

## **Employment Authority: Office Party Case & Vegas Union Fight**

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**Highlight:** Law360 Employment Authority covers the biggest employment cases and trends. Catch up this week with a deep dive into what a \$450,000 win for a worker fired after an unwanted office birthday can teach employers about handling mental health issues, a look into academia's unique wage and hour concerns, and **Station Casinos'** battle with the Culinary Workers Union.

### **Body**

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Law360 Employment Authority covers the biggest employment cases and trends. Catch up this week with a deep dive into what a \$450,000 win for a worker fired after an unwanted office birthday can teach employers about handling mental health issues, a look into academia's unique wage and hour concerns, and **Station Casinos'** battle with the Culinary Workers Union.

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#### **DISCRIMINATION 3 Takeaways From Worker's \$450K Win In Birthday Party Case**

A recent \$450,000 jury win for a fired lab worker who said his employer triggered panic attacks by throwing him a birthday party he didn't want may seem unique, but experts said the case illustrates the importance for all employers of being in tune with employees' mental health.

#### **LGBTQ Bias In Fertility Benefits Is An Emerging Battleground**

A legal action against New York City has put the spotlight on employee medical plan rules that box LGBTQ workers out of fertility benefits, and experts predict more cases will follow as insurers and employers catch up with the ramifications of the U.S. Supreme Court's landmark Bostock decision.

### WAGE & HOUR Esports Classification Concerns Persist As Gaming Grows

Independent contractor classification in the world of high-level video game competition, known as esports, remains a concern for employment attorneys as the industry grows in popularity and prominence. Here, Law360 examines the issue.

### Higher Ed Still Falling 'Between The Cracks' Of W&H Laws

A recent University of California, Los Angeles job posting for a zero-compensation assistant adjunct professor position shows how work in academia raises distinct compliance challenges and isn't always characterized by typical employer-employee relationships, attorneys said.

### Billions In Federal Spending Guided By Prevailing Wage Rules

The infrastructure bill President Joe Biden signed into law in the fall is set to unleash hundreds of billions of dollars on roads, bridges, trains and other construction projects - and the rate laborers will be paid is crucial to how that money will be spent. Here, Law360 explores the wage surveys that guide prevailing wage determinations.

### NY Employers Face Long & Costly Pay Frequency Litigation

A New York appellate decision granting manual workers the right to sue and recover liquidated damages on late but fully paid wages means employers need to do a risk assessment of whether their workers do any physical labor, attorneys say, noting these new suits won't easily be tossed from courts.

### LABOR Experts See No Quick End To Station Casinos Union Disputes

Station Casinos and a powerful Las Vegas union remain locked in lengthy and contentious fights over unionization efforts at the company's off-strip resorts, and observers of the dispute say neither side is likely to move off of its position any time soon.

### FROM OUR EXPERTS DOL's New Retaliation Focus Requires Employer Vigilance

In light of the U.S. Department of Labor's recently issued bulletin signaling a wide-sweeping approach and enforcement posture to even subtle forms of retaliation, employers must ensure they have a solid framework for fair treatment, prompt investigation and appropriate resolution of employee complaints, says Mark Tabakman at Fox Rothschild.

### To Close Pay Gaps, Laws Must Shift Burden To Employers

To address the scourge of gender- and race-based pay gaps, legislators should follow the recent lead of several jurisdictions by requiring companies to advertise salary ranges with job postings and prohibiting reliance on past pay, reversing the information asymmetry that gives employers more bargaining power, say Christine Webber and Rebecca Ojserkis at Cohen Milstein.

### ADA Ruling's Lessons On Worker Drug Tests In A CBD World

An Indiana federal court's recent decision in *Rocchio v. E&B Paving*, holding that a company did not violate the Americans with Disabilities Act in firing an employee who later claimed cannabidiol oil led to his failed drug test, offers key lessons for employers, workers and CBD product manufacturers, say attorneys at Bradley Arant.

### 3 Circuit Court Rulings Offer ADA Compliance Lessons

Three recent decisions from the First, Seventh and Tenth Circuits - all of which resulted in employer victories over Americans with Disabilities Act claims - provide several important takeaways for companies navigating the ADA's contours both during an individual's hiring process and subsequent employment, say Erin Foley and James Nasiri at Seyfarth.

### BIPA Ruling May Limit Employer Liability Under Labor Law

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An Illinois appeals court's recent decision in *Walton v. Roosevelt University*, holding that federal labor law preempted an employee's Biometric Information Privacy Act claims, creates a precedent for employers with unionized workplaces to direct such claims to arbitration and possibly regain some leverage in settlement discussions, say attorneys at Thompson Coburn.

## Bankruptcy Rulings Highlight Split On Excusable Neglect

The Fifth Circuit's recent decision in *CJ Holding*, and a New York federal bankruptcy court's recent decision in *Westinghouse*, contribute to a growing split on the weight assigned to various factors when courts decide what may constitute excusable neglect in bankruptcy filing, say attorneys at Cullen Dykman.

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