Employers must look beyond Hobby Lobby case

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Unless you have been living under a rock, you are bound to have heard about the Supreme Court's recent decision in what is now referenced simply as "the Hobby Lobby case." From the water cooler to social media to glamour magazines, the decision has been debated and dissected unlike any legal case in recent history.

It is not surprising that a case touching on the government's role in health care, a woman's access to contraceptives and the freedom of religion would generate a fury of dialogue. Amid the Hobby Lobby hoopla, however, other Supreme Court rulings with significant impacts on employers may have been overlooked.

In New Process Steel v. National Labor Relations Board (NLRB), the Supreme Court invalidated three of President Barack tObama's NLRB recess appointments. The ruling has huge implications for employers because more than 430 decisions made under those NLRB appointees are now subject to challenge, including the decisions relied upon by employers in crafting social media policies.

The Supreme Court ruling is dramatic because it was unanimous, and it deemed the president's actions unconstitutional. It is significant for employers because it opens the door to challenge the many restrictions imposed on employers' social media and handbook policies.

Employers should also consider the court's ruling handed down in Riley v. California. At first, employers may not be interested in a decision finding that police generally may not conduct warrantless searches of digital data stored on a suspect's cellphone.

However, a quick read of the opinion reveals that this court places a significant value on individual privacy interests associated with information on modern cellphones, signaling the likelihood that the court would side with an employee whose information is inappropriately accessed by an employer. In light of the ruling, employers should evaluate their mobile device policies and/or craft Bring Your Own Device (BYOD) policies to make sure employees' privacy interests are adequately protected.

The last day of the term, the court also announced that nonunion home health care workers who were not "full-fledged state employees" could not be compelled by state law to pay union agency representation fees. In Harris v. Quinn, the court held that the compulsory union fees collected from these workers violated the First Amendment's freedoms of speech and association.

While the opinion stopped short of gutting public unions — like teachers' unions and firefighters' unions — it imposed a significant obstacle to the expansion of pubic employee unions.

Despite these important rulings, the spotlight will continue to shine on the Hobby Lobby case — not because of its universal and profound impact on employers but because it brought issues of personal passion and politics to a dramatic head.

It's important for employers to read the case and understand its implications. But they cannot allow it to eclipse the significance of other Supreme Court decisions affecting the workplace.

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