Bryce Downey & Lenkov LLC

Labor & Employment Newsletter
December 2018

Justice Kavanaugh Confirmed Amid Allegations of Sexual Assault

Brett Kavanaugh was confirmed to be the ninth justice of the United States Supreme Court despite a very contentious confirmation process amid sexual assault accusations by Dr. Christine Blasey Ford and others. The allegations resulted in testimony by Dr. Ford before the Senate Judiciary Committee and a brief FBI investigation.

In the aftermath of the #MeToo movement, the spotlight was on Dr. Ford and her allegations, which were three-decades in the making. Throughout the confirmation process, Justice Kavanaugh vehemently denied the allegations.

The Senate confirmed Justice Kavanaugh by a very slim margin of 50-48. He officially took his seat on the Supreme Court on October 6, 2018.

Justice Kavanaugh is expected to align with the conservative bloc of the Court, which will give the Court a conservative majority for what some predict to be an entire generation of legal decisions. This shift is anticipated to benefit employers related to labor and employment cases.

Practice Tip:

We will continue to monitor any employment-related decisions now that SCOTUS is back in session. A review of the cases already argued before the Court this session remind us that arbitration agreements remain a hot issue and should be drafted carefully and clearly by legal counsel.

SCOTUS: ADEA Applies to Small Public Employers

In a unanimous decision, the U.S. Supreme Court has ruled that the Age Discrimination in Employment Act (ADEA) applies to all states and localities, regardless of the number of their employees.

In *Mount Lemmon Fire District v. Guido, U.S.*, No. 17-587, the two oldest firefighters were laid off from the Mount Lemmon Fire District, a political subdivision of Arizona, and brought suit under the ADEA alleging age discrimination. The employer, which employed fewer than 20 employees, argued that the ADEA did not apply because it was too small to qualify as an employer under the law; the district court agreed. The Ninth Circuit Court of Appeals reversed, and in its holding, held that the language of the ADEA unambiguously stated that the statute applied to all state and political subdivisions without regard to the number of employees.

The Sixth, Seventh, Eighth and Tenth circuits have previously held that the ADEA did not apply to public employers with less than 20 employees, creating a circuit conflict. The Supreme Court granted review of the case to resolve the conflict.

The ADEA defines "employer" as a person engaged in an industry affecting commerce who has 20 or more employees. . . . The term also means (1) any agent of such a person and (2) a state or political subdivision of a state."

The fundamental issue in the case was whether the phrase “also means” in the definition clause added new categories to the definition of employers such that small entities were covered, or if it merely clarified the employers identified in the first sentence of the clause. The Court concluded that it meant the former.

The Court also based its decision in part, on comparing the ADEA to the Fair Labor Standards Act (FLSA), which like the ADEA, was amended in 1974 and also applies to all state and political subdivisions regardless of the number of employees they have. The Court noted that many aspects of the ADEA are based upon the FLSA.

Practice Tip:

Small public employers should review and reassess their anti-discrimination policies and procedures to ensure compliance with the ADEA. This ruling is expected to result in increased litigation due to Baby Boomers, who were already covered by the law and continue to work past the normal retirement age. Older Millennials will soon be covered by the law as well.

Employee Voting Rights in Illinois

The 2018 Illinois General Election took place on November 6th. Under the current political climate, the push to encourage voters to make it to the polls was palpable. Employers may be wondering what their obligations are to provide time off for their employees to vote in future elections.

While federal law does not require employers to provide employees with time off to vote on Election Day, many states, including Illinois, provide for paid time off from work for employees to vote.

In Illinois, employees who are entitled to vote have a right to be absent from work with pay for a period of up to two hours to cast their vote. This right is not without limitations, however. Below are some of the Illinois voting law details:

1. Only individuals "entitled to vote" in a general or special election, or at any election at which propositions are submitted to popular vote are entitled to be absent for two hours to vote. Employers can request proof of an employee's eligibility to vote when receiving a request for time off to vote during work hours. To show eligibility, employees can submit a copy of their voter registration card, or employees or employers can check registration status online.

