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BURR FORMAN

LABOR & EMPLOYMENT E-NOTE

May 14, 2013

Meet New Labor & Employment Associate Matthew T. Scully

Matthew is an Associate in the firm's Labor & Employment Group with a focus on representing employers in lawsuits involving claims under Title VII and in administrative proceedings before the EEOC.

Matthew's legal background consists of representing and counseling employers on a variety of employment matters including: reviewing and preparing employment policies and procedures, handling administrative proceedings before state and federal agencies, and assisting in reductions in force. He also has experience in enforcing non-compete agreements, drafting severance agreements, handling a variety of matters arising under the National Labor Relations Act, and defending various tort and contract claims, among others.

Read Matthew's full bio, or contact him at (205) 458-5321 or mscully@burr.com.

Just Released! *Alabama Super Lawyers* and Rising Stars for 2013

In addition to the eight Burr attorneys selected as 2013 *Georgia Super Lawyers* and Rising Stars, Burr & Forman LLP is pleased to announce that 46 of its attorneys have been included among *Alabama Super Lawyers* for 2013, and an additional 27 attorneys were recognized as Rising Stars.

Seven partners from the firm's Labor & Employment Group were named as *Super Lawyers*: John Coleman, III; Marcel Debruge; Ashley Hattaway; Mike Lucas; Bryance Metheny; Dent Morton; and Bill Wasden.

Seven Labor & Employment attorneys were recognized as Rising Stars: Ryan Aday; Ron Flowers; Logan Hinkle; Amy Jordan; Kristin Taylor Parsons; Anna Scully; and Katy Willis.

Results Matter Radio Features the Georgia Council of International Visitors

On Tuesday April 16th, 2013, Elizabeth Gordon, host of Results Matter Radio on Business RadioX® and Burr & Forman Partner Anton Mertens were joined in-studio by Georgia Council of International Visitors (GCIV) Executive Director Shell Stuart along with this year's Chair of the Consular Ball, Yelena Epova and Annabelle Malins, British Consul-General, Atlanta to talk about the growing importance of being an international city and what GCIV does to support Atlanta's interest in the global market place. To learn more about GCIV and the guests featured, listen to the complete interview on the Results Matter Radio website.

BURR & FORMAN BLOGS

SUCCEEDING IN SUCCESSION
CONSUMER FINANCE LITIGATION
ENVIRONMENTAL LAW MATTERS
NON-COMPETE & TRADE SECRETS
TCPA ADDENDUM

Headlines

- Court Rules NLRB's Workplace Union Notices Violated Law
- NLRB Urges Regional Directors to Maintain High Settlement Rate
- EEOC Seeing Rising Number of Age Discrimination Complaints
- OSHA Initiative Would Provide Protection for Temporary Employees
- Senators Reintroduce Employment Non-Discrimination Act
- Tech Companies Campaign for Immigration Reform
- E-Verify Would Be Mandatory If Immigration Bill Passes
- Immigration Bill Could Threaten Future of Indian Outsourcing

Click here to view the complete list, by office, of Burr attorneys named to 2013 *Alabama Super Lawyers* and Alabama Rising Stars.

2013 *Super Lawyers* and Rising Stars lists for Florida, Mississippi and Tennessee will be released soon. *Super Lawyers* can be found online here, where lawyers can be searched by practice area and location.

Burr Breakfast Briefing
Labor & Employment Law

Date: Wednesday, May 29 // Orlando, FL
Thursday, May 30 // Tampa, FL
Time: 7:30 am - 8:00 am: Hot Breakfast
8:00 am - 10:00 am: Program
Q & A: Immediately Following

The program will be presented by Burr attorneys: Morey Raiskin, Marcel Debruge, Peter Vilmos, John Schifino and Sheena Thakrar. The presentation topics include: FMLA at 20 -- the Ever-expanding Saga of the Non-working Workforce; State of Unions and the Emboldened NLRB; Why Words Matter -- a Primer on Florida Non-Competes; A Different Landscape for Employers -- The Lilly Ledbetter Fair Pay Act; and FLSA -- Why Litigating These Countless Claims Has Become A Bit More Manageable in the Middle District.

Register here for Orlando, and here for Tampa. For more information, please contact Beth Cooper at bcooper@burr.com.

Employer-Friendly Overhaul of Tennessee Workers' Compensation System Passes in the Legislature

- Employers Offering Flexibility to Attract Talented Workers
- Buffett Calls for Equal Treatment of Women in Workplace

News Briefs

Court Rules NLRB's Workplace Union Notices Violated Law

The National Labor Relations Board violated the law when it required U.S. businesses to put notices in their workplaces and on their websites informing employees of their right to unionize, a federal appeals court ruled. A unanimous three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit struck down the rule, finding that federal law prohibits the labor board from punishing a business for speech, or lack of it, as long as the business does not issue threats.

(Source: Reuters, 2013-05-07) Read More

NLRB Urges Regional Directors to Maintain High Settlement Rate

The National Labor Relations Board has urged its regional directors and other officers to maintain a high settlement rate as a way for the agency to weather the government sequester. In a memo, Associate General Counsel Anne Purcell emphasized the importance of continuing the "remarkable success" the NLRB has had settling unfair labor and union elections cases, given a five percent hit to its budget.

