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**The Legalization of Marijuana and Its Impact
on the Construction Industry**

Newton, Mass., Sept. 20, 2017— As laws change regarding marijuana use, they present a whole host of ongoing human resource issues, especially for the construction industry. Attorney Trenton Cotney helps employers understand the complex issues surrounding the legalization of marijuana and its effects on the work place environment in his featured session, ***The Legalization of Marijuana and its Impact on the Construction Industry*** at METALCON, on October 18 and 19 at the Las Vegas Convention Center.

Cotney of Trent Cotney, P.A. Construction Law Group specializes in roofing litigation and arbitration throughout the United States. He will explore: What are the limitations of the use of marijuana? How do employers need to modify their human resource policies and manuals? How does the acceptance of medical marijuana cards relate to a drug-free workplace? Cotney answers these questions and more while helping employers create policies and procedures to address the various concerns.

“A recent surge of medical marijuana prescriptions and an increase in recreational usage has prompted a wealth of human resource issues,” said Cotney. “I receive calls daily from employers. For example, I’ll get a call from a roofing business looking to hire a skilled roofer who has a medical marijuana card, but the business is a declared drug-free workplace. Does the business give him an exemption?”

“Marijuana is still illegal on the Federal level, so federal law does not require employers to accommodate a person’s medical marijuana use,” said Cotney. “However, a number of states have laws that may arguably be interpreted as requiring such an accommodation. In any event, usage is widespread in the construction industry, and there is already a shortage of skilled labor. It’s going to have a huge impact on the workforce.”

“Testing isn’t where it needs to be; it is sub-par,” he said. “An employee would have to challenge his employer if he wasn’t using marijuana at the time of testing, but he may have used a few days prior, over the weekend. He will still test positive, failing the drug test, and if he causes injury, it creates a whole host of issues. You either have to fire the person or run the risk of liability. You are going to have tough decisions to make.”

(more)

“The construction industry is extremely vulnerable to safety challenges with the legalization of marijuana,” said Cotney. “Doing sheet metal work, roofing, operating heavy equipment—all present safety challenges for an individual with a medical marijuana card.”

“Employers need to add policy statements to their human resource manuals to continue to operate under this new environment,” he said. “Ambiguity can create issues, including OSHA issues. As society changes, the law has to catch up to it, like during the prohibition years. There are state laws, federal laws and potential risks. Employers want to know: How do I quantify risk and eliminate it? How do I adjust and adapt to this new framework?”

“Then, there is the issue of having a drug-free workplace environment,” said Cotney. “Employers need to create specific policies to address it, requiring a separate section on marijuana, outlining testing, limitations of testing, random drug tests and implications.”

“Employers need to make policies more robust to deal with this new legislation,” he said. “You have to prepare yourself. For example, in Florida, if you maintain a drug-free workplace, you’ll receive a five percent discount on workers’ compensation. Are you prepared to give up that discount? It is a huge problem.”

Cotney will cover: here’s what’s happening, here are the issues, here are the potential solutions and everything in between.

“Any time you have new legislation, you are going to have these issues,” said Cotney. “You need to think about how to adapt and evolve; how to integrate and be forward thinking. I am here to protect the employer and educate the employees.”

About Cotney:

Since 1999, Trent Cotney has dedicated himself to serving the roofing industry. As a Florida Bar Board Certified Construction Lawyer, Trent specializes in roofing litigation and arbitration, including defending roofers on construction defect claims, prosecuting lien and bond law claims, defending OSHA citations, contractor licensing defense, and bid protests. In addition, Cotney reviews and drafts hundreds of roofing-related contracts each year for roofing contractors, suppliers, manufacturers, and others in the industry. He is a member of the National Roofing Contractors Association (NRCA) as well as eight other local roofing associations across the United States. Cotney has received numerous awards for his contributions to the roofing industry. In 2014, he received the NRCA’s Gold Circle Award for Service to the Industry during the International Roofing Expo in Las Vegas. For more information, visit www.roofinglawyer.com.

About METALCON:

Established in 1991, METALCON is the largest international event in the metal construction industry. Unique in both its service and show management to this industry, METALCON is the only annual tradeshow and conference devoted entirely to the application of metal in industrial, institutional, light commercial and residential projects. Its success is based on three key methods of education: exhibits, an extensive conference program and interactive, learning opportunities. METALCON is produced by PSMJ Resources, Inc., and sponsored by The Metal Construction Association. This is the event’s fifth time in Las Vegas. For more information, visit www.metalcon.com or call 800-537-7765.