



Nancy N. Delogu

Shareholder

Co-Chair, Drugs and Alcohol Practice Group

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Practice Areas

Discrimination and Harassment

Leave and Accommodation

HR Advice and Counsel

Drugs and Alcohol

Overview

Nancy N. Delogu defends management in a range of employment disputes, including:

- Workplace harassment
- Discrimination
- Workplace privacy
- Fitness-for-duty
- Disability accommodation issues

She regularly appears before federal and state courts and administrative agencies, including the Equal Employment Opportunity Commission, and related state and local agencies. She has specific experience with claims involving:

- Title VII
- The Americans with Disabilities Act
- The Omnibus Transportation Employee Testing Act
- The Older Workers Benefit Protection Act
- The Worker Adjustment and Retraining Notification Act

- State drug-testing and drug-free workplace laws

She also offers compliance and employment law counseling.

Nancy is a recognized authority on federal and state drug-free workplace and drug-testing issues and has drafted dozens of substance-abuse prevention policies, including Department of Transportation-mandated programs. She also helps DOT-regulated employers comply with regulations and requirements addressing workplace safety and medical certification. She also counsels clients on implementing reductions-in-force that comply with the federal OWBP and WARN acts and similar state statutes.

Nancy is a frequent presenter and trainer on harassment avoidance, conducting lawful investigations, and drug and alcohol testing. She has testified before the United States Commission of Civil Rights regarding the ADA and substance abuse. She is former counsel and associate director of the Institute for a Drug-Free Workplace. She is a former adjunct professor at the College of William & Mary's Marshall-Wythe School of Law where she co-taught an introductory course on traditional labor law. She was also an academic representative for West Publishing.

Nancy also is a member of the Steering Committee of the Women's Leadership Initiative.

Recognition

- Named, The Best Lawyers in America®, 2021-2025

Education

J.D., College of William & Mary, 1994

B.A., Tufts University, 1988, *cum laude*

Bar Admissions

District of Columbia

Virginia

Massachusetts

Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, D.C. Circuit

U.S. District Court, District of Columbia

U.S. District Court, Eastern District of Virginia

U.S. District Court, Western District of Virginia

Publications & Press

Employee Handbook Revision Season Is Here

SHRM

November 25, 2024

Psychedelics and Marijuana on the Ballot: How Should Employers Prepare for Potential Legalization?

Littler ASAP

October 28, 2024

Pittsburgh Bans Tests for Many Prospective and Current Employees Who Use Medical Marijuana

SHRM

October 10, 2024

Pittsburgh Ordinance Bans Tests for Many Prospective and Current Employees Who Use Medical Marijuana

Littler ASAP

October 3, 2024

THC Product Variety Muddles Drug Compliance Path for Employers

Bloomberg Law

September 10, 2024

What Effect Might the Rescheduling of Marijuana Have on Employers?

SHRM

August 29, 2024

California Laws Come into Effect Regarding Off-Duty Marijuana Use

Littler ASAP

October 27, 2023

Legal Weed Drives Companies to Relax Their Drug Testing Policies

Bloomberg Law

July 14, 2023

U.S. Department of Transportation Adopts Oral Fluid Testing for Regulated Drug and Alcohol Programs

Littler ASAP

May 11, 2023

Nevada Supreme Court Allows Employees to Sue Employers for Failure to Accommodate Medical Marijuana Use, Rejects Possible Related Claims

Littler ASAP

January 4, 2023

Employers and Weed Crime Pardons: Background Checks Explained

Bloomberg Law

October 11, 2022

California to Protect Off-Work Use of Marijuana, Set Testing Parameters for Measuring Workplace Impairment

Littler ASAP

October 3, 2022

New Jersey Cannabis Regulatory Commission Issues Workplace Guidance on Reasonable Suspicion Determinations

Littler ASAP

September 14, 2022

Nevada Supreme Court Affirms Termination for Off-Duty Recreational Marijuana Use

Littler ASAP

August 31, 2022

Lawmakers explore conflicts between medical marijuana law and workplace safety

West Virginia MetroNews

May 24, 2022

District of Columbia Adopts Paid Vaccine Leave Requirements

Littler ASAP

November 9, 2021

New Jersey Marijuana Law Employment Provisions Take Effect

SHRM Online

September 1, 2021

New Jersey Marijuana Law Employment Provisions Take Effect

Littler ASAP

August 27, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Press Release

August 19, 2021

Philadelphia Passes Ordinance Banning Marijuana Tests for Many Prospective Employees

Littler ASAP

May 4, 2021

Marijuana is becoming more accepted. Will cybersecurity employers play along?

