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September 2013

Labor and Employment Law

Mandatory Paid Sick Leave Arrives in New York City

On Thursday, June 27, members of the New York City Council voted to override Mayor Michael Bloomberg's veto of the City's Earned Sick Time Act (the Act). New York City thus became the latest (and the most populous) of a growing number of localities – including San Francisco; Washington, DC; Seattle; Portland, ME; and the State of Connecticut – to impose mandatory sick leave obligations on employers.

The NYC Earned Sick Time Act: An Overview

Virtually all private sector employers within the geographic boundaries of New York City are covered by the Act's provisions. Notable exceptions include a limited number of manufacturing entities, as well as employers whose workers are governed by a collective bargaining agreement that expressly waives the Act's provisions while at the same time providing those workers with a comparable benefit.

The Act will eventually cover more than one million employees, providing each of them with up to five days of paid leave each year. In its first phase of implementation, currently scheduled to take effect on April 1, 2014, the Act will apply only to those employers that employ 20 or more workers in New York City. The second phase of implementation will begin 18 months later (currently, October 15, 2015), at which time the Act will expand to those employers with at least 15 City-based employees. The Act will require employers with fewer than 15 City-based employees to provide their employees with unpaid, rather than paid, sick time.

New York City-based employees (regardless of whether they are employed on a full- or part-time, temporary or seasonal basis) who work more than 80 hours during a calendar year will accrue paid sick time at a minimum rate of one hour for each 30 hours worked. The Act caps mandatory accrual of paid sick time at 40 hours per calendar year (the equivalent of one five-day workweek). Although the Act provides only for a statutory minimum, employers are free to provide their employees with additional paid time if they so desire. Accrual of paid leave time begins on the first day of employment, but employers may require employees to first work as many as 120 days before permitting them to make use of the time they have accrued.

The Act specifies that employees will be able to use their accrued time for absences from work that occur because of: (1) the employee's own mental or physical illness, injury or health condition, or the need for the employee to seek preventive medical care; (2) care of a family member in need of such diagnosis, care, treatment or preventive medical care; or (3) closure of the place of business because of a public health emergency, as declared by a public health official, or the employee's need to care for a child whose school or childcare provider has been closed because of such a declared emergency.

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Although the Act allows employees to carry over accrued but unused leave time from year to year, it does not require employers to permit the use of more than 40 hours of paid leave each year. Likewise, it does not require employers to pay out accrued, but unused, sick leave upon an employee's separation from employment.

Employers that have already implemented paid leave policies – such as policies that provide for paid time off (PTO), personal days and/or vacation – that provide employees with an amount of paid leave time sufficient to meet the Act's accrual requirements may not be required to provide their employees with anything more once the Act takes effect. As long as an employer's current policy or policies allow the paid leave in question to be used "for the same purposes and under the same conditions as paid sick leave," nothing more is necessary.

The Act Requires Proper Notice to Both Employees and Employers

Once the Act is implemented, employers will be required to inform new employees of their rights when they are hired, and will have to post additional notices in the workplace (suitable notices will be made available for download on the Department of Consumer Affairs website). In addition to providing information about the Act's substantive provisions, employees must also be informed of the Act's provision against retaliation and how they may lodge a complaint.

Likewise, an employer may require reasonable notice from employees who plan to make use of their accrued time. The Act defines such notice as seven days in the case of a foreseeable situation, and as soon as is practicable when the need for leave could not have been foreseen.

Penalties and Enforcement

The Act will be enforced by the City's Department of Consumer Affairs. Because the Act contains no private right of action, an employee's only avenue for redress will be through the Consumer Affairs complaint process. Employees alleging such a violation have 270 days within which to file a complaint. Penalties for its violation are potentially steep; they include: (1) the greater of $250 or three times the wages that should have been paid for each instance of sick time taken; (2) $500 for each instance of paid sick time unlawfully denied to an employee, or for which an employee is unlawfully required to work additional hours without mutual consent; (3) full compensation, including lost wages and benefits, for each instance of unlawful retaliation other than discharge from employment, along with $500 and equitable relief; and (4) $2,500 for each instance of unlawful termination of employment, along with equitable relief (including potential reinstatement).

Employers found to have violated the Act may also face fines from the City of up to $500 for the first violation, $750 for a second violation within two years of the first, and $1,000 for any subsequent violation within two years of the one before. Additionally, employers that willfully fail to provide the required notice of the Act's substantive provisions will be fined $50 for each employee who did not receive such notice.