2. The two-hour absence for voting may only occur between the time of opening and closing the polls, which in Illinois is from 6:00 a.m. to 7:00 p.m.

3. Employers may specify the hours during which employees may absent themselves to vote, except that employers must permit a two-hour absence during working hours if the employee's working hours begin less than two hours after the opening of the polls and end less than two hours before the closing of the polls.

4. Employees are entitled to take time off to vote only if they have applied for or informed their employer of their need for time off to vote in advance of the election. If the request is not timely made (i.e. the employee waits until Election Day before making the request), the employer may deny the request.

5. Employers may not subject their employees to any penalties because the employee takes time off to vote.

Illinois employers with 25 or more employees are also required to accommodate employees serving as election judges. An employee appointed to serve as an election judge is entitled to be absent from work for serving in that capacity under the following circumstances:

1. The employee must give his or her employer at least 20 days' written notice of his or her absence.

2. Time off serving as an election judge need not be paid.

3. An employer may not penalize an employee for that absence other than a deduction in salary for the time the employee was absent from his or her place of employment.

4. An employer may not require an employee to use earned vacation time or any form of paid leave time to serve as an election judge.

5. Employers are not required to permit more than 10% of their employees to be absent for purposes of serving as election judges on the same election day.

Practice Tip:

Voting is the foundation of our democratic system and each voter's right and civic duty. Employers should be mindful not only of the legal requirements set forth above, but also to respect their employees' decision to take time off to vote or to participate as an election judge.

NLRB: Proposed Joint Employer Rule

In September, the National Labor Relations Board (NLRB) published a "Notice of Proposed Rulemaking" in the Federal Register regarding its joint-employer standard. The proposed rule will adopt the pre-*Browning-Ferris* standard for determining if two or more employers are joint employers of employees.

Under the proposed rule, an employer may be considered a joint employer of a separate employer's employees only if the two employers share or codetermine the employees' essential terms and conditions of employment, such as hiring, firing, discipline, supervision and direction. A putative joint employer must possess and actually exercise substantial direct and immediate control over the employees' essential terms and conditions of employment in a manner that is not limited and routine.

The proposed rule would return the definition of a joint-employer to the pre-*Browning-Ferris* decision. In that controversial 2015 Obama-era decision, the NLRB expanded the definition of joint-employer, changing the degree of control a contractor must have over a contracted employer for the two to be considered joint employers. *Browning-Ferris* determined that direct control was no longer needed and that indirect control or potential control would satisfy the test.

Generally, there is a 60-day comment period following the publication of a proposed rule. In this case, the NLRB extended the time for submitting comments for an additional 30 days, until mid-December.

Practice Tip:

The rule is expected to settle a contentious area of the law for employers and finally define who is a joint employer. If the definition returns to the pre-*Browning-Ferris* test, it would be good news for employers because the elements of control would be more clearly defined.

Biometric Data: Evidence of Injury or Harm

The The Biometric Information Privacy Act ("BIPA") expressly provides that "any person aggrieved by a violation" of the Act may pursue money damages and injunctive relief against the offending party. (740 ILCS 14/1 et seq.)

In our February 2018 newsletter, we discussed the recent challenges under BIPA. Specifically, we addressed and analyzed the *Rosenbach v. Six Flags Entertainment Corp.*, No. 2-17-0317, 2017 IL App (2d) 170317 holding. To briefly recap, the Second District Court in *Rosenbach* held that, to be "aggrieved" requires "an actual injury, adverse effect, or harm in order for the person to be aggrieved." The court held that "a plaintiff who alleges only a technical violation of the statute without alleging some injury or adverse effect is not an aggrieved person under section 20 of the Act." Thus, defendant's failure to provide notice or to obtain plaintiff's consent before collecting his thumbprint, on its own, was not sufficient to meet the standard.

