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LABOR & EMPLOYMENT NEWS

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OSHA's Anti-Retaliation Rule - Three Things Employers Should Do Now

By [Mitchell J. Rhein](#)

A Texas federal court has refused to enjoin OSHA's new rule regarding workplace safety and injury reporting, which went into effect on December 1, 2016. Similar to employers' recent successful challenge of the DOL's overtime rule, employers challenged the legality of the anti-retaliation rule, which includes controversial guidance regarding safety incentive programs and post-incident drug testing. So what should companies do now?

Click [here](#) to read the entire article.

An Argument for the Use of Stock Options with Forfeiture Clauses for Breach of Duty

Notes from the Chair and Executive Editor

Welcome to the final edition of *SuperVision Today* for 2016. The topic that has consumed the time and interest of many human resource professionals in recent days has been the injunction issued by a federal judge in Texas regarding the increased salary required to exempt certain employees from overtime. As explained in an [alert](#) Spilman issued the day of the decision, the so called "overtime rule" currently is enjoined and not in force. The Department of Labor has appealed that ruling to the Fifth Circuit, which has agreed to expedite its review. Still, the schedule issued by the Fifth Circuit has briefing ending in late January with oral argument to follow shortly after. What that means is that the Trump Administration, including the nominated Labor Secretary Andrew Puzder, will have the opportunity to weigh in on the appeal. Mr. Puzder - the current CEO of the Hardee's/Carl's Jr. chain - has argued that the proposed rule diminishes opportunities for workers, and he would not be expected to continue to pursue the appeal.

In this edition of *SuperVision Today*, Kevin Carr explains the latest updates with medical marijuana (including Pennsylvania's new law). Mitchell Rhein examines the latest in OSHA rule making, supplementing a [recent webinar](#) on the topic. Charles Woody explores breach of duty and how employers can use stock options. And John Hardison takes a look at the new rule that requires federal contractors to provide paid sick leave.

of Loyalty

By [Charles L. Woody](#)

The successful enforcement of covenant to compete ("CNC") arrangements (or at least the perception that such successful enforcement is possible) has caused such agreements to proliferate. The CNC is no longer solely for highly-compensated employees, but also for the lowly compensated. So what does this mean for employers?

Click [here](#) to read the entire article.

The Doctor is In - DOL Issues Final Rule Requiring Paid Sick Leave for Employees of Federal Contractors

By [John B. Hardison](#)

On September 29, 2016, the Department of Labor issued regulations (the "final rule") implementing Executive Order 13706, which requires federal contractors to provide paid sick leave to their employees. The final rule requires certain federal contractors to provide their employees with up to seven days (or 56 hours) of paid sick leave annually and became effective November 29, 2016. The nuances in the final rule likely are to make compliance burdensome for even the most sophisticated employer. What should contractors do now?

Click [here](#) to read the entire article.

Thank you for your continued interest and keep looking for more details regarding our 2017 SuperVision symposia series. Our best wishes for a wonderful holiday and new year.

[Eric W. Iskra](#)

Chair, Labor & Employment Practice Group

[Eric E. Kinder](#)

Editor, *SuperVision Today*

Green Grass and High Tides: The Pennsylvania Medical Marijuana Act

By [Kevin L. Carr](#)

On April 17, 2016, Governor Tom Wolf signed Pennsylvania's medical marijuana program into law, making it the 24th state with a comprehensive medical marijuana program. The new law - Act 16 or the "MMA" - will protect registered patients and their physicians from civil and criminal penalties and is in the process of creating a regulated system for growing, prescribing and selling medical marijuana.

The law was effective in April, but the Department of Health is in the process of issuing regulations to implement the Act.

Predictably, Pennsylvania employers now have another issue with which to wrestle in the workplace.

Click [here](#) to read the entire article.

Featured Labor & Employment Practice Team Member



[Sarah E. Kowalkowski](#)

Associate
Charleston, W.Va.

Ms. Kowalkowski is a member of our Labor & Employment Practice Group, rounding out comprehensive services we offer to a variety of industries. In addition to assisting with and advising in various types of matters, Ms. Kowalkowski brings a background in knowledge of veterans benefits issues. She received her undergraduate degree from Elon University and her J.D. from William & Mary Law School. She is admitted to the West Virginia



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