



December 12, 2013

### Protect The Company's Competitive Advantage with Non-Compete Agreements



Small business owners and executives have plenty of policies and procedures to worry about, but among the potentially detrimental is company policy related to whether or not a departing employee can go to work for a competitor.

Click [here](#) to read the full article published in *Managing Small Business*. For more information, please contact [Peter Vilmos](mailto:pvilmos@burr.com) at (407) 540-6622 or [pvilmos@burr.com](mailto:pvilmos@burr.com).

### Declaratory Judgments in Non-Compete Cases – Electing Offense over Defense



After a weekend of gorging on football as well as turkey, I've got offense and defense on my mind, and a recent Georgia appellate decision got me to thinking about how those basic gridiron principles apply to non-compete cases.

Click [here](#) to read the full alert on Burr's [Non-Compete and Trade Secrets Blog](#).

For more information, contact [Chip Collins](mailto:ccollins@burr.com) at (404) 685-4266 or [ccollins@burr.com](mailto:ccollins@burr.com).

### OSHA Combustible Dust Standard on the Horizon – What Every Industry Should Know



Combustible dust, it is not the most glamorous of topics but it is an important one. Why is it important? It is important because between 1980 and 2005, combustible dust incidents claimed the lives of 119 workers and injured another 718.

Click [here](#) to read the full article published in *Dixie Contractor*. For more information, please contact [Nicole Soto](mailto:nsoto@burr.com) at (813) 367-5726 or [nsoto@burr.com](mailto:nsoto@burr.com).

UPCOMING SPEAKING

## Headlines

- [High Court Gives NLRB Time to Challenge Recess Appointments](#)
- [High Court Hears Case on Union, Employer "Neutrality Agreements"](#)
- [Appeals Court Overturns NLRB Arbitration Agreements Decision](#)
- [More Adjuncts Showing Interest in Organized Unions](#)
- [Workplace Age Discrimination Claims Continue to Rise](#)
- [More Fortune 500 Companies Offering Benefits for Gay Partners](#)
- [Employers Facing Tough Choices Over Health Insurance Coverage](#)
- [Small Biz Must Seek Insurance From Brokers, Online Access Delayed](#)

## News Briefs

### High Court Gives NLRB Time to Challenge Recess Appointments

The U.S. Supreme Court extended the time it will take to hear a case challenging White House recess appointments to the National Labor Relations Board and granted the Senate's top Republican 15 minutes during the January 13 oral arguments. The move comes in a politically charged case involving Pepsi bottler Noel Canning Corp, the authority of an agency that protects workers' rights, and the power of the U.S. president to overcome political gridlock by filling key government jobs without Senate consent.

(Source: Reuters, 2013-12-09)

[Read More](#)

### High Court Hears Case on Union, Employer "Neutrality Agreements"

The Supreme Court heard arguments in a major labor case that, depending on how it is resolved, could hamper the ability of unions to mount successful campaigns to organize workers. The case concerns deals in which employers aid unionization drives in exchange for labor peace, sometimes called "neutrality agreements."

(Source: The New York Times, 2013-11-13)

[Read More](#)

### Appeals Court Overturns NLRB Arbitration Agreements Decision

U.S. employers can use arbitration agreements to require employees to resolve disputes on an individual basis, a federal appeals court has ruled, marking a victory for companies and a setback for labor groups. In a 2-1 ruling the 5th U.S. Circuit Court of Appeals overturned a January 2012 National Labor Relations Board decision that had invalidated such an arbitration agreement used by homebuilder D.R. Horton Inc.

(Source: Reuters, 2013-12-03)

[Read More](#)

### More Adjuncts Showing Interest in Organized Unions

Only a quarter of the academic work force is tenured, or on track for tenure, down from more than a third in 1995. The Service Employees International Union, with members in health care, maintenance and public service, is moving hard and fast to add the adjuncts to their roster, organizing at private colleges in several urban areas.

(Source: The New York Times, 2013-12-03)

[Read More](#)

### Workplace Age Discrimination Claims Continue to Rise

Age discrimination claims are on the rise as members of the post-World War II baby boom enter their 60s. Last year, 22,857 people filed age-related complaints with the federal Equal Employment Opportunity Commission, compared with 16,548 in 2006.

(Source: The (Lakeland, Fla.) Ledger, 2013-12-09)

[Read More](#)

### More Fortune 500 Companies Offering Benefits for Gay Partners

## ENGAGEMENTS

### Future Claims and Issues Arising From Sandy: The Hits Keep Coming



Mobile-based partner [Mike Strasavich](#) will be speaking at the Defense Research Institute (DRI) Insurance Coverage Symposium in New York on December 12-13, 2013. The title of Mike's presentation will be "Future Claims and Issues Arising From Sandy: The Hits Keep Coming."