The Act, meanwhile, does not prohibit employers from requiring that such an employee provide documentation from a licensed health care professional to demonstrate the necessity for the amount of sick leave taken. Employers are free under the Act to discipline employees, up to and including termination, who take sick leave for an improper purpose. They are prohibited, however, from inquiring as to the nature of an employee's injury, illness or condition.

What Now?

If you have any questions about the Act, about its potential implications for your organization, or whether your existing leave policies are sufficient to satisfy its requirements, please contact **Laura Sack** at +1 (212) 407 6960, **Jonathan S. Hershberg** at +1 (212) 407 6941 or any other Vedder Price attorney with whom you have previously worked.

Supreme Court Rules in Favor of Employers on Key Issues in Title VII Actions

In a Supreme Court term featuring noteworthy decisions on marriage rights, affirmative action and voting rights, it would be easy to overlook two important decisions that will influence the way employers litigate Title VII cases.

In *Vance v. Ball State University*, the Court considered the definition of "supervisor" for purposes of holding employers strictly liable for the actions of certain supervisors in Title VII actions. Vance, an African-American employee in the catering department at Ball State, claimed that a co-worker created a racially hostile work environment for her. She alleged that Ball State was liable for the conduct despite the fact that she never complained because the co-worker should be considered to be a supervisor by virtue of the fact that the co-worker sometimes led or directed Vance and other employees in the kitchen. Vance relied on guidance issued by the

EEOC, which provides that a supervisor is someone who wields authority "of sufficient magnitude so as to assist the harasser explicitly or implicitly in carrying out the harassment." Both the district court and the Seventh Circuit Court of Appeals rejected that theory.

Justice Alito, writing for a 5-4 majority of the Court, affirmed the decision in favor of Ball State, explaining that a supervisor, for purposes of vicarious liability under Title VII, must have the power to take tangible employment actions – including hiring, firing, promoting, reassigning significantly different tasks or causing benefit changes. Day-to-day direction is not sufficient. The Court derided the EEOC's definition of supervisor as a "study in ambiguity." Referencing its prior decisions in *Faragher v. Boca Raton* and *Burlington Industries, Inc. v. Ellerth*, the Court noted that a supervisor is a distinct class of agent that has the power to cause "direct economic harm."

The *Vance* decision makes it easier for judges to determine as a matter of law on summary judgment whether someone is a supervisor. If the court determines that the harasser is not a supervisor, it removes any strict liability claim from the case and forces the plaintiff to prove that the employer was negligent in failing to prevent or correct the alleged harassment. The decision may also enable employers to reduce the amount of time spent at trial having to establish or rebut claims regarding an individual actor's supervisory status. Establishing supervisory responsibility early in the case should also facilitate discussions concerning resolution or dismissal of actions.

In *University of Texas Southwestern Medical Center v. Nassar*, meanwhile, the Court examined the standard required for proving what caused the alleged adverse employment action in a Title VII retaliation claim.

Nassar, a physician of Middle Eastern descent, claimed ethnic and religious discrimination by his supervisor. He also claimed that the University retaliated against him by preventing his hiring by a hospital that was associated with the University after he complained about the harassment and quit his job. The trial judge allowed Nassar to argue that retaliation for his complaint about discrimination was simply a motivating factor in the University's decision not to let him work at the hospital, and a jury found for Nassar on both claims. On appeal, the Fifth Circuit affirmed the retaliation finding on the theory that such claims require a showing only that retaliation was a motivating factor for the adverse employment action – the proof standard set forth in section 2000e-2(m) of Title VII. Courts across the country were divided on which standard should apply.

The Court, in a 5-4 opinion authored by Justice Kennedy, held that retaliation claims must be proven based on traditional "but-for" causation, and not the lesser standard in 2000e-2(m). The Court pointed to the fact that the Civil Rights Act of 1991 amended Title VII's proof framework in adopting 2000e-2(m), which provides that "an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice." The Court discussed how Congress specifically limited that language to status claims and omitted retaliation. Had Congress meant to exempt retaliation claims from the traditional "but-for" causation standard, it would have included it in 2000e-2(m).

Employers will likely find greater success defending against retaliation claims going forward given the requirement that retaliation be the sole reason for the action, not a mere motivating factor. Likewise, the increased likelihood of summary judgment should enable employers to more aggressively pursue early resolution strategies, if desired.

