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.

Akerman Launches Labor & Employment Law Podcast 'WorkedUp'

Insight

Akerman LLP has launched WorkedUp, a new podcast that explores the ever-changing world of employment law and human resource management.

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.

When Employees Leave With Your Secrets

Insight

James Pooley of Orrick, Herrington & Sutcliffe LLP writes that the standard approach to dealing with a departing employee could put confidential information at risk.

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.

Early Investigative Mistakes that Destroy the Privilege

Insight

It is imperative that individuals advising or conducting workplace investigations think about the way their actions will preserve or destroy the privilege at each step of the process, according to a report published by Lynch Service Company.

Internal Investigations and Volunteers

Insight

When a nonprofit suspects that someone in the organization might be engaged in wrongdoing, it can be particularly traumatic because the nonprofit team works together to make the world a better place, according to an article published by Lynch Service Company.

The Nature of a Workplace Investigation

Insight

A “head in the sand” approach to workplace issues is not advisable; do not make the mistake of assuming all is well so long as no one is making formal complaints, advises Lynch Service Company.

EEOC’s Informal Guidance on Reasonable Accommodations for Mental Health Conditions

Insight

The informal guidance is a useful primer for understanding the EEOC’s expanding stance on employer obligations to provide reasonable workplace accommodations, reports Seyfarth Shaw.

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.

Judge Squelches New Overtime Regs: Now What?

News

Should employers roll back new policies to save money and then face potential liability if the regulation is ultimately upheld? One employment lawyer says the risk might be worth it for nonprofits who often have people doing professional work, but earning in the $35,000 a year range.

White House Continues Attack on Non-Compete Agreements

Insight

Contrary to the suggestions of the White House’s statements and other repeated misperceptions, there is no judicial rubber-stamp approval of employer efforts to enforce non-compete agreements, according to an article posted by Jackson Lewis P.C.

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.

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*.

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.