



Recognized and respected issue experts from PA Chamber member companies answer businesses' most frequently asked questions about HR, Tax, Communications and Environmental concerns, compliance and best practices.

HR



Ronda O'Donnell

Marshall Dennehey Warner Coleman & Goggin

Now that Pennsylvania has legalized medical marijuana, am I required to change my drug-free policy or other work rules for employees in Pennsylvania?

Pennsylvania's Medical Marijuana Act legalizes the prescription and use of medical marijuana by persons with a "serious medical condition." Only such persons may be prescribed or use medical marijuana. Conditions specified in the Act include, among others, cancer, AIDS, ALS, Parkinson's and epilepsy. The Act does not permit medical marijuana in plant form or allow it to be smoked. Recreational use of marijuana is still prohibited. If you are one of many employers who prohibit employees' use, possession or distribution of illegal drugs in the workplace, the Act permits you to maintain and enforce your drug-free workplace policy.

The Act prohibits an employer from discriminating or retaliating against an employee or prospective employee based solely on the person's status as an individual certified to use medical marijuana. Drug testing as part of hiring procedures or in the regular course of business must be thoughtfully administered as an employer should not discipline, discharge or take other adverse action against a person solely for testing positive for marijuana if that person is a certified medical marijuana user,

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Communications/ Marketing



Troy Dean

Graphcom

How can predictive analytics improve your ROI?

What if I told you that you could understand your customers so well that you could predict their behavior? Predictive analytics help businesses attract, retain and grow their customer base with little risk – thus, maximizing their marketing strategy without maxing out their budget.

With predictive analytics, you'll know what products will do well and how to market them. The result: a strong ROI every time. And, the best part is, once we establish a predictive model, everything is scalable and can be applied across company divisions and industries. That means your sales team, service providers, customer service reps and back-office staff can all work together to create an extraordinary experience for your customer. The result: brand loyalty through customer satisfaction.

After we've done the research, created the strategy and deployed it, it's time to evolve it. We'll regularly evaluate and update the predictive model so you never miss a sale and stay ahead of the curve. The result: cost-savings and brand-staying power. You're no longer a trend...you're a cornerstone in the industry, a thought leader and more profitable than your competitors. And, the best part is, you're probably spending less on marketing than you were a year ago.

Now, how do you get started?

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Energy/ Environmental



Bill Kesack

EarthRes

Will the Hazardous Waste Generator Improvements Proposed Rule Make Your Life Easier?

As you may know, the U.S. Environmental Protection Agency published the Hazardous Waste Generator Improvements Proposed Rule in the Federal Register on September 25, 2015. Comments on the proposed rule were accepted until December 24, 2015. EPA is currently reviewing these comments and moving forward with final rule development. The plan is to finalize the rule sometime during the fall of 2016.

Over the years, there has not been much change to the hazardous waste generator rules. It was believed that the existing rules required a much needed update, and this proposed rule hopes to accomplish this by improving rule efficiency and effectiveness.

One of the objectives of the proposed rule is to improve user friendliness by reorganizing the regulations so that the regulations for specific types of generators can be found in one place in the Code of Federal Regulations. This should eliminate much of the cross-referencing that is currently contained in the existing regulations. Waste categories include: Conditionally Exempt Small Quantity Generators (≤ 100 kilograms per month); Small Quantity Generators (> 100 kg but $< 1,000$ kg per month); and Large Quantity Generators ($\geq 1,000$ kg).

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Although some of the experts are attorneys, nothing in this article should be construed as legal advice or as pertaining to specific factual situations.

Ronda O'Donnell

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unless one of the Act's enumerated exceptions to the antidiscrimination provision applies.

As an employer, you have every right to continue to enforce your drug-free workplace policy and work rules. For instance, employers are not required to accommodate use of medical marijuana on the employer's premises or property. Furthermore, the Act does not limit an employer's ability to discipline an employee for being "under the influence of medical marijuana" in the workplace or for working while under the influence of medical marijuana "when the employee's conduct falls below the standard of care normally accepted for that position." In addition, employers are not required to violate federal law, i.e., Department of Transportation requirements.

Recognizing an employer's need for safety, the Act also prohibits employees from being under the influence of medical marijuana while operating or being in physical control of chemicals requiring a permit by a federal or state government agency, working with high-voltage electricity or other public utility, performing duties at heights or in confined spaces, performing any task that an employer deems life-threatening to the user or to other employees or performing any duty that could result in a public health or safety risk. Additional clarity with respect to how an employer should interpret and trigger specified exceptions set forth in the Act are expected in the upcoming months, when the Pennsylvania Department of Health's regulations will be issued. ■

■ **Ronda K. O'Donnell** chairs the *Employment Law Practice Group* in the Philadelphia office of *Marshall Dennehey Warner Coleman & Goggin*. A member of the firm's *Professional Liability Department*, she focuses her practice on the representation of employers and has handled hundreds of cases covering a full range of employment law issues in federal and state courts and before administrative agencies. She also advises and trains employers on compliance with local, state and federal employment laws. She can be reached at 215 575-2697 or at rkodonnell@mdwgc.com.

Troy Dean

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1. Identify your goal, problem or question to answer.
2. Hire Graphcom (just kidding). Compile your data or build your mechanism for data collection.
3. Build your analytical and IT team to build the predictive model.
4. Determine what marketing tactics to test and how to measure them.

5. Establish your testing and variable data points.
6. Set your goals.
7. Deploy.
8. Evaluate.
9. Evolve.

Remember, the key to predictive analytics is to have a team in place that understands big data and how to interpret it. If you don't have this, it'll feel like swimming in an ocean of numbers. An experienced,

data-minded marketing solutions partner will ensure that you get the metrics you need and a strong predictive model. ■

■ **Troy Dean** is vice president of creative at *Graphcom*.



Making the Most of Your Membership

As your healthcare renewal approaches, discover the benefits of PA Chamber Insurance – A LOT more than a broker!

Healthcare. One of the biggest decisions — and expenses — for employers when it's time to select your organization's benefit plan for the upcoming year.

In today's challenging health insurance world, you need a LOT more than a broker. You need PA Chamber Insurance — a partner who cares about the health and prosperity of your business.

Our customer-centric benefit consultants and customer relations team offer you solutions for your biggest benefit needs including:

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- **Dental, vision, life, disability and other** supplemental specialty coverages
- **Exclusive, competitively priced benefits** that include guaranteed issue and **no minimum participation requirements!**
- **Workplace and compliance services**

Feel like you could use an additional hand with your human resources needs?

PA Chamber Insurance's in-house Human Resource Consultant — holding SPHR, SHRM-SCP, GBA and CMS designations — can assist you with a variety of services to help you with your most pressing HR needs. Coupled with our renowned HR conferences, roundtables and webinars that offer continuing education credits — we have the answers to all of your human resources questions!

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As you ready yourself for your upcoming renewal, call PA Chamber Insurance today at **800.755.3021** and discover your benefit *solution!* ■