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Newsletters

Labor & Employment Chronicle - Summer 2019

August 28, 2019

Welcome to the *Labor & Employment Chronicle*, our quarterly newsletter that reviews the top stories from Hinshaw's *Employment Law Observer* blog.

When Taking a Mexican Vacation During Your FMLA Leave is Not Grounds for Termination

Going on vacation is one of the best parts of summer. However, as *Employment Law Observer* explains in this post, one employer discovered—to its cost—that terminating an employee for taking a Mexican vacation during his FMLA leave violated the FMLA, the ADA, and Massachusetts law.

Seventh Circuit is Latest Federal Court to Limit ADA Protection for Obesity

Regulators, judges, and academics have long been vexed over the issue of whether obesity, not caused by an underlying physiological condition, is a disability covered by the ADA. Notwithstanding existing EEOC Enforcement Guidance that obesity is in and of itself protected under the ADA, the Seventh Circuit Court of Appeals recently weighed in on the issue and held obesity is not an ADA-protected disability unless it is caused by a physiological disorder or condition.

In a Win for Labor Unions, Illinois Governor Pritzker Signs Bill Prohibiting Municipalities from Establishing Right-to-Work Zones

Labor unions in Illinois notched a win when Governor J.B. Pritzker signed into law the Collective Bargaining Freedom Act. The new law limits the ability of municipalities, counties, villages, and taxing districts to enact "right-to-work zones" which prevent employers and unions who work within the zones from executing, implementing, and enforcing union security provisions.

Hair Today…Discrimination Tomorrow? California and New York Adopt Hair Style Protections, Others Surely to Follow

California and New York both adopted legislation that provides legal protection from discrimination in the workplace and in public schools for natural and protective hairstyles historically worn by black people and people of color. The

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state of New Jersey is considering similar legislation.

SCOTUS Reverses Ninth Circuit, Finds Class Arbitration Must be Explicitly Authorized in Agreements

The U.S. Supreme Court handed employers another win when it addressed the issue of whether a worker can pursue class arbitration when an arbitration agreement does not explicitly address class arbitration. In line with its Epic Systems ruling last year, SCOTUS, by a 5-4 vote, ruled that class arbitration is also barred in such circumstances, meaning employees must submit claims to arbitration on an individual basis.

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