Employers will likely find greater success defending against retaliation claims going forward given the requirement that retaliation be the sole reason for the action, not a mere motivating factor.

If you have any questions regarding the impact of these decisions on your business or the role of your supervisors, please contact **Amy L. Bess** at +1 (202) 312 3361, **Heather M. Sager** at +1 (415) 749 9510, **Scot A. Hinshaw** at +1 (312) 609 7527 or any other Vedder Price attorney with whom you have worked.

NLRB Concludes Employer Ban on Use of Photos and Videos in the Workplace Is Unlawful

The NLRB Division of Advice recently released an Advice Memorandum that opined that an employer policy that prohibited employees from photographing or video recording the Company's premises, processes, operations, or products including confidential information without the Company's permission violated the National Labor Relations Act. This is a common handbook policy that many employers likely have in place. Although the Memorandum is not binding on the Board, it reflects the thinking of a majority on the Board. Employers in represented environments or who may face organizing may, in particular, want to carefully consider whether and under what circumstances to maintain such policies.

The General Counsel relied upon a comparison between *Sullivan, Long & Hagerty* and *Flagstaff Med. Ctr*. In *Sullivan, Long & Hagerty*, the Board concluded management failed to rehire an employee because of his union activities, which included carrying a tape recorder onto the jobsite in connection with a DOL investigation into union election irregularities. 303 N.L.R.B. 1007, 1013 (1991). Comparatively, in *Flagstaff Med. Ctr.*, the Board concluded that a policy prohibiting the use of electronic equipment during work time including "[t]he use of cameras for recording images of patients and/or hospital equipment, property, or facilities is prohibited[,]" did not violate the Act. 357 N.L.R.B. No. 65, slip op. at 4–5. There, the Board found: The rule against photographing hospital property did not expressly restrict Section 7 activity; employees would not reasonably interpret the rule as restricting Section 7 activity; and there is no evidence suggesting the hospital enacted the rule in response to Section 7 activity or applied the rule to prohibit Section 7 activity. With respect to employee reasonableness, the Board noted the weighty privacy interest of hospital patients and the resulting interest the hospital had in preventing wrongful disclosure of individually identifiable health information, which included unauthorized photography (prohibited by the United States Code). The Board therefore concluded in *Flagstaff* that employees would reasonably interpret the hospital's rule as a legitimate means of protecting privacy rather than a tool to restrain protected activity.

With this as background, the General Counsel concluded in the Advice Memorandum that the portion of the employer's social media policy prohibiting employees from photographing or video recording the employer's property was unlawful. Specifically, the General Counsel opined that the policy's prohibition could reasonably be interpreted to prevent employees from using social media to communicate and share information regarding Section 7 rights through pictures and/or videos. This would include various concerted activities such as picketing.

It is also noteworthy that the employer's social media policy also prohibited the use of the Company logo, trademark or graphics without the Company's prior written approval. The General Counsel also found this provision illegal. The General Counsel concluded that employees would reasonably understand the rule to prohibit the usage of Company logo, trademark, or graphics on leaflets, cartoons, pickets signs, and other material used to engage in protected Section 7 activity. Long-standing Board law holds that an employer's propriety interests in trademarks do not outweigh their employees' ability to use them to engage in Section 7 activity because such usage is non-commercial and does not infringe on an employer's proprietary interests protected by trademark law. Finally, the General Counsel found <u>no</u> violation with respect to the employer's prohibition against an employee defaming the employer's goods and services through social media.

To avoid unintended complaints from the Board, employers should consider crafting social media guidelines that are carefully tailored to their specific business, products and processes, and avoid overly broad language that might restrict employees' Section 7 rights.

If you have any questions regarding the impact of these decisions on your business or the role of your supervisors, please contact **J. Kevin Hennessy** a +1 (312) 609 7868, **Brendan G. Dolan** at +1 (415) 749 9530, **James R. Glenn** at +1 (312) 609 7652 or any other Vedder Price attorney with whom you work.

The Broad Application of the "Ministerial Exception"

On January 11, 2012, the U.S. Supreme Court, in *Hosanna-Tabor Church v. Equal Employment Opportunity Commission*, affirmed the existence of the "ministerial exception" in employment discrimination actions. The Court, relying on the Free Exercise and Establishment Clauses of the First Amendment, held that religious institutions are entitled to make employment decisions regarding a "minister" without the interference of the government. Accordingly, employment suits by a "minister" are not actionable in court and must be dismissed.

