



September 12, 2013

Burr & Forman Celebrates Birmingham's Empowerment Week



Burr & Forman LLP is pleased to announce the firm's partnership with the City of Birmingham for the September 12 event, "A Walk to Freedom: We Remember." Burr will be sponsoring an exclusive, invitation only reception Thursday evening at the Birmingham Museum of Art preceding the "Walk to Freedom" concert in Linn Park. The event is part of the city's "Empowerment Week." This five-day event includes festivities to commemorate the milestones that occurred in 1963 during the Civil Rights Movement, part of Birmingham's 50 Years Forward campaign. "A Walk to Freedom: We Remember" begins at 8:00 p.m. in the park and is free for attendees.

Click [here](#) to read the full announcement.

Top 10 Bank Hidden Employment Issues



Demographic market concentration trends, regulatory changes, and business condition developments raise legal issues your bank's lawyer may not be aware of. Click [here](#) to read [John J. Coleman's](#) top ten list of hidden issues. For more information, please contact John at (205) 458-5167 or jcoleman@burr.com.

DOMA Update



The IRS recently released a Revenue Ruling providing guidance relating to the Supreme Court's *Windsor* decision that

FIRM NEWS

87 Burr Attorneys Selected Among *Best Lawyers in America* for 2014

Burr & Forman LLP is pleased to announce the inclusion of 87 of its attorneys among *The Best Lawyers in America* for 2014. One of the oldest and most distinguished legal directories, *Best Lawyers* conducts peer-review and client surveys to compile its annual list of top attorneys in a number of practice areas. The 2014 edition is available [here](#).

In addition, eight Burr & Forman attorneys have been selected as *Best Lawyers* 2014 "Lawyers of the Year," including [Frank McRight](#) for Employment Law – Management.

Nine partners from the firm's [Labor & Employment Group](#) were among the Burr attorneys named to the publication: [John J. Coleman, III](#); [Marcel L. Debruge](#); [Ron Flowers](#); [Ashley H. Hattaway](#); [Michael L. Lucas](#); [Frank McRight](#); [Dent Morton](#); [Morey Raiskin](#); and [Bill Wasden](#).

Click [here](#) to view the full list of the Burr attorneys named to *Best Lawyers* for 2014.

IMMIGRATION RESOURCES

How Immigration Reform Can Attract Increased Tourism Revenue



The U.S. immigration system often is not conducive to short visits for tourism, making the U.S. a less than attractive vacation destination for international travelers. The State Department, which administers the processes for getting visitor access to the U.S., must balance concern for national security and visa fraud (i.e., using visitor visas to access the U.S. with no intention of leaving) against the desire to make the process faster and less expensive. The Jobs Originated through

Launching Travel Act, or JOLT Act, represents Congress's attempt to alleviate some of the difficulties associated with obtaining visitor visas for the sake of attracting more foreign visitors (and their money) to the U.S.

Click [here](#) to read the full alert. For more information, please contact [Anton Mertens](#) at (404) 685-4267 or amertens@burr.com and [Anna Scully](#) at (251) 345-8205 or ascully@burr.com.

Burr to Host Inaugural Meeting of the Belgian American Chamber of the South



Burr & Forman LLP is pleased to announce that its Atlanta office will host the official launch meeting of the Belgian American Chamber of the South on Thursday, September 19 at 6:00 p.m.

Atlanta-based partner, [Anton Mertens](#), serves on the Chamber's Executive Committee where he will help steer the vision of the new chapter. The Chamber is an energetic bi-lateral chamber that actively supports, promotes and enhances business between Belgium and the Southeastern U.S. The meeting will kick off the 2013-2014 Chamber program and provide information about membership and sponsorship options.

Click [here](#) for more information, or contact Anton at (404) 685-4267 or amertens@burr.com.

