

LITTLER MENDELSON, P.C.

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Contact: Kipley Bruketa
Public Relations
415.433.1940
kbruketa@littler.com

Supreme Court Ruling on Medical Marijuana to Benefit Employers and Employees, According to Littler Mendelson Attorneys

Washington, D.C. – Companies looking to maintain drug-free workplaces will benefit from this week's Supreme Court ruling on the medical use of marijuana, according to Littler Mendelson, the nation's largest labor and employment law firm. The Court ruled that the federal government may prosecute people who use marijuana for medical purposes.

"Had the federal law been struck down, employers could have been required to allow employees to use marijuana on the job," said Nancy Delogu, an attorney in the firm's Washington, D.C. office and former general counsel for the Institute for a Drug-Free Workplace. "This would have undermined company drug testing policies at a time when more and more employers are using drug tests to help provide a safe, drug-free workplace. By overturning the opinion of the U.S. Court of Appeals for the Ninth Circuit, today's decision permits employers to rely upon the fact that marijuana use is illegal under federal law, even if it will not be prosecuted as a matter of state law, and to deny employment to individuals who test positive for marijuana use."

In light of the decision, Littler recommends employers review their drug use and testing policies to ensure they clearly prohibit drug use that is illegal under federal, state or local law. "Employers of all sizes are increasingly recognizing the important role drug testing plays, and this decision strengthens a company's legal right to conduct it," she added. "It also will benefit America's workers who will enjoy more productive, safer work environments as a result of testing."

However, according to Littler's analysis, employers in states with medical marijuana laws may still need to accommodate a worker's medically recommended marijuana use for a while. "For example, a company may need to allow time for an employee to transition from marijuana to a legal treatment," Delogu said. "We suggest employers deal with each employee on an individual basis."

With more than 400 attorneys and 28 offices in major metropolitan areas nationwide, Littler Mendelson is the largest law firm in the United States devoted exclusively to representing management in employment, employee benefits and labor law matters. The firm's client base ranges from Fortune 500 companies to small-business owners. Established in 1942, the firm has litigated, mediated and negotiated some of the most influential cases and labor contracts in the nation's history. Its affiliated global migration practice, Littler Global, provides support to major companies in moving employees around the world. For more information, visit www.littler.com.

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