Cybersecurity Dive

April 20, 2021

Off-Duty Recreational Cannabis Use to be Protected in New Jersey

Littler ASAP

February 24, 2021

I live in a marijuana-friendly state. Do I have to allow employees to use and possess marijuana at work?

Littler 2 the Point Video

February 10, 2021

New Jersey's Legalization of Recreational Cannabis Use Includes Critical Employee Protections, But Leaves Many Questions Unanswered

Littler ASAP

December 22, 2020

EEOC Issues Guidance on COVID-19 Vaccination Policies

Littler ASAP

December 17, 2020

'Creative approaches' keep drug testing alive despite remote work shift

HR Dive

November 6, 2020

Testing Alone Won't Stop COVID. Just Look at the White House

Wired

October 10, 2020

Can an employer conduct reasonable suspicion drug testing?

Littler 2 the Point Video

August 25, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Press Release

August 20, 2020

EEOC: Accommodate Individuals Who Are Lawfully Using Opioids

SHRM Online

August 6, 2020

DOT Implements Temporary Drug-Testing Waiver

SHRM Online

June 19, 2020

How Businesses Can Screen Employees' Temperatures Post-Shutdown – Without Violating Their Privacy

Risk Insurance

June 9, 2020

The Legal Ramifications of Reopening Businesses

HR Exchange

May 18, 2020

Mailbag: Should our company set up on-site testing for COVID-19?

HR Dive

May 15, 2020

The Next Normal: A Littler Insight on Returning to Work – Recalling Furloughed Employees and the Rehire Process

Littler ASAP

April 28, 2020

DC Council Adopts Expanded Sick Leave, Unemployment Amendments

Littler ASAP

April 8, 2020

DOT Guidance on Drug/Alcohol Testing During Pandemic is Not What Regulated Transportation Employers Had Hoped For

Littler ASAP

March 24, 2020

FMCSA Expands Emergency COVID-19 Relief Efforts Declaration

Littler ASAP

March 19, 2020

DOT-FMCSA Issues Federal Emergency Declaration Establishing Limited Reprieve from Driver Safety Regulations for COVID-19 Relief Efforts

Littler ASAP

March 17, 2020

5 State Marijuana Mandates Throwing Employers For A Loop

Law360

November 25, 2019

Illinois Legislature Amends Marijuana Law, Bringing Clarity, Relief to Employers with Workplace Drug-Testing Programs

Littler ASAP

November 22, 2019

FMCSA-Regulated Employers Take Note: Drug and Alcohol Clearinghouse Implementation Quickly Approaching

Littler ASAP

November 5, 2019

New Jersey Medical Marijuana Amendments Expand Employment Protections

Littler ASAP

July 29, 2019

Ask the Attorney: Dress codes, PTO Payout and No-call, No-show

Business Management Daily

July 10, 2019

Cannabis Suits Haunt Employers As More States Legalize

Law360

July 1, 2019

Illinois Poised to Protect Marijuana Users from Adverse Employment Actions as Part of Marijuana Legalization Legislation

Littler ASAP

June 19, 2019

Littler Survey Finds Employers Responding to Robust Federal Enforcement, Active State Legislatures and Ongoing #MeToo Movement

Press Release

May 8, 2019

New York City Council Passes Ban on Pre-Employment Testing for Marijuana

SHRM Online

April 12, 2019

Pre-Employment Marijuana Drug Testing Goes Up in Smoke in NYC

Littler ASAP

April 10, 2019

New Jersey Poised to Enact First Recreational Marijuana Law Protecting Workers from Adverse Employment Action

Littler ASAP

March 21, 2019

In Oklahoma, Medical Use of Marijuana Is OK, But Employers Now Have Enhanced Rights to Act

Littler ASAP

March 20, 2019

Michigan Employers Can Refuse to Hire Medical Marijuana Users

Littler ASAP

February 22, 2019

Ask the Attorney: W-4 form errors and faulty FMLA

Business Management Daily

February 14, 2019

Workplace Drug Abuse: Reducing the Risk of Impaired Workers

Pallet Enterprise

February 4, 2019

Voters in Michigan, Missouri and Utah Expand Access to Marijuana

Littler ASAP

November 12, 2018

Marijuana Legal in More of the U.S.; State Minimum Wages Rise

SHRM Online

November 7, 2018

About Face: OSHA Clarifies that Safety-Incentive Programs and Post-Incident Drug/Alcohol Testing ARE Permissible

