

40th Annual Corporate Counsel Institute

May 17—18, 2018 • Dallas, Texas

2018 Employment Law Update

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Overview

- ❖ U.S. Supreme Court Update
- ❖ #MeToo and Non-Disclosure Agreements
- ❖ Federal Agency Update
- ❖ Pay Equity
- ❖ Paid Family Leave
- ❖ Paid Sick Leave
- ❖ Severance Agreements
- ❖ Arbitration Agreements and Class Waivers
- ❖ Class Actions – Age Discrimination
- ❖ FLSA Changes
- ❖ Joint Employer Update

U.S. Supreme Court Update

Digital Realty Trust Inc. v. Somers (Feb. 2018)

- ❖ Statutory definition of “whistleblower” under Dodd-Frank clarified.
- ❖ SEC must serve as “gatekeeper.”

Encino Motor Cars, LLC v. Navarro (Apr. 2018)

- ❖ Auto service advisors are exempt from overtime.
- ❖ Rejected “narrow construction” doctrine for “fair interpretation.”



#Me Too

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What to Expect ... For Now

Changes in the legal landscape will likely originate from the following (mis)perceptions of corporate responses to sexual harassment claims that stem from a belief that companies have been “complicit:”

- (1) Scrutiny of confidential ways employers resolve sexual harassment complaints and lawsuits (“silencing victims”);
- (2) Companies “cover up” or discourage employees from coming forward with complaints of sexual harassment ;
- (3) Companies do not sufficiently hold sexual harassers accountable for their misconduct.

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First appeared as part of the conference materials for the
40th Annual Corporate Counsel Institute session
"Recent Developments in Labor and Employment Law"