In May, U.S. District Court for the Northern District of Illinois in *Dixon v. The Washington and Jane Smith Community – Beverly,* No. 17-8033 (N.D. Ill. May 31, 2018), refused to dismiss a suit involving an employee's fingerprints being scanned into a biometric timekeeping device. The Plaintiff in *Dixon* alleged that the defendant failed to give adequate notice or obtain written consent before colleting her fingerprints, failed to post a biometric data retention policy, and disclosed the biometric data to a third-party vendor without informing her that it was doing so. The *Dixon* court also held that the Plaintiff demonstrated that she was sufficiently "aggrieved" to show a cognizable claim under BIPA. The court emphasized Plaintiff's allegations that defendant failed to inform its employees that it discloses employees' fingerprint data to its out-of-state third-party vendor. The *Dixon* court recognized the *Rosenbach* holding, but distinguished it based on the disclosure of biometric data, without consent, to a third party.

Just last month, the Illinois First District Court, in *Sekura v. Krishna Schaumburg Tan, Inc.*, 2018 IL App (1st) 180175, revisited the same "aggrieved party" issue. The Plaintiff in *Sekura* alleged that upon purchasing a membership with defendant, she was required to provide a scan of her fingerprint and that the biometric data was also sent to a third-party vendor. Plaintiff specifically alleged: (1) she was never informed of the specific purposes or length of time for which defendant collected, stored or used her fingerprints; (2) she was never informed of any biometric data retention policy or whether defendant would ever permanently delete her fingerprint data; (3) she was never provided with, nor signed, a written release allowing defendant to collect or store her fingerprints; and (4) she had never been provided with, nor signed, a written release allowing defendant to disclose her biometric data to any third party.

The trial court originally granted defendant's motion to dismiss regarding Plaintiff's count alleging BIPA violations. Defendant eventually filed a motion asking the trial court to reconsider its denial in light of the recently decided *Rosenbach* decision. The trial court granted defendant's motion to reconsider and reversed its earlier denial of defendant's motion to dismiss.

On appeal, the First District Appellate Court held that Plaintiff's allegations were sufficient to support a cause of action. Specifically, the court held that:

> "Pursuant to both the plain language of the statute itself and its legislative history and purpose, the Act does not require a harm in addition to a violation of the Act in order to file suit. The Act states, very simply, that any person 'aggrieved by a violation of this Act' may sue. It does not state that a person aggrieved by a violation of this Act—plus some additional harm—may sue."

The court distinguished the Plaintiff in *Sekura* from the Plaintiff in *Rosenbach,* reasoning that the former successfully alleged an "injury or adverse effect."

In reaching its holding, the court cited Plaintiff's allegations that she suffered an injury to her legal right to privacy of her own biometric information through the disclosure of this information to an out-of-state third-party vendor and mental anguish. The *Sekura* court managed to hold that BIPA does not require harm in addition to a violation of the Act, while simultaneously avoiding overruling the *Rosenbach* decision.

This issue of standing is certain to have further developments in the near future as the Illinois Supreme Court recently accepted cert of the *Rosenbach* appeal. It is likely that the Supreme Court will provide clarification regarding whether a person "aggrieved" by a violation of BIPA must allege some injury or harm beyond a mere procedural violation, and will shed light on the impact that a third-party disclosure has on these cases.

Practice Tip:

Until the Illinois Supreme Court renders its decision, the safest course of action is to prepare a biometric data retention policy and incorporate all biometric information and releases into your current employment documents for employees to review and sign.

DOJ: Transgender Workers Not Protected from Discrimination in the Workplace

In a brief filed with the U.S. Supreme Court in the fall, the Department of Justice (DOJ) argued that employers can discriminate against workers based on their gender identity without violating federal law.

The brief submitted by the DOJ weighs in on a current case pending before the Supreme Court, *Harris Funeral Homes v. EEOC*, which seeks to overturn a decision by the Sixth Circuit Court of Appeals. In that case, the Sixth Circuit found an employee had been fired because of her failure to conform to sex stereotypes, as well as her transgender status, amounting to a violation of Title VII's prohibition of discrimination on the basis of sex (see our April 16 blog post for further discussion of this case).