One of the key implications from *Hosanna-Tabor Church* is that the application of the ministerial exception is not limited only to ordained ministers. Indeed, in *Hosanna-Tabor Church*, the plaintiff, a teacher in a parochial school, qualified as a minister. In making its determination, the Court considered a number of factors, including that plaintiff had significant religious training, she held herself out as a minister, the school held her out as a minister, she taught religious courses four days per week, and she led her students in prayer three times each day. Though plaintiff taught other secular educational courses, such activities are not dispositive of the "ministerial" analysis. Further, although the Court determined that plaintiff qualified as a minister, it refused to establish a rigid test for making such a determination. Rather, the Court noted that such a determination should be based on a fact-specific inquiry and should be considered under the totality of the circumstances.

The U.S. Court of Appeals for the Fifth Circuit recently applied the expansive ministerial exception in *Philip Cannata v. Catholic Diocese of Austin*, finding that the ministerial exception applied to a church music director. In reaching this decision, the court considered Cannata's role in determining the music for Mass, his performance of music at Mass, and his rehearsal with members of the church choir. The court acknowledged that although not all of Cannata's duties were expressly religious in nature, it is up to the Church to determine whom it classifies as a minister. In fact, the court explicitly notes that the "decision to select and control ministers belongs to the church alone. Thus, it is immaterial if the reason for termination is not religious, but rather pretextual." *Cannata v. Catholic Diocese of Austin*, 700 F.3d 169, 174 (5th Cir. 2012) (citing *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 132 S. Ct. 694 (2012)). Consequently, the Fifth Circuit dismissed Cannata's suit.

The ministerial exception was again examined in *Dias v. Archdiocese of Cincinnati*. Unlike the previous two cases, however, the district court judge found that Dias, who exclusively taught computer and technology classes, did not qualify as a minister and thus was able to proceed with her Title VII employment discrimination claim. Significantly, the plaintiff did not engage in any form of religious instruction or education. The plaintiff, who was terminated for violating the morals clause in her contract, asserted that male employees who similarly violated the morals clause were not terminated, illustrating the importance of consistently applying and enforcing such workplace standards.

If you have any questions about the ministerial exception or how it implicates your organization, please contact **Aaron R. Gelb** at +1 (312) 609 7844 or any other Vedder Price attorney with whom you work.

Recent Decisions Support More Employee-Friendly Interpretation of SOX

While the recent Supreme Court decisions discussed elsewhere in this newsletter provide some comfort to employers facing Title VII claims, two recent decisions demonstrate strong federal appellate-level support for a more employee-friendly interpretation of the whistleblower provisions of the Sarbanes-Oxley Act (SOX or the Act). SOX protects employees of publicly-held companies against retaliation for reporting a number of specific violations. Until recently, employee reports of SOX violations needed to be made in very specific terms and needed to relate to fraud against shareholders to receive protection under the Act. Those days appear to have passed.

In *Wiest v. Lynch*, the Third Circuit Court of Appeals made it clear that there are no magic words necessary to succeed on a SOX retaliation complaint. In *Wiest*, Tyco Electronics terminated Wiest, a company accountant, after he raised concerns about requests he received to process payments for events and parties that lacked proper approval and documentation. On appeal, the Third Circuit rejected Tyco's argument that employees qualify for SOX protection only if their disclosures "definitively and specifically" relate to a "violation of statute." Instead, employees need only establish a "reasonable belief" that the company acted, or was about to act, fraudulently.

In *Lockheed Martin Corp. v. Brown*, the Tenth Circuit Court of Appeals followed the Third Circuit's lead and expanded the Act's protections to include employees who report a broad range of company wrongdoings.

Brown, a former communications director for Lockheed Martin, reported her concern that her then-supervisor, Wendy Owen, was using company money to support her sexual indiscretions with soldiers and that the costs were being passed on to the U.S. Government. According to Brown, Lockheed retaliated against her after Owen learned of Brown's complaint. Lockheed demoted Brown, put her on layoff notice, and assigned her to an office that doubled as a storage closet. Brown ultimately had a breakdown, went on medical leave, and quit. She filed a SOX retaliation complaint with the Occupational Safety and Health Administration.

On appeal, Lockheed argued that SOX did not protect Brown because her complaint did not relate to fraud against the Company's shareholders. The court disagreed, holding that SOX protects employees who not only report conduct relating to fraud against shareholders, but also mail fraud, wire fraud, bank fraud and securities fraud.

