



January 10, 2013

SAVE THE DATE

Labor & Employment LAW UPDATE FRIDAY, FEBRUARY 15, 2013

10:00am - 10:30am: Registration
10:30am - 4:30pm: Program
Cocktail Hour: Immediately Following
Location: [Burr & Forman, Birmingham, AL](#)

Questions? Contact Catherine Gross at
(205) 458-5494 or cgross@burr.com

Welcome Back Frank McRight!



Burr & Forman LLP is pleased to announce that [Frank McRight](#) has rejoined the firm as Counsel in the [Labor & Employment](#) practice group. Frank practices in the firm's Mobile and Birmingham offices.

Read Frank's full [bio](#), or contact him at (205) 458-5422 or fmcrigh@burr.com.

Burr & Forman's Bryce Metheny Featured in Franchise Times



[Bryce Metheny](#), a partner in the firm's Birmingham office who focuses his practice on labor and employment issues impacting franchises, is quoted in the January 2013 issue of *Franchise Times*.

The article, available [here](#), discusses the complex issues raised by social media over the last year for both franchisors and franchisees. Metheny provides a legal framework regarding the major headlines from 2012 impacting franchise relations and the lessons that franchisors and franchisees, alike, can learn.

The Other Side of the "Fiscal Cliff"

Headlines

- [NLRB Protects Workers' Rights to Post About Job on Facebook](#)
- [6 States Ban Companies from Asking for Social Media Passwords](#)
- [Health Law Requires Employers to Offer Family Care to All](#)
- [Fiscal Cliff Legislation Allows Roth Conversion for 401\(k\) Holders](#)
- [Some Health Insurers Seeking, Getting Double-Digit Rate Increases](#)
- [Michigan "Right to Work" Groups Vow to Bring Fight Elsewhere](#)
- [CNA, Healthcare Workers' Union Expected to Enhance Labor Battles](#)
- ["Guest Worker" Program in Canada Could Serve as Model for U.S.](#)
- [10 States to Increase Minimum Wage in 2013](#)

News Briefs

NLRB Protects Workers' Rights to Post About Job on Facebook

Just before Christmas, the National Labor Relations Board sided with employees on a question facing a growing number of workers: When can your Facebook posts get you fired? The NLRB's 3-1 ruling establishes an important precedent: The New Deal-era law that protects your right to strike or picket also protects your right to tweet or comment.

(Source: Slate, 2013-01-03)

[Read More](#)

6 States Ban Companies from Asking for Social Media Passwords

Six states have officially made it illegal for employers to ask their workers for passwords to their social media accounts. As of 2013, California and Illinois have joined the ranks of Michigan, New Jersey, Maryland, and Delaware in passing state laws against the practice, according to Wired. With Congress not being able to come to agreement on the Password Protection Act of 2012, individual states have taken the law into their own hands.

(Source: CNET News, 2013-01-02)

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Health Law Requires Employers to Offer Family Care to All

In a long-awaited interpretation of the new health care law, the Obama administration said that employers must offer health insurance to employees and their children, but will not be subject to any penalties if family coverage is unaffordable to workers. The requirement for employers to provide health benefits to employees is a cornerstone of the new law, but the new rules proposed by the Internal Revenue Service said that employers' obligation was to provide affordable insurance to cover their full-time employees.

(Source: The New York Times, 2012-12-31)

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Fiscal Cliff Legislation Allows Roth Conversion for 401(k) Holders

The "fiscal cliff" bill will give more workers the chance to convert some or all of their 401(k) account balances into a Roth 401(k), but only if their employer offers a Roth option and allows the conversion. This is one of the few revenue raisers in the American Taxpayer Relief Act of 2012 and is expected to generate \$12.1 billion in tax over the next 10 years, enough to pay about half the cost of delaying federal spending cuts for two months, until March 1.

(Source: San Francisco Chronicle, 2013-01-02)

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Some Health Insurers Seeking, Getting Double-Digit Rate Increases



Congress began 2013 by passing "The American Taxpayer Relief Act of 2012" (the "Act") reflecting a plan negotiated by Vice President Biden and Senate Minority Leader Mitch McConnell (R-Ky.) to avoid a series of tax hikes scheduled to take effect upon the expiration of the "Bush tax cuts."

Click [here](#) to read the full alert. For more information, please contact [Bruce Rawls](#) at (205) 458-5247 or brawls@burr.com, [Ed Brown](#) at (404) 685-4292 or ebrown@burr.com and [Jim McCarten](#) at (615) 724-3236 or jmccarten@burr.com.

UPCOMING SPEAKING ENGAGEMENTS



[Marcel L. Debruge](#), Birmingham partner and chair of the firm's [Labor & Employment](#) practice group, will be speaking at the American Conference Institute's 17th National Forum on Wage & Hour Claims and Class Actions, January 24-25, 2013 at the Conrad Hotel in Miami, Florida.

Marcel will be the moderator on the panel entitled, "View from the Bench: What Works and What Doesn't in their Courtrooms, Why Employers Succeed and Don't Succeed in Wage & Hour Litigation, Novel Trial and Case Management Strategies, Examples of Bad Lawyering and More". Please click [here](#) for more information about the Forum.

FIRM NEWS

Burr & Forman Elevates Eight Attorneys to Partnership

Burr & Forman LLP is pleased to announce that the firm has elevated eight of its attorneys to partnership, effective Jan. 1st. The new partners include Birmingham-based attorneys [Michael J. Clemmer](#), [Kelli Carpenter Fleming](#) and [Donald M. Warren](#); [John M. Lassiter](#), Jackson, Miss.; [John P. Browning](#) and [Bess M. Parrish Creswell](#) of the firm's Mobile, Ala. office; and from Orlando, [Ben Shoemaker](#) and [Peter C. Vilmos](#). Click [here](#) to read the full story.