The DOJ filing stated "the ordinary meaning of 'sex' does not refer to gender identity."

The Supreme Court is expected to decide in the coming months whether to take up the case. The high court has also been asked to consider two other cases related to whether sexual orientation bias is a form of sex discrimination prohibited under existing law.

Practice Tip:

The Seventh Circuit Court of Appeals has previously ruled that Title VII protections apply to sexual orientation, and as such, employers in this Circuit are prohibited from discriminating against LGBTQ employees, which arguably includes transgender employees. If the Supreme Court takes on this case, the ruling will determine the issue under federal law on a national scale.

DOL: OK to Freeze Attendance Points During FMLA

By now employers are very familiar with the federal Family and Medical Leave Act (FMLA) which allows eligible employees 12 weeks of unpaid leave for various personal and family health and other reasons. Most employers also well know that FMLA absences cannot be counted against an employee under the employer's attendance policy. A somewhat murkier issue is what happens with employees' attendance and disciplinary records while out on FMLA leave?

Many employers have point-based attendance policies and progressive disciplinary policies under which attendance points or disciplinary action "drop off" employee's records after a certain length of time--typically 12 months. Does that time continue to run while an employee is on FMLA leave, so that the employee's points or discipline are removed after less than the policy's required period of incident-free active service? Or can the employer freeze the employee's attendance points or discipline record during their FMLA leave so that they drop off only after a longer period than designated in the employer's policy? An August 28, 2018 U.S. Department of Labor (DOL) opinion letter answered the attendance points question under reasoning which one could argue applies equally to employee disciplinary records (WHD Opinion Letter FMLA2018-1-A).

DOL opinions are not "law" but guide the DOL's internal actions and are persuasive authority to courts. The August 28 opinion letter addressed an employer's no-fault attendance policy which froze, throughout the duration of an employee's FMLA leave, the number of attendance points that the employee accrued prior to taking FMLA leave, with the drop-off time clock starting up when the employee returned from leave. The DOL said this practice did not violate the FMLA so long as the employer's practice applied equally to employees on all types of unpaid leave.

The DOL's opinion letter relied on two principles.

- First, the FMLA does not entitle an employee to gain superior benefits simply because he or she took FMLA leave, which would be the case if an employee's drop-off period ran during FMLA leave, since the employee would be required to actively work for a shorter period than other employees to have attendance points drop off.
- Second, removal of absenteeism points is a reward for working for which an employee would not be entitled if absent from work for non-FMLA reasons (the same principle applies to accumulation of seniority and perfect attendance bonuses).

Following the reasoning of the DOL's opinion letter, it should be permissible for an employer to freeze an employee's disciplinary record during FMLA leave without this constituting an FMLA violation.

Practice Tip:

If your company has a points-based attendance policy or similar disciplinary policy, you should make sure you are correctly tracking the points based on the parameters of your policy. In the case of an employee on FMLA leave, should you choose to "freeze" these points while the employee is on leave, you must equally apply that policy to employees on all other types of unpaid leave.

Seventh Circuit Reverses Summary Judgment In Favor Of Employer Based On Joint-Employer Test

In September, the Seventh Circuit Court of Appeals ruled that the district court erred in granting the defendant's pretrial motion for summary judgment in plaintiff's action under Title VII and the Illinois Human Rights Act. In *Frey v. Hotel Coleman*, No. 17-2267 (September 11, 2018), the plaintiff alleged that the defendant—a hospitality group hired to run the daily operations of the hotel—hired plaintiff to work in a hotel owned by another entity, sexually harassed her and terminated her in retaliation for making a discrimination complaint.

