Three Tips for Writing Effective Arbitration Clauses

Insight

A well-drafted arbitration provision can save companies from expensive and time-consuming class litigation, two defense attorneys say in a report published by Bloomberg BNA.

Webinar: Survey Says Executive Pay Incentives Matter, but the Devil is in the Details

Event, Nov. 10, 2 p.m. EST

Pearl Meyer's annual fall survey of senior executives and compensation committee members, Pearl Meyer On Point: Looking Ahead to Executive Pay Practices in 2017, looks into pay level expectations and potential changes to annual and long-term incentive plans

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Chadbourne Sex-Bias Class

Action Adds Six Partners as Defendants

News

Chadbourne & Parke is facing new accusations and a new plaintiff in a gender discrimination class-action lawsuit. And six high-ranking members of the firm have been added as named defendants.

Why You Really Should Read Your Employment Contract

Insight

In a new online audio discussion, Bloomberg takes a look at "all the stuff you sign when you sign on for a job."

Is Claustrophobia a Disability? Yes, Says the EEOC

Insight

To avoid litigation, employers need to learn what conditions qualify as a disability according to the EEOC, writes Cortney Shegerian, an attorney with Los Angeles based Shegerian & Associates.

Employers: Don’t Make Promises You Can’t Keep

Insight

Laura Bartlow of Zelle LLP writes in a post on JDSupra that the very first item on her list of rules for employers is this: Don’t make promises to your employees that you can’t or won’t keep.

Decisions Show Courts’ Reluctance to Modify Overbroad Non-Compete Provisions

Insight

In what may be a trend, several courts around the country this year have embraced strict interpretations of non-compete agreements, refusing to blue pencil or equitably reform overbroad or unreasonable clauses in non-compete agreements, according to an article by Christopher Lindstrom and Emily Fox of Nutter McClennen & Fish LLP.

Law Firm Violated Layoff Notice Law for 700 Employees, Judge Rules

News

When the firm closed, about 700 employees in Dallas, Orlando, Miami, Tampa and other locations were told in a conference call that they would not be paid for their final three weeks at work, reports the *Orlando Sentinel*.

OSHA Joins SEC in Attacking Confidentiality in Private Settlement Agreements

Insight

The federal Occupational Safety and Health Administrationreleased new policy guidelines in September for its review of private settlement agreements presented to the agency for approval in whistleblowing actions, reports Littler Mendelson P.C.

Newly Organized Employer Must

Bargain Discretionary Employee Discipline Pre-First Contract

Insight

Jackson Lewis reports that, prior to entering into a first contract, an employer has a statutory obligation to bargain with the union that represents its employees before imposing discretionary "serious discipline" (such as suspension, demotion, or discharge) on any of those employees, the National Labor Relations Board again has held.

When Arbitration Is Favored Despite USERRA Violations

Insight

The Eleventh Circuit found in *Bodine v. Cook's Pest Control Inc.* that an arbitration agreement in an employment contract is enforceable despite the fact that certain provisions of the arbitration agreement violate the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA).

New Risk for GCs – Contracts

With Human Rights Clauses

Insight

A survey of 275 GCs and senior counsel found that 46 percent of businesses now have a human rights policy in place. For companies in the $10bn+ revenue bracket, that figure rises to 84 percent, reports Legal Business.

Employers Under Fire for Improper Use of Independent Contractors

News

Two Gulf Coast oilfield services and marine staffing firms recently agreed to pay more than $500,000 in fines to settle federal lawsuits that alleged they skirted employment rules and overtime laws by improperly paying workers as contractors to reduce overtime costs.

Circuit Split Widens Over Enforceability of Arbitration Agreements Containing

Class/Collective Action Waivers

Insight

Polsinelli shareholder James C. Sullivan writes about how unsettled the law is on employer/employee arbitration provisions containing class/collective action waivers.

Court Upholds Enforceability of ‘Clickwrap’ Employee Agreement

Insight

If you want your electronic contracts to be enforceable, it is a best practice to require the counterparty to affirmatively accept the contract by checking a box or clicking a button, write Nikita A. Tuckett and Aaron Rubin on Morrison & Foerster LLP’s Socially Aware blog.

The Contractual Complications of Pied Piper of HBO’s

‘Silicon Valley’

Insight

In an article on the ContractRoom blog, Katie Cook describes all the complicated plot lines of HBO’s “Silicon Valley” in relation to contracts.

Webinar: How to Comply with New FLSA Requirements

Event, Sept. 22, 1 p.m. EDT

New Fair Labor Standards Act (FLSA) regulations will go into effect on Dec. 2, updating the salary and compensation levels for exempt employees, impacting millions of salaried workers.

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10 Ways Employers Can Curb Intermittent FMLA Leave Abuse

Insight

Family Medical Leave Act regulations provide a number of tools that employers can utilize to curb FMLA leave abuse within the workplace, writes Melissa Dials, of counsel at the Cleveland office of Fisher Phillips for the Ohio State Bar Association.

Nationwide Layoff Watch: Mass In-House Layoffs After Mega-Merger

News

SABMiller has confirmed that at least 35 in-house lawyers will be made redundant upon the finalisation of its merger with Anheuser-Busch InBev in October.

SEC Continues to Limit Language in Employment-Related Contracts

Insight

The SEC has rejected language in severance agreements requiring employees to waive rights to receive additional monetary recovery, particularly awards for providing information to government enforcement agencies, reports Ogletree, Deakins, Nash, Smoak & Stewart.