Littler ASAP

October 19, 2018

When Employees Are Also Addicts: Tools for Managing Substance Abuse in a Tight Labor Market

HR Technologist

August 21, 2018

Workplace Drug Abuse

Resort Trades

June 26, 2018

Drug use legal issues a complicated problem for N.J. employers, workers

Press of Atlantic City

May 16, 2018

VIDEO: Addressing Addiction in the Workplace

Bloomberg Law

May 16, 2018

Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference

Bloomberg Law

May 4, 2018

Employers Urged to Stock Opioid Overdose Antidote

SHRM Online

April 27, 2018

EEOC Focuses on Preventing Workplace Harassment

SHRM Online

March 30, 2018

Maine Employers Must Ignore Off-Work Marijuana Use, Cease Testing Applicants

Littler ASAP

January 30, 2018

Holiday Party Tip: Serve Up the Egg Nog, Hold the Sexual Harassment

Bloomberg BNA

November 28, 2017

Practice Management: Workplace Drug Use

MedEsthetics Magazine

November 9, 2017

Workplace Drug Abuse: Reducing the Risk of Impaired Workers

AQUA Magazine

August 1, 2017

How to Reduce the Risk of Impaired Workers with Policies and Testing

BedTimes

August 1, 2017

Dear Littler: A potential new hire shaved his head after learning about our drug-testing policy. Now what?

Dear Littler

July 19, 2017

Massachusetts Supreme Judicial Court Creates Employer Obligation to Accommodate Employees Using Medical Marijuana

Littler ASAP

July 19, 2017

Some Employers Accommodate Medical Marijuana Users

SHRM Online

April 18, 2017

How Careful Must We Be About Discrimination When Hiring Our Santa?

External Publication

December 12, 2016

HR Must Manage Merriment at Holiday Parties

Bloomberg BNA Daily Labor Report

November 16, 2016

4 Employer Takeaways About The Spread Of Legal Marijuana

Law360

November 10, 2016

Marijuana Legalization Efforts Enjoy Success, Demonstrating Major Shift in Approach to Drug Regulation and Use

Littler ASAP

November 9, 2016

ADA Proves No Shield for Obese Driver Refusing Sleep Apnea Test

Concrete Products

October 18, 2016

Eighth Circuit Upholds Trucking Company's Sleep Study Requirement Based on Driver BMI

Littler ASAP

October 14, 2016

Marijuana Legalization Votes Won't End Drug-Free Workplaces

Law360

September 16, 2016

OSHA's New Electronic Accident Reporting Rule Seeks to Dramatically Impair Post-Accident Drug and Alcohol Testing

Littler ASAP

May 13, 2016

DATWA's Reach Grows

Minnesota Bench & Bar

May 1, 2016

Eighth Circuit Rules Minnesota's Drug and Alcohol Testing in the Workplace Act Has Multi-State Reach

Littler ASAP

March 1, 2016

DC Bill Would Provide Most Generous Paid Leave Benefits in the Nation

Littler ASAP

October 14, 2015

Employees Abusing ADD Medicine to Gain Energy Boost Is Growing Workplace Concern

Bloomberg BNA Daily Labor Report

April 29, 2015

D.C.: Template for 'Wage Theft Prevention Amendment Act' Notices Issued

Society for Human Resource Management (SHRM)

March 6, 2015

District of Columbia Issues Template "Wage Theft Prevention Amendment Act" Notices

Littler ASAP

March 5, 2015

Michigan Court of Appeals Rules Medical Marijuana Users Discharged for Positive Drug Tests May Still Be Eligible for Unemployment Benefits

Littler ASAP

February 11, 2015

DC Bill Would Bar Pre-Employment Marijuana Testing

Littler ASAP

February 3, 2015

DC's Amended Wage Theft Prevention Act Expands Employer Penalties and Imposes New Notice Requirements

Littler ASAP

January 19, 2015

Substance Abuse Policies, Testing and Safety for Drilling Jobs

National Driller

November 1, 2014

D.C.: Sick and Safe Leave Act Amendments Take Effect

Society for Human Resource Management (SHRM)

September 29, 2014

DC Sick and Safe Leave Act Amendments Take Effect; DC Issues Revised Poster

Littler ASAP

September 25, 2014

As Opioid Use Grows, Employers Fear Safety Risks While Union Seeks Balanced Treatment

Bloomberg BNA Occupational Safety & Health Reporter

July 29, 2014

Avoiding Discrimination in a Multigenerational Workforce

Corporate Counsel

June 23, 2014

Minn.: Medical Marijuana Law Will Cloud Employer Drug-Free Workplace Efforts

Society for Human Resource Management (SHRM)