(Source: Thomson Reuters, 2013-04-30) Read More

EEOC Seeing Rising Number of Age Discrimination Complaints

Age-related charges make up a growing number of complaints filed at the Equal Employment Opportunity Commission, the federal agency that handles such matters. Between 1997 and 2007, there were generally between 16,000 and 19,000 annual filings, but since 2008 the number of complaints has soared to 23,000 to 25,000 a year.

(Source: Forbes.com, 2013-04-30) Read More

OSHA Initiative Would Provide Protection for Temporary Employees

The U.S. Department of Labor's Occupational Safety and Health Administration has launched an initiative to further protect temporary employees from workplace hazards. An OSHA memorandum directs field inspectors to assess whether employers who use temporary workers are complying with their responsibilities under the Occupational Safety and Health Act.

(Source: Insurance Journal, 2013-05-01) Read More

Senators Reintroduce Employment Non-Discrimination Act

Hoping to get a lift from the changing tides on gay marriage, a bipartisan group of senators introduced legislation that would ban job discrimination based on sexual orientation or gender identity. The Employment Non-Discrimination Act, or ENDA, has been introduced in Congress regularly since the mid-1990s without ever being passed, but given the public discussion on gay rights over the past year, Sen. Jeff Merkley (D-Ore.), a co-sponsor, told HuffPost he thinks the bill has about as good a shot as ever in the Senate.

(Source: The Huffington Post, 2013-04-25) Read More

Tech Companies Campaign for Immigration Reform

The television advertisement that hit the airwaves in Florida last month featured the Republican Party's rising star, Senator Marco Rubio, boasting about his get-tough plan for border security, but most who watched the commercial, sponsored by a new group that calls itself Americans for a Conservative Direction, may be surprised to learn who bankrolled it: senior executives from Silicon Valley, like Mark Zuckerberg of Facebook and Reid Hoffman of LinkedIn, who run companies where the top employees donate mostly to Democrats. The advertising blitz reflects the sophisticated lobbying campaign being waged by technology companies and their executives.

(Source: The New York Times, 2013-05-04) Read More

E-Verify Would Be Mandatory If Immigration Bill Passes

Some employers around the nation have been using E-Verify to check the immigration status of employees for years. While participation in the program has been voluntary since 1996, the immigration bill now in the Senate would make E-Verify mandatory.

The Tennessee legislature has passed a workers' compensation reform bill that significantly changes the way claims are handled in Tennessee after July 1, 2014. Though Governor Bill Haslam has not yet signed the bill, he is expected to do so soon, as the reform was a major part of his legislative agenda this year. Senate Bill 200 (House Bill 0194), which passed overwhelmingly in both houses, shifts the responsibility for workers' compensation administration from the state's court system to an independent administrative judiciary.

Click here to read the full article. For more information, please contact Tom Potter, Amy Jordan, Bryance Metheny and John Nefflen.

Burr's Dara Cooley Helps Develop Documentary "Before the Law Was Equal"

Burr attorney Dara Cooley was instrumental in the development of the documentary "Before the Law Was Equal" about the desegregation of the legal community in Hillsborough County, that debuted April 10, 2013. The project was produced by the Hillsborough County Bar Association's Young Lawyers Division and Diversity Committee, and Tampa City Council member Mike Suarez delivered the keynote address and HCBA President presented a tribute to William Reece Smith Jr., a luminary in the legal profession.

Read the full announcement here. For more information, please visit The Hillsborough County Bar Association's website here.

Results Matter Radio

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(Source: NPR, 2013-05-02) Read More

Immigration Bill Could Threaten Future of Indian Outsourcing

A new American immigration bill threatens the future of Indian outsourcing, Indian companies say, because it will limit the number of foreign workers they can bring to the United States. The Senate immigration bill, which is currently pending in the United States Congress, would make it more expensive for foreign outsourcing firms to bring over temporary foreign workers on H-1B visas, while giving American companies access to a larger pool of those visas to bring over their own foreign workers.

(Source: The New York Times, 2013-05-06) Read More

Employers Offering Flexibility to Attract Talented Workers

Casual, flexible and fun workplace policies are becoming commonplace as companies compete to recruit top talent, as technology breaks down the barriers between personal and professional lives, and as more focus is placed on innovation and creativity. An annual report on employee benefits by the Society for Human Resource Management shows that 57 percent of employers offered workers the option of telecommuting last year, up from 53 percent in 2011.

(Source: Poughkeepsie Journal, 2013-05-04) Read More

Buffett Calls for Equal Treatment of Women in Workplace

Warren Buffett called for equal treatment for women in the workplace, in a series of public appearances in Omaha including a live Internet interview and a national magazine essay. After tracing the history of women being denied an equal role in the U.S. economy, Buffett said he doesn't consider gender in choosing people for important responsibilities and neither should the managers of the 80-plus companies that are part of Berkshire Hathaway, the Omaha investment company he heads.

(Source: Omaha World-Herald, 2013-05-03) Read More

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