Burr & Forman Recognized Among Healthiest Employers in Four Markets

Health insurance companies across the country are seeking and winning double-digit increases in premiums for some customers, even though one of the biggest objectives of the Obama administration's health care law was to stem the rapid rise in insurance costs for consumers. Particularly vulnerable to the high rates are small businesses and people who do not have employer-provided insurance and must buy it on their own.

(Source: The New York Times, 2013-01-05)

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Michigan "Right to Work" Groups Vow to Bring Fight Elsewhere

The conservative groups that supported Michigan's new "right to work" law -- winning a stunning victory over unions, even in the heart of American labor -- vowed to replicate that success elsewhere. But the search for the next Michigan could be difficult.

(Source: The Washington Post (free reg. req'd), 2012-12-12)

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CNA, Healthcare Workers' Union Expected to Enhance Labor Battles

In a move expected to shake up health care labor battles statewide, the powerful California Nurses Association announced that it will affiliate with the National Union of Healthcare Workers in fights with major health systems over wages, benefits and patient care issues. CNA also agreed to use its 85,000 members and considerable resources to help NUHW in its campaign to defeat a large rival, the Service Employees International Union-United Healthcare Workers West, in an upcoming election for the right to represent 43,500 Kaiser Permanente service and technical workers.

(Source: Mercury News (free reg. req'd), 2013-01-04)

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"Guest Worker" Program in Canada Could Serve as Model for U.S.

When Oscar Reyes heads north for seasonal work every spring, he no longer pays a smuggler to sneak him through the desert past the U.S. Border Patrol -- he takes Air Canada. Reyes was one of nearly 16,000 temporary workers from Mexico imported by Canada last year, part of a government-to-government agreement that Mexican officials view as a potential model for an expanded "guest worker" program in the United States.

(Source: The Washington Post (free reg. req'd), 2013-01-05)

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10 States to Increase Minimum Wage in 2013

Nearly one million minimum-wage workers in 10 states will get a pay boost come New Year's Day. An estimated 855,000 workers will be directly affected by the wage changes, while another 140,000 are projected to be indirectly affected by the changes as employers readjust their pay scales to accommodate the new minimum, according to analysis by the Economic Policy Institute.

(Source: CNNMoney.com, 2012-12-31)

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BURR & FORMAN BLOGS SUCCEEDING IN SUCCESSION



If you are the owner of a closely-held or family-owned business, it is never too soon to start planning for your company's future. From the infancy of your company, it is important to have the appropriate business and tax strategies in place in order to avoid difficulties, such as disputes over transfer of ownership and leadership, upon your retirement. To address these items, our [Business & Succession Planning](#) attorneys launched this blog to provide business owners with information regarding developments in business and succession planning law, weekly updates on industry trends impacting businesses

and individuals, and tools and tips to successfully prepare for the future of their businesses. We hope you find our blog informative and entertaining and that you make it a regular part of your business reading. [Click HERE to read the blog.](#)

ENVIRONMENTAL LAW MATTERS



Burr & Forman LLP is proud to announce that the firm has been honored by the *Atlanta Business Chronicle*, the *Birmingham Business Journal*, the *Nashville Business Journal* and the *Orlando Business Journal* on the publications' annual lists of healthiest employers for 2012. Since the first wellness initiative was implemented at Burr & Forman in 2008, the firm has continued its commitment to healthy living through a variety of programs aimed at physical fitness, nutrition and reducing stress. [Click here](#) to read the full story.

RESULTS MATTER RADIO
Check Out Our Latest Shows



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- WIT'S WOMEN OF THE YEAR IN TECHNOLOGY 2012 AWARDS
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The complex system of environmental laws and regulations impact our clients' businesses in a variety of contexts, including legal issues arising in business strategy, regulatory compliance, permitting, transactions and dispute resolution. Our [Environmental Law](#) attorneys launched this blog to provide an avenue for our clients and other interested companies and individuals to keep up with news, statutory changes, and legal opinions, and to provide practical tips involving all areas of environmental law — particularly avoiding litigation and the environmental pitfalls that affect corporate and real estate transactions.

We hope you enjoy our blog and find it to be a useful resource. [Click HERE](#) to read the blog.

NON-COMPETE & TRADE SECRETS

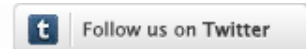


Continual changes in non-compete and trade secrets law, as well as technological advances providing increasing avenues for unfair competition, make it imperative that businesses in all fields stay abreast of the latest developments in this area. For those reasons, our [Non-Compete and Trade Secrets](#) attorneys launched this blog to help employers, executives and attorneys keep up with news, statutory changes, legal opinions and practical tips involving all areas of unfair competition law, including non-competes, trade secrets, customer non-solicitation, non-recruitment, non-disclosure, confidentiality agreements, tortious interference with business relations, employee piracy, computer theft, breach of fiduciary duties, employee loyalty, and intellectual property rights. We hope you find value in our blog. [Click HERE](#) to read the blog.

TCPA ADDENDUM



The Telephone Consumer Protection Act has received a lot of attention and has undergone significant judicial interpretation and change in the last few years. This Act has been applied to render multi-million dollar verdicts and settlements against both big and small companies across the country. For these reasons, our [Financial Services Litigation](#) attorneys launched this blog to keep clients, companies and individuals apprised of the continuous evolution of the Act. We hope you find our blog to be an educational resource for information, cases, and insights regarding the TCPA. [Click HERE](#) to read the blog.



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

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