workforces. Active membership in the Focus Area is not only a way to learn about current labor issues and how they impact both union and non-union employers, but also to meet other in-house labor counsel and to share best practices.

**Library/Archives Task Force.** The newly formed Libraries/Archives Task Force is charged with working with ACC headquarters employees to help improve the organization and delivery of valuable resources to ACC members. The goal is to organize the employment-related resources already in the ACC library, make them easier to find and access, and identify holes in the library that can be filled by future calls for forms and templates, future InfoPAKs, or other means. The task force will also provide ongoing assistance and support for the ACC librarians by helping to tag and code new resources as they come in for maximum visibility and usefulness.

### **III. LEADERSHIP RESPONSIBILITIES**

The Chair, the Vice-Chair, and the Secretary of the Leadership Committee shall each serve a term of one year, with the eligibility to be elected to no more than two consecutive terms, The Chair is succeeded typically by the Vice Chair who shall be succeeded typically by the Secretary. In addition to the responsibilities he/she shares with other members of the Leadership Committee, the Chair acts as the principal contact between the Network, ACC leadership, the ACC headquarters office and ACC local chapters; provided that the Chair shall have the right to delegate to such other ELLN member(s), as he/she shall determine, any of his/her responsibilities as Chair. The Vice Chair shall perform such duties as requested by the Chair and in the Chair's absence shall perform the responsibilities of the Chair. The Secretary shall be responsible for working with ACC staff to ensure timely notice of teleconference meetings of the Leadership Committee and any Network meetings, as well as, preparing any minutes of such meetings. ACC staff will work with the Chair to develop and circulate the agenda for such teleconferences and meetings. The Chairs of the Subcommittees and Focus Areas shall be appointed by the Chair of the Network to serve for a term of one year, which may be renewed at the discretion of the Chair for additional one year terms without limitation. Focus Area and Subcommittee Chairs shall be responsible for coordinating the activities of their groups, and representing their groups at meetings of the Leadership Committee.

### **IV. MEMBERSHIP**

Membership in the Network is open to all members of ACC. Members of the Network are encouraged to join and actively participate in at least one Subcommittee and/or Focus Area. The general membership of the Network will convene once per year for an annual meeting to be held in connection with ACC's Annual Meeting and this meeting shall be presided over by the Network Chair and Leadership Committee for the purpose of conducting general Network business, electing officers (Chair, Vice Chair, and Secretary) and developing initiatives for the following year.

### **V. OPERATING OBJECTIVES**

The ELLN shall work closely with ACC Staff to advance the goals of ACC and to comply with the minimum activity guidelines for the national Networks. The ELLN will use its best efforts to accomplish the following:

- (1) Plan and conduct a monthly meeting via teleconference, during which the Network will present at least one substantive discussion of an issue of importance to the membership, and during which Subcommittees and Focus Areas will report on significant developments in their areas and will, as appropriate, provide a written report to be attached to the minutes of the monthly meeting.
- (2) Plan and conduct a substantive program series each year at ACC's Annual Meeting.
- (3) Plan and conduct webcasts, at least four per year, on substantive employment, ERISA or labor law topics and issues.
- (4) Submit at least one ELLN-sponsored article every year for publication in the ACC Docket.
- (5) Consistent with ELLN advocacy objectives, periodically submit comments to federal regulatory agencies and other government entities as deemed appropriate by the Leadership Committee.
- (6) Encourage leaders and members to actively participate in discussions on the eGroups forum in order to provide helpful information to ACC members on topics related to employment and labor law, and periodically disseminate information and materials of general interest to ELLN members.
- (7) Encourage new membership and active participation in all ELLN events and in ACC.
- (8) Develop and maintain productive working relationships with chapter presidents, other national Networks, the ACC's Board of Directors, and ACC staff.

## **VI. ADVOCACY OBJECTIVES**

Consistent with the advocacy guidelines adopted by the Association's Board of Directors and its delegation to the ELLN of Authority to engage in Advocacy Activities incorporated herein by reference, the ELLN may provide substantive input and comment on major legislative and regulatory initiatives, as well as *amicus* briefs in significant pending cases, having broad impact on ACC member employers. While the ELLN recognizes that not all such advocacy will represent the unanimous views of its membership, such input will be tailored to express the Leadership Committee's perception of the consensus views of ELLN members and member employers/clients. The Leadership Committee will have final discretionary authority over the editorial content of any ELLN advocacy undertakings. At the sole discretion of the Leadership Committee, alternate input or views not inconsistent with the ELLN's adopted position may also be incorporated into any final advocacy statement. The Leadership Committee will post promptly on the Network website any submitted and or published comments and other such formal written advocacy as may be undertaken by the ELLN.

## **VII. RESIGNATION / VACANCY**

In the event of resignation or other vacancy of any officer prior to the completion of his/her term of office, the highest-ranking officer has the authority to appoint a replacement from the Network membership to serve the remainder of the term. Should the Chair resign mid-term, the Vice Chair has the option of succeeding to the role of Chair. Focus Area and Subcommittee chairs can be replaced by the Chair, failing which a new Chair can be appointed from the Network membership by the Chair of the Council of Networks.

**VII. REMOVAL FROM OFFICE**

Failure of an officer to meet the responsibilities set forth in the Network Charter and/or failure to comply with ACC policies and procedures may result in removal from office in accordance with the following procedure: (1) By unanimous agreement of the Officers of the Leadership Committee (other than the officer being removed) and a majority consent of the entire Leadership Committee; or (2) by the ACC Council of Network Leaders Executive officers by a majority vote.

**IX. AMENDMENTS**

This Charter may be amended at any time by majority vote of Network members in attendance at the Network business meeting at the ACC Annual Meeting or at any regularly scheduled Network teleconference. All proposed amendments to this Charter must be approved by the Services Network of the ACC Board of Directors prior to implementation.

**X. INTELLECTUAL PROPERTY**

The Network shall only use such logo displaying the name of the Network or other ACC intellectual property as approved by ACC.