



Section on Labor & Employment Law

The Mission of the ISBA Labor & Employment Law Section:

To inform section members and the public of important developments in labor law through meetings, newsletters, public appearances, news releases, etc.; to review and comment on proposed legislation and regulations in the labor law field; to foster opportunity for informal contacts between attorneys representing labor and management to promote increased candor and less contentious relationships between them and their clients; to foster improvement in the efficient and equitable administration of federal and state labor legislation.

General:

- ◆ Section fees are \$25 per year.
- ◆ To join, go to www.isba.org/sections

Continuing Legal Education

The Section sponsored or co-sponsored 11 programs during the year:

- ◆ **Union Agency Shop Rule under Attack: Friedrich v. California Teacher's Association LIVE WEBCAST (Sept. 14, 2016)**
- ◆ **Nuts and Bolts of Equal Employment Opportunity Commission Practice LIVE WEBCAST (Oct. 6, 2016)**
- ◆ **Settlement and Severance Agreements: The Non-Pecuniary Terms (Nov. 3, 2016)**
- ◆ **Written Discovery Part 1: Interrogatories, Document Requests & Request to Admit – What to Ask For and How to Get It LIVE WEBCAST (Dec. 1, 2016)**
- ◆ **Demystifying the Union's Duty to Fair Representation LIVE WEBCAST (Jan. 18, 2017)**
- ◆ **Written Discovery Part 2: Electronic Discovery – How to Seek, Locate, and Secure LIVE WEBCAST (Feb. 23, 2017)**
- ◆ **A New Summary Judgment Standard for Discrimination Cases: Ortiz v. Werner Enterprises, Inc. LIVE WEBCAST (March 1, 2017)**
- ◆ **Jury Selection Techniques and the Use of Jury Focus Groups (March 24, 2017)**
- ◆ **4th Annual Elder Law Bootcamp: Basics and Beyond (April 27-28, 2017)**
- ◆ **Litigating Your First Illinois Human Rights Act Discrimination Case from A-Z (May 23, 2017)**
- ◆ **The Inappropriate Use of Non-Competition Agreements (June 27, 2017)**

Section members also receive discounts on section-sponsored CLE programs.

Legislation

The Section Council reviews proposed legislation that may affect their members' practice area. Highlights of the most recent legislative session include:

1. Number of bills reviewed: 44
2. Significant legislation:
 - a. House Bill 647 - Human Rights-Protection Orders
 - b. House Bill 665 - Negligent Hiring-Limitations
 - c. House Bill 3062 - Wrongful Discharge Employment

Newsletters

Delivered electronically unless otherwise requested. During 2016-17 the Section published five newsletters. Articles include:

- ◆ 2016 legislation (Dec. 2016)
- ◆ Class action waivers in employment arbitration agreements unenforceable: Seventh Circuit decision creates Circuit split (Sept. 2016)
- ◆ Court affirms fee award under Human Rights Act (Sept. 2016)
- ◆ Court affirms that 'disability harassment' constitutes unlawful discrimination: A confirmation that certain truths are self-evident (Mar. 2017)
- ◆ Court parses Human Rights Act jury instructions (Mar. 2017)
- ◆ The Defend Trade Secrets Act—New employer rights and responsibilities (Sept. 2016)
- ◆ Drug-testing after workplace injuries: Illinois Workers' Compensation Act likely not a workaround to new OSHA rule (Dec. 2016)
- ◆ Employee's suit for green-card sponsorship fails (Apr. 2017)
- ◆ Employer flubs credit check on job applicant (Feb. 2017)
- ◆ The importance of a doctor's note: Medical documentation requirements under the Americans With Disabilities Act (Feb. 2017)
- ◆ Navigating mandatory arbitration in Cook County's Law Division, Commercial Calendar Section (Feb. 2017)
- ◆ New overtime rule impacts exempt employees (Sept. 2016)
- ◆ NLRB rulings impede employer investigations (Apr. 2017)
- ◆ OSHA developments: Electronic records, drug testing, and drastically increased penalties (Sept. 2016)
- ◆ Pre-employment screening in Illinois (Feb. 2017)
- ◆ Required exhaustion of remedies in discrimination cases: Good-faith attempts and bureaucratic inaction can be fatal to a claim (Dec. 2016)
- ◆ A short summary of Ortiz v. Werner Enterprises, Inc., 2016 WL 4411434 (7th Cir. 2016) (Dec. 2016)
- ◆ When is it Weingarten? An employee's right to a union rep during employer questioning (Apr. 2017)

Other

- ◆ **The ISBA Labor & Employment Discussion List** allows section members to pose questions and share information with fellow section members from around the state.