The district court granted summary judgment in favor of the defendant finding that it was not plaintiff's actual employer, and the entity that owned the hotel and actually paid plaintiff was the only applicable employer. Although both parties conceded that the hotel was plaintiff's employer, the Seventh Circuit held that the district court erred in failing to use a five-part "economic realities" test under *Knight v. United Farm Bureau Mut. Ins. Co.*, 950 F.2d 377, 378–79 (7th Cir. 1991) when determining that defendant was not a joint employer. Those factors include: (1) the extent of the employer's control and supervision over the worker, including directions on scheduling and performance of work; (2) the kind of occupation and nature of skill required, including whether skills are obtained in the workplace; (3) responsibility for the costs of operation, such as equipment, supplies, fees, licenses, workplace, and maintenance of operations; (4) method and form of payment and benefits; and (5) length of job commitment and/or expectations. *Knight*, 950 F.2d at 378–79.

The court explained that when looking at two different unrelated corporate entities and trying to determine if one or both were plaintiff's employer, the *Knight* test is the one a court must use for such purposes.

The Seventh Circuit further suggested that, due to the *Knight* factors, there was likelihood that the district court, on remand, would find defendant to be a joint employer based upon its day-to-day control/supervision it exercised over plaintiff and her job assignments, and its role in the overall operation of the hotel.

Practice Tip:
This decision is a strong reminder that the Seventh Circuit will apply the Knight factors when determining whether there is a joint-employer relationship.

Rowlands v. UPS: A Lesson Learned About Returning to Work Under the ADA

The Seventh Circuit Court of Appeals has reinstated Americans With Disabilities Act (ADA) claims filed by a fired 25-year UPS worker against the company, concluding there was "substantial circumstantial evidence" and "suspicious timing" surrounding her termination. See *Rowlands v. United Parcel Service, Inc.*, No. 17-3281 (7th Cir. 2018).

Plaintiff was initially fired by UPS in July 2012 for allegedly changing the time on her time card. She was reinstated after she filed a union grievance and returned to work in September 2012, while she was also recovering from knee surgery. According to the ruling, when she returned to work, her employee ID was never reactivated and "there were other signs that her days at UPS were numbered."

UPS fired Plaintiff for a second time in early 2013, allegedly for threatening another employee with a taser. Plaintiff denied she threatened the worker and stated she had been using the taser for 10 years after leaving work because she walked "through a dark and desolate parking lot late at night." Other employees also testified they had carried similar devices on a regular basis.

After she was fired again, Plaintiff filed suit alleging violations of the ADA, including discrimination on the basis of her disability, failure to accommodate her disability, and retaliation.

The district court granted UPS's motion for summary judgment on all claims. Plaintiff appealed dismissal of her failure to accommodate and retaliation claims. The case was remanded for further proceedings.

Of interest was a portion of the 7th Circuit's opinion which stated that "[a]lthough UPS would have been entitled to request a doctor's note verifying *Rowlands'* condition as part of the interactive process, it does not follow that she did not have a disability because her doctor had cleared her to return to work without restrictions." This begs the question – can an employee still be considered disabled even if his/her doctor clears him/her to return to work without any restrictions? According to *Rowlands,* the answer is yes. This may be surprising news for some employers who assume that a doctor's release without any restrictions means an employee is not disabled and is free to return without the need to engage in the interactive process.

Practice Tip:
Employers have a legal duty to engage in the interactive process with employees who may require reasonable accommodations under the ADA. When presented with an employee who has been released back to work with no restrictions, it is important to remember that the employee may still be "disabled" under the ADA, which should be considered before making any decisions about reasonable accommodations and/or adverse employment decisions.

Seventh Circuit Sheds New Light on Actionable Retaliation

The Seventh Circuit Court of Appeals recently affirmed a district court's summary judgment ruling in favor of the employer in a retaliation case involving an employee who previously filed an EEOC complaint. *See Lewis v. Wilkie*, No. 18-1702 (7th Cir. 2018).

