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Top Employment Law Cases in 2014

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Arbitration:

► Gentry v. Superior Court was overruled; and Employees cannot waive PAGA actions in any forum.

Iskanian v. CLS Transportation LA (California 06/23/2014)
<http://case.lawmemo.com/ca/iskanian1.pdf>

Why important? This is an anti-class action decision that may discourage individuals from pursuing claims against employers; however the court found that an employee could not waive PAGA actions.

Discrimination:

► Union that refused to represent African-American teacher, who later won his case on his own and was reinstated, is being sued for violating Title VII.

Green v. American Federation of Teachers (7th Cir 01/23/2014)
<http://case.lawmemo.com/7/green1.pdf>

Why important? Interesting discrimination claim against a union.

► As applied to closely held corporations, Health and Human Services regulations imposing the contraceptive mandate violate the RFRA (5-4).

Burwell et. al v. Hobby Lobby Stores et al. (US Supreme 06/30/2014)
<http://case.lawmemo.com/us/burwell.pdf>

Why important? How far can closely held corporations go in claiming that the federal government violates the RFRA?

Labor Management:

► Private mediation sessions, which resulted in a MSA that changed defined pension benefits of city employees in unions, in federal court violated the

Sunshine Law.

Brown v. Denton (Florida Ct App 10/21/2014)

<http://case.lawmemo.com/fl/brown1.pdf>

Why important? Parties to a collective bargaining agreement can't circumvent the bargaining process; and this case provided that by holding closed-door negotiations that resulted in changes to public employee's pension benefits, the defendants ignored an important party who also had the right to be in the room—the public.

Wage & Hour & Labor Management:

► Time workers spend donning and doffing protective gear is not compensable when the parties' CBA provides that changing clothing is not compensable under the Fair Labor Standards Act, Section 203(o).

Sandifer v. United States Steel Corp (US Supreme 01/27/2014)

<http://case.lawmemo.com/us/sandifer.pdf>

Why important? Decision that had a tremendous effect on blue collar workers in unions who spend a lot of time donning and doffing.

Retaliation/Speech:

► Public employee's sworn testimony at former city employee's criminal trials is speech as a citizen on a matter of public concern.

Lane v. Franks (US Supreme 06/19/2014)

<http://case.lawmemo.com/us/lane.pdf>

Why important? A public employee should not be fired for providing sworn testimony.

SOX:

► Section 1514A of the Sarbanes-Oxley Act protects whistleblowers who are employees of private contractors and subcontractors (6-3).

Lawson v. FMR LLC (US Supreme 03/04/2014)

<http://case.lawmemo.com/us/lawson.pdf>

Why important? The Court held that based on the text of Section 1514A and legislative history, Congress intended the law to protect whistleblowers who are employees of private contractors and subcontractors. American corporations, the economy required this decision.

► Employer informing employee's colleagues that he blew the whistle to the SEC constituted illegal retaliation under SOX.

Halliburton v. ARB (5th Cir 11/12/2014)

<http://case.lawmemo.com/5/halliburton.pdf>

Why important? The court found that the employee suffered an adverse action because in his workplace environment, collaboration is an important part of the job and that the employer's disclosure was a contributing factor in the employee being ostracized. The court further found that the employer's targeted disclosure created an environment of ostracism that might dissuade a reasonable employee from whistleblowing.

Important To Be Decided:

► Whether an employer can be liable under Title VII of the Civil Rights Act of 1964 for refusing to hire an applicant or discharging an employee based on a "religious observance and practice" only if the employer has actual knowledge that a religious accommodation was required and the employer's actual knowledge resulted from direct, explicit notice from the applicant or employee

Equal Employment Opportunity Commission v. Abercrombie & Fitch Stores, Inc.

Why important? Decision that will decide when or how an employer acquires actual knowledge that a religious accommodation is required; and I believe this case will have far reaching implications on discrimination claims.

► Whether, when construing collective bargaining agreements in Labor Management Relations Act (LMRA) cases, courts should presume that silence concerning the duration of retiree health-care benefits means the parties intended those benefits to vest (and therefore continue indefinitely), as the Sixth Circuit holds; or should require a clear statement that health-care benefits are intended to survive the termination of the collective bargaining agreement, as the Third Circuit holds; or should require at least some language in the agreement that can reasonably support an interpretation that health-care benefits should continue indefinitely, as the Second and Seventh Circuits hold.

M&G Polymers USA, LLC v. Tackett

Why important? This decision will have an affect on a number of former union retirees in this country and how much governments will need to contribute to their care oppose to private insurance companies.