June 3, 2014

Minnesota Medical Marijuana Law Will Cloud Employer Drug-Free Workplace Efforts

Littler ASAP

June 2, 2014

Ongoing Push for Mandated Paid Sick Leave Defined by Patchwork of State, Local Laws

Bloomberg BNA Daily Labor Report

March 3, 2014

District of Columbia Greatly Expands Paid Sick Leave Coverage, Enforcement, and Penalties with Amendments to the Accrued Sick and Safe Leave Act

Littler ASAP

February 14, 2014

Marijuana Legalization – Coming Soon? What the Evolving Marijuana Laws Mean to the Workplace

Partnership for a Drug-Free New Jersey

September 1, 2013

How companies should deal with marijuana legalization

InsideCounsel

February 1, 2013

Annual Report on EEOC Developments – Fiscal Year 2012

Littler Report

January 8, 2013

Fourth Circuit Reverses Decision Holding Employer's Promise Not to Retaliate Modified At-Will Employment, Rejects Breach of Contract Claim

Littler ASAP

December 14, 2012

Mandatory Follow-Up Alcohol Testing Violates Rights of Alcoholic Employees, NJ Appeals Court Concludes

Littler ASAP

November 19, 2012

No Need For Employer Paranoia Over Legalized Marijuana

Law360.com

November 15, 2012

Marijuana Laws Liberalized in Colorado, Washington – But Effect on Workplace Policies Likely Small

Littler ASAP

November 8, 2012

District of Columbia First in Nation to Ban Discrimination Based on (Un)Employment Status

Littler ASAP

June 28, 2012

Private-Sector Employment Survey Sees a Break in the Clouds

Corporate Counsel

June 12, 2012

Federal Worker Discrimination Claims Rose in 2010: EEOC

Law360.com

July 8, 2011

Painkiller Abuse: A Prescription for Employers

Littler ASAP

February 16, 2011

Nancy Delogu Comments on Marijuana Legislation and Implications for Employers

InsideCounsel

June 1, 2010

The Smoke Has Cleared – Oregon Supreme Court Finds Medical Marijuana Use at Work Not Protected

Littler ASAP

April 19, 2010

Nancy Delogu Offers Preventive Advice on Being Prepared for a Pandemic

Washington SmartCEO

November 2, 2009

Court Rules Transportation Industry Employers Must Implement Observed Urine Collection Testing Procedures

Littler ASAP

May 21, 2009

Transportation Workers In All Industries Face Tougher Drug Testing Procedures: Observed Collections Designed to Thwart Abuses

Littler ASAP

August 6, 2008

D.C. Passes the Accrued Sick and Safe Leave Act of 2008

Littler ASAP

May 30, 2008

California Employers No Longer Holding Their Breath: Applicants Using Medical Marijuana May Be Denied Employment

Littler ASAP

January 24, 2008

Nancy Delogu Comments on Medical Marijuana in the Workplace

InsideCounsel

January 1, 2008

Trends in Employee Drug Testing

California Lawyer

March 1, 2007

Positive Drug Test No Bar to Wrongful Discharge Suit, Court Rules

Littler ASAP

August 30, 2006

Nancy Delogu Comments on Drug Testing in the Workplace

USA Today

June 20, 2006

Nancy Delogu Offers Insight on the Employee Generation Gap

US Dept of State Press Release

May 20, 2006

I Don't Know Why They Picked Me: 10th Circuit Broadens Requirements For Waiving Age Discrimination Claims

Littler ASAP

September 21, 2005

Employers Exhale: United States Supreme Court Medical Marijuana Decision Aids Employer Anti-Drug Programs

Littler ASAP

June 8, 2005

Virginia Employers, Employees Unsure of Rights After Day of Rest Law Amended

Littler ASAP

July 27, 2004

Ruling Clears Haze Over Pot, Pre-Employment Drug Tests

San Francisco Daily Journal

I Don't Know Why They Picked Me: 10th Circuit Broadens Requirements for Waiving Age Discrimination Claims

Employers Exhale: Supreme Court Medical Marijuana Decision Aids Employer Anti-Drug Program

Events & Speaking Engagements

2024 Mid-Atlantic Regional Employer Conference

Washington, DC

June 21, 2024

Working Safely in an Era of Marijuana, Psychotics, and Medication

Littler Executive Employer Conference, Phoenix, AZ

May 9, 2024

My Rights Versus Yours: Human Rights Protection in Tension with Religious Freedoms

