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# LEGAL FORUM

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## TOPIC

### Can medical/office tenants and retail coexist in the same shopping center harmoniously?

## ADVICE

In today's changing world where online shopping continues to challenge brick-and-mortar stores, retail center owners and operators are searching for non-traditional uses in order to fill their centers. Often non-traditional users have strong credit, desire a longer term lease, and attract potential shoppers to a center. Consumers appreciate having convenient access to personal services, such as healthcare, in close proximity to where they live and work.

Establishing expectations and limitations during initial lease discussions with medical office tenants entering the retail environment is essential to a positive long-term relationship. Shopping center owners who elect to include non-traditional users in their centers should consult with an experienced attorney to be certain that the lease addresses issues specific to the non-traditional tenant's proposed use, and to review applicable zoning, recorded restrictions, and existing leases to determine if the non-traditional tenant's use is permitted.



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## TOPIC

### Can I prevent my employees from discussing politics in the workplace?

## ADVICE

The answer to this question is a qualified "yes." The First Amendment prevents the government from restricting speech, but it does not apply to private companies. Certain aspects of employee political speech may be protected by Section 7 of the National Labor Relations Act. Section 7 lists the rights of employees as they relate to activities in the workplace with the purpose of affecting employment conditions. Specifically, Section 7 allows employees to "engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." The NLRB has taken this to mean that employee speech with regard to conditions and terms of employment cannot be limited, and this obviously can have ramifications for employee political speech. Employers should be careful to delineate between policies regarding union/organizing labor and policies regarding other topics of employee speech. Also, policies limiting employee speech cannot affect employee political activity outside of work.