

# Restrictive Covenants Can Swing Both Ways: A 3-Step Plan To Avoiding Legal Risks When Onboarding New Employees

## *Insight*

Increased media attention on the practice of forcing lower-level employees to sign non-compete covenants, combined with the widely publicized report on non-compete restrictions issued by the Obama White House in its waning days, has led to an increase in the number of reported cases, writes Michael Elkon with Fisher Phillips.

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# Ruling Against Acting NLRB GC Offers Opportunity for Employers

## *News*

Employers who want to challenge their unfair labor practice complaints may want to delay their cases from being heard, according to a source quoted by the Society for Human Resource Management.

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# 8th Circuit: No Contracting Out of WARN Act Obligations Where Sale of Business is 'Going Concern'

## **News**

Companies considering purchasing a business should carefully consider the intent of the proposed transaction when assessing their WARN Act obligations, according to a post on the website of Winston & Strawn LLP.

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# Houston Janitorial Service Wins \$7.8 Million from Union Over Disparagement

## **News**

A Harris County jury has delivered a \$5.3 million verdict against the Service Employees International Union (SEIU) for wrongly disparaging Professional Janitorial Service of Houston when the company refused to recognize the union without a secret ballot by its employees.

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# On-Demand: Managing Workplace Harassment: Trends and Objectives in 2017

## *On-Demand*

The video covers strategies for developing policies and plans for training departments and employees to minimize and manage workplace harassment, and understand when disciplinary actions should be taken.

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## Gorsuch Often Sided With Employers in Workers' Rights Cases

### *News*

Worker's rights opinions written by Judge Neil Gorsuch, President Donald Trump's pick for the Supreme Court, are often sympathetic but coldly pragmatic, and they're usually in the employer's favor, according to a review conducted by the Associated Press.

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## Investigating Discrimination

# Complaints: Some Special Considerations

## *Insight*

The investigation of discrimination complaints requires sensitivity to some special considerations that will not always apply to other complaints, according to an article published by Lynch Service Company.

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# Disparate Treatment and Disparate Impact Are Tests for Discrimination

## *Insight*

Disparate treatment and disparate impact are two very different types of employment discrimination that use two very different tests to determine if illegal discrimination has occurred and if an employer may be liable for such discriminatory conduct, according to an article published by Lynch Service Company.

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# Last-Minute Block of Overtime

# Rule Means Uncertain Future for Many Businesses

## *Insight*

Businesses that have not yet implemented changes now have breathing room to wait for a final ruling from the courts. However, those that have already altered employee pay should think carefully before reversing already announced pay changes.

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## 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.

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## NLRB Administrative Judge Finds Employee Facebook Post Was Protected Speech

## *News*

A recent decision by the National Labor Relations Board

attempts to define further the boundaries of protected speech under the National Labor Relations Act, reports Seyfarth Shaw in its Employment Law Lookout blog.

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## **Littler Adds Two Shareholders to Kansas City Office**

### **News**

Littler has added Jeffrey D. Hanslick and Curtis R. Summers as shareholders in the Kansas City office. The addition follows the arrival of shareholder Anthony Romano who joined the firm's Kansas City office in August.

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## **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.

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# 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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# U.S. Appeals Court Strikes Down Ernst & Young Class Action Waiver

*News*

The court found that the arbitration agreement violated the National Labor Relations Act by making workers arbitrate work-related claims as individuals in separate proceedings.

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# Peter Asaad Joins Quarles & Brady's Labor & Employment

# Practice Group

## **News**

Peter F. Asaad has joined Quarles & Brady's Washington, D.C. office concentrating on immigration in its Labor & Employment Practice Group.

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## **Labor & Employment Partner Frederick Schwartz Joins Barnes & Thornburg**

## **News**

Frederick Schwartz has joined Barnes & Thornburg as a partner in the Labor and Employment department in Chicago. He is the seventh partner and 12th attorney overall to join the firm's growing office this year.

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## **Unions, Ledbetter Warn of Supreme Court Implications of Election**

## **News**

Donald Trump's power to nominate Supreme Court justices if elected to the White House is a threat to women workers, equal pay advocate Lilly Ledbetter and two union officials said,



according to a report by Bloomberg Law.

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# Webinar: What's Next for FLSA Compliance: Proven Strategies to Minimize Risk

***Event, August 25, 2 p.m. EDT***

HR Daily Advisor will present a complimentary webinar discussing what the overtime changes mandated by the U.S. Department of Labor FLSA mean for employers and recommend strategies for meeting these new challenges.

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# Companies Can't Contract Around WARN Act Sale of Business Exception

***Insight***

Parties to a corporate transaction should be aware that WARN liabilities are governed by statute, and the implications of WARN obligations and the sale of business provision of WARN must be carefully evaluated, according to Epstein Becker & Green.