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

Navigating the New “Undue Hardship” Standard for Religious Accommodation Requests After Groff v. DeJoy

October 24, 2023

2023 Mid-Atlantic Regional Employer Conference

Washington, DC

June 16, 2023

Marijuana, Opioids, and Wine All Day – Managing Workers in an Era of Legalization, Abuse, and Remote Work

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

Challenges of Addressing Marijuana & Measuring Impairment in the NJ Workplace

Drugs Don't Work in NJ Webinar

February 9, 2023

2022 Mid-Atlantic Regional Employer Conference

Washington, DC

June 8, 2022

The State of Vaccinations and Testing – A Continued Conundrum

Littler Executive Employer Conference

May 5, 2022

A Practical Primer on Inclusion, Equity & Diversity Programs

Littler Executive Employer Conference

May 4, 2022

Giving It Your Best Shot! COVID-19 Vaccine Mandates and Accommodation Requests

September 17, 2021

Transportation and Logistics Roundtable

June 23, 2021

New Jersey's Legalization of Marijuana Requires Employers to Amend Policies

Newark, NJ

March 24, 2021

Ask Your Littler Attorney

Tysons Corner, VA

March 17, 2021

Women's Leadership Initiative Open Forum: Maintaining Leadership Presence in a Virtual Workplace

October 8, 2020

Littler's Women's Leadership Initiative Open Forum

August 6, 2020

Virginia's Emergency Temporary Standard on COVID-19: What You Need to Know

July 21, 2020

Federal Database on Driver Drug and Alcohol Use Goes Live: How to Prepare for the Drug and Alcohol Clearinghouse

November 12, 2019

HR Forum: Conquering the Cannabis Conundrum

Keystone Partners

June 13, 2019

Marijuana Legalization and Workplace Safety

2019 Mid-Atlantic Employer Conference, Bethesda, MD

June 7, 2019

2019 Puerto Rico Conference

San Juan

April 12, 2019

Going Up in Smoke? A Look at U.S. Immigration, Tax and Workplace Issues Arising from the Legalization of Marijuana in Canada

November 28, 2018

From #MeToo to #WhatToDo

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

Rehab Roundup: Discrimination & Leave Compliance Issues Managing Employees w/Substance Addictions

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Transportation Roundtable

Littler Executive Employer, Phoenix, AZ

May 2, 2018

Littler's Annual Report on the EEOC: Where We've Been and What's on the Horizon

February 28, 2018

2017 New England Employer Conference

Boston, MA

October 27, 2017

Medical Marijuana Users – a New Protected Class?

July 18, 2017

Pay Equity

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

Pay Equity: Planning for Change

2017 Mid-Atlantic Employer

June 6, 2017

Weed and Work: Are Marijuana Users the Newest Protected Class?

May 11, 2017

Transportation Industry Roundtable

May 10, 2017

2016 Mid-Atlantic Employer Conference

Washington, DC

June 7, 2016

Employment and Labor Forum: Equal Pay Laws and Developments

Association of Corporate Counsel (ACC)

May 12, 2016

Legalized Marijuana and the Future of the Drug-Free Workplace

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

How to Juggle While Balancing: What You Can Do to Create a More Lifestyle-Friendly Environment

May 4, 2016

Running the Federal and State Gauntlet: Surviving Expanding ADA, FMLA, and Paid Sick Obligations

Littler Mendelson, Washington D.C.

June 25, 2015

Medical Marijuana in the Workplace: What Employers and Employees Must Know

April 16, 2015

Webinar: Ask the Attorney Q&A

October 8, 2014

Recent Developments in Sarbanes-Oxley, Dodd-Frank, and False Claims Act Whistleblower Retaliation and Litigation

DC Bar, Washington, D.C.

July 15, 2014

New Challenges Avoiding Claims of Age Discrimination: How Generation X Bosses Manage an Aging Workforce

June 18, 2014

The EEOC's Expanded Agenda and Systemic Initiative: What Employers Can Expect During the Coming Year

Littler Mendelson, Scottsdale, AZ

May 10, 2012

Healthfully Legal: Keeping Your Wellness Program Healthy in a Changing Legal Environment

Healthiest Employer Event - Washington Business Journal

September 22, 2011

Designing Workplace Testing Policies for Multi-State Compliance: Do All the Puzzle Pieces Fit?

January 28, 2010

Compliance Solutions from the Boardroom to the Courtroom

Tysons Corner, VA

April 26, 2007

Women's Bar Leadership Summit

March 2, 2006