It is unclear if other circuit courts of appeals will follow suit, but one thing is certain – publicly-held corporations must think carefully before taking action against an employee who alleges company wrongdoing. Companies should review existing reporting and disclosure policies, as well as their retaliation policies. Internal reporting should be encouraged, and companies should provide employees with multiple avenues of complaint. Finally, employers should train managers to be sensitive to employee comments that might later be considered complaints.

If you have any questions regarding the impact of these decisions on your business or the role of your supervisors, please call **Emily C. Fess** at +1 (312) 609 7572, **Ayse Kuzucuoglu** at +1 (415) 749 9512, **Roy P. Salins** at +1 (212) 407 6965 or any other Vedder Price attorney with whom you have worked.

Bring Your Guns to Work: How State Gun Laws Are Aiming Directly at the Workplace

Amid concerns of workplace violence and the legal claims that often accompany such incidents, employers must now navigate an expanding universe of state laws governing the presence of guns in the workplace. Currently, approximately 20 states, including Florida, Georgia, Minnesota, Oklahoma, Texas, Tennessee, Utah and Wisconsin have passed so-called "bring your guns to work laws," which allow licensed employees to bring firearms to work. Other states including South Carolina and Pennsylvania are considering similar legislation. Employers with operations in multiple states are finding it increasingly difficult to balance competing concerns of employee safety and compliance with these myriad new laws, as some states protect employees from employer vehicle searches, while others prevent employers from asking employees or applicants about their status as a gun owner.

Illinois' recent enactment of House Bill 183, the Firearm Concealed Carry Act, is the latest example of the challenges employers face when the state in which they operate passes a new law governing gun rights. The law, which took effect in July 2013, permits anyone with a Firearm Owner's Identification (FOID) card who has passed a background check and undergone gun-safety training of 16 hours to obtain a concealed carry permit. Under the Act, a properly licensed individual may nevertheless be prohibited from carrying a firearm on private property where the owner has prohibited conceal and carry by posting a sign, "clearly and conspicuously," at the entrance of the building, premises or real property. Even then, however, a licensee is permitted to carry a concealed firearm on or about his or her person within a vehicle or within the external perimeter of a vehicle, while in a parking lot of property where conceal and carry is prohibited.

There are a number of factors that employers must consider in formulating policies and procedures relating to their employees' concealed carry rights, including whether their business space is leased or owned, the presence of on-site childcare facilities, and the applicability of certain special provisions in the statute that afford some employers greater flexibility to regulate conceal and carry.

As with most recently enacted laws, details are often lacking, and interpretation by the courts takes time. In the meantime, employers should review the laws of the states in which they operate to ensure their internal policies and procedures strike the appropriate balance between complying with concealed carry laws and management interest in providing all employees with a safe and secure workplace.

If you have any questions about the Illinois concealed carry law, or any other state laws regarding guns in the workplace, please contact **Thomas G. Hancuch** at +1 (312) 609 7824 or **James R. Glenn** at +1 (312) 609 7652 or any other Vedder Price attorney with whom you work.

Recent Accomplishments

Neal I. Korval was successful in having a nursing union agree to retract and remove a Weingarten rights statement that it unilaterally included in collective bargaining agreement (CBA) booklets it printed for our hospital client's nursing employees. Mr. Korval succeeded in obtaining the union's consent when he threatened to file an Unfair Labor Practice charge against the Union with the NLRB based on the Union's unilateral modification of a CBA.

Lawrence J. Casazza recently supplied practice commentary to the Juris Publishing, Inc. publication, *Labor Law Analysis and Advocacy*. The book provides an interpretation of the National Labor Relations Act as developed by the federal courts and the National Labor Relations Board (NLRB), and explores the related legal rules as currently interpreted and applied. As a contributor of practice commentary, Mr. Casazza provides translation of legal rules into advice and strategies. For more information, please visit http://www.jurispub.com/cart.php?m=product_detail&p=1312.

As counsel to Charlie Rose and his production company, **Lyle S. Zuckerman**, **Laura Sack** and **Michael Goettig** successfully resolved (with no admission of liability) a highly publicized class action lawsuit in which it was alleged that interns for the Charlie Rose Show should have been classified as employees and were entitled to

California Corner

Paying the Piper—How Non-CA Companies Run Afoul of CA Pay Requirements

California has many specific and technical requirements applicable to businesses with operations in the state. The format of employee paychecks (and corresponding paystubs) is an issue that is frequently overlooked by non-California businesses, despite the fact that California law features very specific provisions addressing these requirements. One group who is distinctly *not* overlooking these requirements is the California plaintiffs' bar, which has targeted out-of-state companies via class actions alleging improper paycheck practices. Because paycheck templates are typically used companywide, class action certification is virtually guaranteed in these cases, and the statutory penalty provisions multiply on a per-paycheck, per-employee basis, so the potential exposure is often quite large, even for a technical violation. So, now that we have your attention, what does California law require?