BP CLAIMS ACTION SETTLEMENT UPDATE

DEADLINE - APRIL 22, 2014

By now you have likely heard about the class action settlement reached with BP

overturned the Defense of Marriage Act. The IRS ruled that, beginning September 16, 2013, same-sex couples, legally married in jurisdictions that recognize their marriages, will be treated as married for federal tax purposes. This ruling has broad implications for all tax-qualified plans, such as retirement plans.

The Revenue Ruling also leaves many questions unanswered, but the IRS has indicated that additional guidance is forthcoming.

Click [here](#) to read the IRS press release, and [here](#) for the Revenue Ruling 2013-17.

For more information, please contact [Logan Hinkle](#) at (205) 458-5154 or lhinkle@burr.com and [Debra Mackey](#) at (205) 458-5484 or dmackey@burr.com.

When Planning and Football Go Hand-in-Hand

As summer winds down and the temperatures cool, many parts of our economy and the business world tend to heat up. The heat typically starts on the gridiron, where rabid fans of college football begin to analyze every important snap of every important play for their very important team.



College football aside, companies often want to conclude deals before the close of their fiscal year, or before the end of the calendar year. Click [here](#) to read an article from Burr's [Non-Compete & Trade Secrets Blog](#) on the importance of regularly reviewing your non-compete agreements as you prepare for the upcoming fiscal year.

For more information, contact [Peter Vilmos](#) at (407) 540-6622 or pvilmos@burr.com.

Compliance Deadline For New HIPAA Rules Is Rapidly Approaching

On January 17, 2013, the Department of Health and Human Services released its long-awaited final HIPAA rule, which significantly expands certain obligations for covered entities and their business associates (the "Final Rule"). The Final Rule, which was published in the Federal Register on January 25, 2013, has been described as "the most sweeping changes to the HIPAA Privacy and Security Rules since they were first implemented."

In general, the Final Rule expands HIPAA obligations for business associates and their subcontractors, revises the requirements regarding the use and

following the 2010 explosion of the Deepwater Horizon and subsequent oil spill in the Gulf of Mexico. This settlement is expiring April 22, 2014, and your business may be within the settled class and may have a claim. Almost every business in the states of Alabama, Mississippi, and Louisiana, and the coastal counties from Galveston, Texas, to Key West, Florida are in the settled class.

Only certain industries are excluded: financial institutions, casinos and racetracks, oil and gas, insurance, defense contractors and governments. All other businesses in this territory are within the class action settlement.

[CLICK HERE TO DOWNLOAD THE FULL ALERT](#). For more information on the BP Class Action Settlement, please contact:

- [John A. Schifino](#) in Tampa at (813) 367-5739 / jschifino@burr.com
- [Thomas M. Wood](#) in Mobile at (251) 345-8203 / twood@burr.com

Or contact the Burr & Forman attorney with whom you regularly work.

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News Briefs

[A.F.L.-C.I.O. Seeks to Lure Nonunion Workers to Boost Ranks](#)

Richard L. Trumka, the president of the A.F.L.-C.I.O., has a bold plan to reverse organized labor's long slide: let millions of nonunion workers -- and perhaps environmental, immigrant and other advocacy groups -- join the labor federation. When the labor federation holds its convention in Los Angeles, he will ask its delegates for a green light to pursue these ambitious reforms.

(Source: The New York Times, 2013-09-06)

[Read More](#)

[Appeals Court Affirms Unions Can Organize Smaller Units](#)

A court ruling allowing unions to continue to form "micro" unions within a company is considered a win for organized labor and the Obama administration. The ruling by the Sixth Circuit Court of Appeals upholds a 2011 ruling by the National Labor Relations Board that states unions can choose to organize workers into smaller bargaining units.

(Source: Fox News, 2013-08-17)

[Read More](#)

[IRS to Begin Classifying Automatic Gratuities as Taxable Wages](#)

The Internal Revenue Service will soon begin classifying automatic gratuities as service

disclosure of patient information, expands patient rights, clarifies the content of Notice of Privacy Practices to be provided by healthcare providers, modifies the breach notification requirements, and expands enforcement provisions and penalties.

