

# THE EMPLOYMENT LAW AFTERMATH

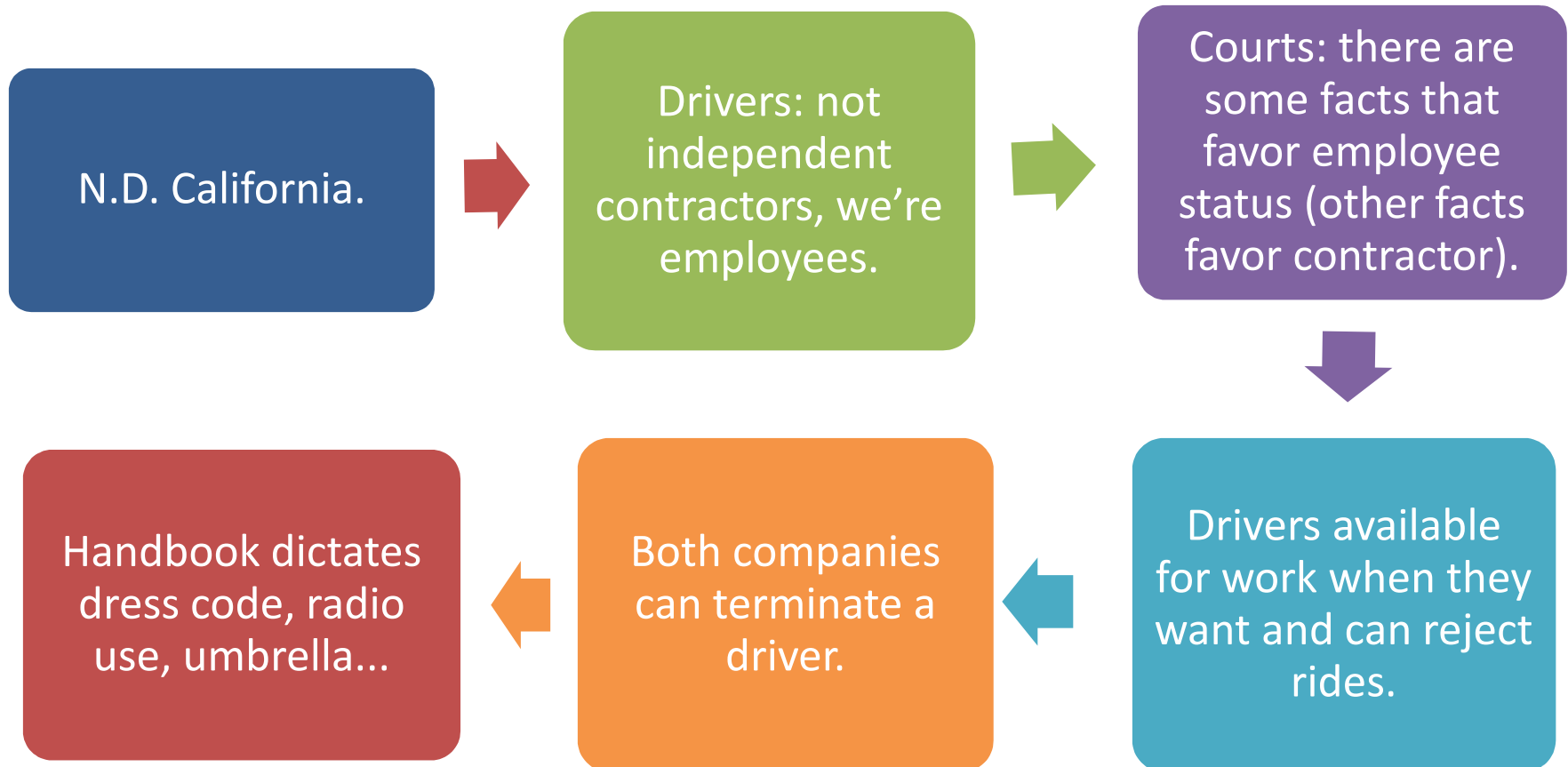
The background of the top section is a photograph showing the silhouettes of several business professionals in a meeting room. They are standing around a table, some holding papers, and appear to be in a discussion. The room has large windows in the background, and the lighting is dim, with a bright light source creating a glow behind the people.

with Manesh Rath

**AN EMPLOYMENT LAW UPDATE WITH  
MANESH RATH  
APRIL 30TH, 2015**

# The Employment Law Aftermath

## *O'Connor v. Uber* *Cotter v. Lyft*



# The Employment Law Aftermath

## *EEOC v. Allstate Insurance Co.*

Allstate reorganized.  
Terminated 6,200.  
Offered Independent contractor or severance pay.  
Required to sign a release.

EEOC sued Allstate.  
Refusal to execute is a protected activity under discrimination statutes.  
Refusing to engage independent contractors is thus retaliatory.

Third Circuit:  
Refusing to sign a release is not: a.) opposing unlawful act, or b.) participating in a hearing, proceeding or investigation

# The Employment Law Aftermath

## *Soto-Feliciano v. Villa Cofresi Hotels, Inc.*

Supervisor made statements about Mr. Soto-Feliciano being too old.

Hotel complained that he was late to work, used profanity, engaged in religious harassment. Threatened supervisor.

Hotel conducted an investigation. It suspended, then discharged him.

Sued, claiming age discrimination

First Circuit: Employer had legitimate reason. But it has used progressive discipline in past. Change is evidence of pretext, and must proceed to trial.

# The Employment Law Aftermath

## Fair Pay and Safe Workplaces E.O.

### Executive Order 13673

Prime Contractor must report actual and potential labor violations from past three years

If serious, repeat, willful or pervasive

Must require similar compliance from subs

14 statutes incl FLSA, discrimination, FMLA, OSHA, NLRA

Contracting officer must make a “responsibility determination” and appropriate remedial measures

# The Employment Law Aftermath

## NLRB General Counsel Memo On Employer Policies

Requiring confidentiality of employee info

Limiting argument and debate or criticizing management

Insubordination and walking off the job

Conflict of interest rules

Restricting media contact

Prohibiting false statements about employer

Requiring self-identification in social media

Prohibiting use of copyrights and trademarks

Restricting Photography or Recording

Requiring Participation in Investigations

# THE EMPLOYMENT LAW AFTERMATH

with **Manesh Rath**

***THANK YOU!***

**THE NEXT EMPLOYMENT LAW AFTERMATH:  
Thursday, July 30<sup>th</sup> at 12:00 pm**

**DO YOU KNOW ABOUT THE OSHA 30/30?  
[WWW.KHLAW.COM/OSHA3030](http://WWW.KHLAW.COM/OSHA3030)  
Next one: Wednesday, May 20<sup>th</sup> at 1:00 pm**

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