Section 226 of California's Labor Code specifies the information that must be included on an employee's paystub, as follows: (1) gross wages, (2) total hours worked, except for salaried, overtime-exempt employees, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) deductions (may be aggregated), (5) net wages earned, (6) the inclusive dates of the pay period, (7) employee name and the last four digits of his/her social security number (or employee identification number), (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period, the corresponding number of hours worked at each hourly rate, and, as of July 1, 2013, if the employer is a temporary services employer, the rate of pay and the total hours worked for each temporary services assignment. All employees must be provided a paystub (or the opportunity to access one).

Section 212 of California's Labor Code prohibits an employer from issuing a paycheck unless it is "negotiable and payable in cash, on demand, without discount, at some established place of business within the state, the name and address of which must appear on the instrument. . ." This means that the paycheck must have the name of a California financial institution *on the face of the check*, where an employee may present his/her check to be cashed on payday, without incurring a fee or a "hold" on funds.

Employees who are paid via direct deposit or other electronic means are not exempted from these requirements. Further, attempts by employers to hold third-party payroll providers liable for violations of either of the above statutes have been unsuccessful. The courts have consistently held that the obligation to comply with these provisions lies solely with the employer. In our experience, many large payroll providers may be unaware of these provisions, leaving companies with nationwide footprints exposed to potential liability. These are facially simple requirements, but ignorance is not a defense. If you don't review your pay practices, you might find it is, indeed, time to pay the piper.

If you have any questions about this, or any other California matter, please contact:

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be paid minimum wage for the hours they interned. As reported in the press, the case was ultimately settled for approximately $110,000, including attorneys' fees, which was exponentially less than both the amount in controversy in the case and the likely cost of defense, had the litigation continued beyond the initial pleadings phase.

Thomas M. Wilde and **Patrick W. Spangler** obtained a favorable decision from the Illinois Appellate Court affirming a jury verdict in favor of a national retailer on a retaliatory discharge claim. The jury had ruled in the company's favor following an eight-day trial.

Thomas M. Wilde and **Emily C. Fess** obtained summary judgment in favor of a national manufacturing company in the U.S. District Court for the Western District of Missouri. The plaintiff was a 30-year employee who claimed he was terminated due to his age.

Patrick W. Spangler successfully represented a national logistics company in the on-site investigation of a complaint filed with OFCCP alleging failure to accommodate and disability discrimination under Section 503 of the Rehabilitation Act and violations of Executive Order 11246. Following a three-day investigation, OFCCP determined that no violations occurred and declined enforcement of the complaint.

Heather M. Sager, of our San Francisco office, and **Lyle Zuckerman**, of our New York office, led a team of legal, management and human resources professionals for a national retailer in successfully defeating a heavily-supported union organizing effort.

Aaron R. Gelb won a discharge arbitration on behalf of a hotel client. The grievant, a restaurant server with more than 20 years seniority, was terminated on suspicion of stealing a cash payment of less than twenty dollars for brunch. The arbitrator upheld the discharge, declining to reinstate the employee or award her any damages.

Employment Law Update, DC

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Labor & Employment Law Group

Vedder Price is known as one of the premier employment law firms in the nation, representing private- and public-sector management clients of all sizes in all areas of employment law. The fact that over 50 of the firm's attorneys concentrate in employment law assures ready availability of experienced labor counsel on short notice; constant backup for all ongoing client projects; continual training and review of newer attorneys' work by seasoned employment law practitioners; and intra-area knowledge that small labor sections or boutique labor firms cannot provide.

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Vedder Price is a thriving general-practice law firm with a proud tradition of maintaining long-term relationships with our clients, many of whom have been with us since our founding in 1952. With approximately 300 attorneys and growing, we serve clients of all sizes and in virtually all industries from our offices in Chicago, New York, Washington, DC, London and San Francisco.

Vedder Price P.C. is affiliated with Vedder Price LLP, which operates in England and Wales, and with Vedder Price (CA), LLP, which operates in California.

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