Covered entities and business associates have until September 23, 2013 (and in limited circumstances with respect to amending business associate agreements, until September 23, 2014) to achieve compliance with the new provisions.

Click [here](#) to read the full alert.

UPCOMING SPEAKING ENGAGEMENTS



The September ASSE Alabama Chapter Meeting will be held on September 27th at the Energen building in Birmingham, AL. Burr partner [Ashley Hattaway](#) will be the featured speaker on "Accident Investigations." For more information on this event and how to register, contact the [ASSE](#).

FIRM NEWS

Burr Welcomes 14 New Fall Associates

Burr & Forman LLP is pleased to announce the addition of 14 associates who join the firm across six Southeastern offices. Click [here](#) for the list of Burr's 2013 associates, along with their respective law school.

Burr Named Again "Healthiest Employer" in Nashville for 2013 by *Nashville Business Journal*

Burr & Forman LLP is proud to announce that the firm has been honored again by the *Nashville Business Journal* on the publication's annual list of healthiest employers for 2013. This is the second time that the firm has been named the "Healthiest Employer" in its category, first time being in 2010, and the 4th consecutive year the firm has been listed as an honoree. Since the first wellness initiative was implemented at Burr in 2008, the firm has continued its commitment to healthy living through a variety of programs aimed at physical fitness, nutrition and reducing stress.

In 2012, Burr was honored in four markets on annual lists of healthiest employers by the *Atlanta Business Chronicle*, *Birmingham Business Journal*, *Nashville Business Journal* and *Orlando Business Journal*.



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charges that are taxable as regular wages and subject to payroll tax withholding. Currently, they're considered tips, and it's up to the wait staff to report them as income.

(Source: NPR, 2013-09-05)

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More Companies Tying Workers' Pay to Performance of Company

Caterpillar has put workers on notice that its short-term incentive plan, the centerpiece of a performance-based, profit-sharing program, will make its smallest payout since the recession when the payments go out next March. Like a lot of companies, the world's largest maker of mining and construction equipment has adopted what is known as a "pay-at-risk" compensation system, which ties a percentage of nearly every non-union employee's income to Caterpillar's financial performance.

(Source: Reuters, 2013-09-01)

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Some Companies Offering to Help Parents Contribute to 529 Plan

As college costs and student debt soar, offering to help parents contribute to a 529 plan can help a company attract and retain competitive talent. Some financial advisers are trying to persuade companies to offer 529 payroll deductions and matching contributions to employees, but don't hold your breath for 529-plan options to become a common employee benefit.

(Source: The Wall Street Journal, 2013-09-04)

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America's Biggest Corporations Shifting Retirees to Exchanges

America's biggest employers, from GE to IBM, are increasingly moving retirees to insurance exchanges where they select their own health plans, an historic shift that could push more costs onto U.S. taxpayers. Time Warner said it would steer retired workers toward a privately run exchange, days after a similar announcement by International Business Machines Corp.

(Source: Bloomberg, 2013-09-09)

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More Firms Cutting Off Health Coverage for Some Workers' Spouses

Employers are placing greater limits on how two-income families get health coverage through their jobs. It's still common for spouses to shop their respective employers' health-care plans and choose coverage through the one they find more generous, but increasingly, employers in the private and public sectors are eliminating those options, saying spouses must get coverage through their respective employers if it's offered.

(Source: The Columbus Dispatch, 2013-09-08)

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Small Employers Concerned Over H-1B Visa Shortage

Large technology companies such as Microsoft, Intel and Facebook have long urged Congress to increase the quantity of H-1B visas -- claiming there aren't enough American developers, programmers and engineers to fill their open jobs. But some small employers say that even if the annual cap is raised -- a move Senate lawmakers approved earlier this summer -- they still won't be able to compete with the tech giants in luring H-1B talent.

(Source: The Wall Street Journal, 2013-08-21)

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