The plaintiff, an employee of the Department of Veterans Affairs, worked as a cook in the Nutrition and Food Service Department in 2008-2009 and again from December 2013 until April 2015. The four-year gap in employment occurred because Plaintiff was terminated and then, after a successful EEOC complaint, was reinstated to his former position. Plaintiff alleged that upon reinstatement he faced retaliation from the VA and two supervisors for his prior protected activity.

Plaintiff alleged several incidents of retaliation including: (1) the VA failed to provide plaintiff with a locker; (2) there was a delayed issuance of his first paycheck; (3) his paycheck was shorted; (4) his supervisor complained to plaintiff about the state of the freezer in which he was charged with organizing; (5) plaintiff's work schedule was altered by 30 minutes; (6) plaintiff was directed to sign out for a mentor meeting; (7) the employer inquired about plaintiff's whereabouts; (8) another supervisor directed to have co-worker solicit negative information about plaintiff; and (9) plaintiff was issued a 60-day performance review.

The court agreed that the district court properly found that all alleged incidents were insufficient to constitute materially adverse acts and were either ultimately resolved, did not amount to the kind of harm that would dissuade a reasonable employee from engaging in protected activity, did not result in injury or harm greater than stress or worry, and/or were simply standard procedures applicable to other employees. Plaintiff also failed to

demonstrate a causal link between his protected activity and nearly all of the alleged retaliatory actions, failed to identify any similarly-situated employee, and failed to demonstrate the VA's legitimate, non-discriminatory explanations were pretextual.

Practice Tip:

The Seventh Circuit's ruling sheds new light on what constitutes actionable retaliation. Most importantly, it confirms that employers may take employment actions against employees who previously engaged in protected activity and that such employees are not completely "hands off" when it comes to discipline so long as the actions are not directly related to prior protected activity. Employers should enforce their policies consistently across their workforce and not purposefully avoid issuing disciplinary actions for legitimate non-retaliatory reasons even to those employees who may have sued in the past or are currently involved in litigation against the company.

Contributors to the December 2018 Labor & Employment Newsletter

The Bryce Downey & Lenkov attorneys who contributed to this newsletter were Storrs Downey, Jessica Jackler and Cary Schwimmer.

For more information on our Labor and Employment practice, please click here.

Our other practice areas include:

- Appellate Law
- Business Law
- Condominium Law
- Construction Law
- Entertainment Law
- General Liability
- Healthcare Law
- Insurance Law
- Intellectual Property
- Products Liability
- Professional Liability
- Real Estate
- Transportation Law
- Workers' Compensation

Firm News

Jessica Jackler's Article on Pregnancy Discrimination Featured in *Chicago Lawyer* Magazine

Chicago associate Jessica Jackler recently wrote an article for *Chicago Lawyer* magazine titled "Pregnancy Discrimination: Know Your Rights in the Workplace." Jessica examines workplace policies related to pregnancy under state and federal laws and documents her own experience as a new mother. Some of the key topics she discusses include maternity leave, flex-time schedules, accommodations, lactation rights and more.

Read "Pregnancy Discrimination: Know Your Rights in the Workplace."

Read the original article, "Spring: The Season for Rebirth of Pregnancy-Related Policies," on our Labor & Employment blog.

Geoff Bryce and Samuel Levine Present at IICLE

Geoff Bryce and Samuel Levine presented at the Illinois Institute for Continuing Legal Education's "Construction Litigation Dispute Resolution" conference on 12/12/18. Geoff presented "Insurance: Coverage for Construction Defects and Who Wants to be an Additional Insured?" Sam discussed "Construction Defects Litigation" with co-presenter Justin Weisberg of Schuyler, Roche & Crisham. For more information, please click here.

BDL Exhibits at Chicagoland Cooperator's Fall Expo

On 11/7/18, Jeanne Hoffmann and Geoff Bryce exhibited at the Chicagoland Cooperator's Fall Expo at McCormick Place. The Chicagoland Cooperator Expo is a chance to network with professionals and is considered a must attend for board members, condo, HOA, and co-op decision makers, property managers, and apartment building owners. Click here for more information.