Click [here](#) for more information about the Symposium, or contact Mike at (251) 345-8206 or [mstrasavich@burr.com](mailto:mstrasavich@burr.com).

## FIRM NEWS

### Burr Hosts Orange Center Elementary School Chorus in Orlando Office

Burr & Forman welcomed students from the Orange Center Elementary School chorus to its Orlando office on Nov. 19.

The students, many of whom had never been in a downtown building, were given a tour of the SunTrust Tower before performing several holiday songs for the attorneys and staff. Following the performance, [Denise Dell-Powell](#), a partner with the firm, presented a \$2,500 holiday donation to Orange Center Elementary School in honor of the firm's clients. Santa Claus also made an appearance, presenting the students with books donated by [Houghton Mifflin Harcourt](#), one of the world's largest providers of pre-K – 12 education solutions and longest-established publishing houses. The visit concluded with holiday treats and a small reception for the students, attorneys and staff.

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

### Burr Named "Healthiest Employer" by *Birmingham Business Journal*

Burr & Forman is proud to announce that the firm has been named the "Healthiest Employer" for 2013 in the large company category by the *Birmingham Business Journal*.

Burr has been ranked as a finalist every year since the award's inception, and this is the second year the firm has won first place. The firm was recognized for the award in the Nov. 15 edition of the *Birmingham Business Journal*.

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

Corporate support for gay and transgender rights is reaching workers in new corners of the country and economy six months after the U.S. Supreme Court struck down the federal Defense of Marriage Act, according to a new report card from the nation's largest LGBT advocacy group. The Human Rights Campaign found that more than two-thirds of Fortune 500 companies and 90 percent of all large employers it surveyed are offering health insurance and other spousal benefits to same-sex domestic partners of their employees.

(Source: Bloomberg Businessweek, 2013-12-08)

[Read More](#)

### Employers Facing Tough Choices Over Health Insurance Coverage

Ron Peppe, the head of legal and human resources at Canam Steel, is spending time reading the ongoing deluge of rules and regulations coming out of federal agencies that are meant to help guide employers as they adjust their companies' health benefits under President Obama's signature health-care law. Peppe is also spending time flying to the U.S. cities where the company's plants are located to meet with workers personally to discuss changes to their health care plans under the new law -- and explain why their premiums will be going up 16 percent next year.

(Source: The Washington Post (free reg. req'd), 2013-12-01)

[Read More](#)

### Small Biz Must Seek Insurance From Brokers, Online Access Delayed

The Obama administration announced a one-year delay in a major element of the new health care law that would allow small businesses to buy insurance online for their employees through the new federal marketplace. Administration officials said they had to focus on the basic functions of the website, so that individuals could shop for insurance, before offering online enrollment for small businesses.

(Source: Pittsburgh Post-Gazette, 2013-11-27)

[Read More](#)

## BURR & FORMAN BLOGS



[SUCCEEDING IN SUCCESSION](#)  
[CONSUMER FINANCE LITIGATION](#)  
[ENVIRONMENTAL LAW MATTERS](#)  
[NON-COMPETE & TRADE SECRETS](#)  
[TCPA ADDENDUM](#)



Results Matter Radio

[CLICK HERE FOR OUR LATEST SHOWS](#)





Burr & Forman LLP is a century old, full-service law firm with a forward-thinking approach to providing legal solutions. We have nearly 300 attorneys and offices in Alabama, Florida, Georgia, Mississippi and Tennessee. Burr & Forman offers a wide range of business and litigation services to diverse clients with local, national, and international interests.

LLP. The physical address for correspondence related to this newsletter is: 171 17th Street, NW, Suite 1100, Atlanta, GA 30363. (404) 815-3000.

You are subscribed as:

Questions about this newsletter? Send an e-mail to [bf\\_labor\\_news@burr.com](mailto:bf_labor_news@burr.com)

To subscribe to this newsletter, [click here](#) or send a blank e-mail to [subscribe-burr-labors@lists.ccClients.com](mailto:subscribe-burr-labors@lists.ccClients.com).

To unsubscribe from this newsletter,

To recommend this newsletter to a colleague, click [here](#).

Please note: This electronic newsletter is provided to clients and friends of Burr & Forman. The information described is general in nature, and may not apply to your specific situation. Legal advice should be sought before taking action based on the information discussed. Applicable State Bar or Attorney Regulations May Require This Be Labeled as "Advertising."

