



Newsletters

Labor & Employment Newsletter - July 2018

July 26, 2018

Hinshaw's Labor & Employment newsletter has two stories this month with a nexus to recent U.S. Supreme Court decisions which are favorable to employers. Our first story reviews recent efforts by the New York legislature and the City of New York to expand employee protections in response to these decisions. Our second story reviews the potential impact of the recent *Epic Systems* decision on California employers and a California employment protection law.

New York Implements State and City Laws Further Expanding Employee Protections

While the United States Supreme Court's recent decisions tilt on the side of employers, New York's recent employment laws have sought to expand the rights of employees. Beginning in 2017 and continuing through this year, New York has adopted new laws and revised existing ones to strengthen employee protections and benefits. With the increasing vigilance of state and local agencies to enforce compliance, we explain why employers should review their existing policies and procedures to avoid investigations and penalties.

[>>Read more](#)

The Impact of Epic Systems SCOTUS Decision on California Employers

Hinshaw partner and business litigator, Ed Donohue, recently published an analysis in the *LA Daily Journal* titled "An Epic shadow over PAGA," which discusses the potential implications for California employers of the U.S. Supreme Court decision in *Epic Systems Corporation v. Lewis*, 138 S. Ct. 1612 (2018). The Court ruled in *Epic* that an employer may lawfully require an employee to waive the right to bring a collective action under Section 16 of the Fair Labor Standards Act (FLSA). The decision in *Epic* is significant for California employers for two reasons. First, it assures that employers with collective action waivers will be shielded from future multistate collective actions under the FLSA. Second, because collective actions under the FLSA are similar to representative actions under California's Private Attorneys General Act of 2004 (PAGA), the *Epic Systems* ruling is likely to be raised by employers in challenges to California's judicially established rule that the right to bring representative claims under PAGA may not be waived in an employment arbitration agreement.

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Service Areas

Labor & Employment



Hinshaw's 23rd Annual Labor & Employment Seminar

Hinshaw's 23rd Annual Labor & Employment Seminar will be held on Wednesday, October 17, 2018 at the Hilton Chicago-Northbrook in Northbrook, Illinois. Join in-house legal counsel, business leaders, human resource executives and other professionals for an informative seminar that examines and analyzes a wide range of current issues affecting employers. The seminar also offers practical strategies and best practices for minimizing your company's exposure to claims.

[>>Read more and register now!](#)

Employment Law Observer Blog

- [California Court Okays Hour Rounding Policy](#)
 - [The Fight for \\$15 and the NLRB](#)
 - [Lawful, Unlawful, or It Depends? NLRB Issues New Guidance on Employer Policies Affecting Section 7 Rights](#)
 - [Multiple Minimum Wage Increases to Take Effect on July 1, 2018](#)
 - [Unpacking the Supreme Court's Janus Decision](#)
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For more information, please contact Aimee Delaney.