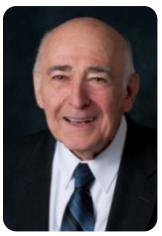
Brian Rosenblatt Leads Grammy Member Team in Presenting Award

On 10/24/18, Chicago partner Brian Rosenblatt co-led a team of Recording Academy (Grammys) Members in a District Advocacy Meeting with Congresswoman Jan Schakowsky (IL-9 District). Brian, along with Peter Strand, Justin Roberts, Wendy Morgan, Susan Voelz, Maurice Kalous, Tera Healy, and Steven Shirk, presented Rep. Schakowsky with a special certificate recognizing her leadership in advancing the Music Modernization Act. To learn more about the Music Modernization Act, click here.

BDL is Growing!

The firm is pleased to welcome Patrick Becht as an associate in our Chicago office. Patrick joins our Workers' Compensation and General Liability practices. He has prior experience with medical malpractice and general tort liability matters. Patrick also worked as Deputy Prosecutor for the State of Indiana. He is licensed in Illinois and Indiana. In his spare time, Patrick enjoys spending time with his family, golfing, and traveling.

We also welcome Jonathan Zarate, who joins our Workers' Compensation group as an associate. He represents employers and insurance carries before the Illinois Workers' Compensation Commission and appellate courts. Prior to joining Bryce Downey & Lenkov, Jonathan defended clients in professional negligence, automobile, and workers' compensation. In his free time, Jonathan enjoys traveling and playing sports.



Howard Turner has also joined as of counsel in our Construction practice. Howard brings decades of experience in mechanics lien and construction law. He has authored many articles on mechanics liens and is the author of *Turner on Illinois Mechanics Liens*. The highly acclaimed book is published by the Illinois State Bar Association and sponsored by the Society of Illinois Construction Attorneys, of which Howard is also a member.

Community

Race Judicata 5k

Bryce Downey & Lenkov sponsored Chicago Volunteer Legal Services Race Judicata® 2018. Chicago Volunteer Legal Services is the first and pre-eminent pro bono civil legal aid provider in Chicago, serving the city's poor and working poor. To learn more about CVLS, visit: https://www.cvls.org/about.

BDL Sponsors Respiratory Health Association's 12th Annual Chill Event

Bryce Downey & Lenkov was proud to sponsor the Respiratory Health Association's 12th Annual Chill Event. Proceeds from the Chill event help support Fight Asthma Now© and Asthma Management, teaching children and their caregivers skills to manage their asthma; local lung health research projects, and Respiratory Health Association's COPD initiative, which offers resources and programs for people living with COPD and their caregivers. For more information, click here.

Bryce Downey & Lenkov Supports Breastcancer.org

BDL was proud to donate to Breastcancer.org during Breast Cancer Awareness month. The firm participated in USLI's Baskets for Breast Cancer auction, a live online auction featuring over 70 donated baskets, with all proceeds going to breastcancer.org. Breastcancer.org is dedicated to providing the most reliable, up-to-date medical information about breast cancer and breast health, as well as providing an active and supportive community for the millions of families affected by breast cancer.

Congratulations to the winner of our basket, My Kind of Town – Chicago's Arts & Entertainment.

Visit www.breastcancer.org for more information.

Best Buddies Challenge

Bryce Downey & Lenkov sponsored the Best Buddies Challenge, a biking, running and walking event supporting programs for people with intellectual and developmental disabilities. Best Buddies International is dedicated to providing opportunities for one-to-one friendships, integrated employment and leadership development for people with intellectual and developmental disabilities. For more information on Best Buddies, visit: www.bestbuddies.org

Cutting Edge Legal Education

If you would like us to come in for a free seminar, email Storrs Downey at sdowney@bdlfirm.com.

Our attorneys regularly provide free seminars on a wide range of labor and employment law topics. We speak to companies of all sizes and national organizations. Among the national conferences at which we've presented:

- American Conference Institute (ACI)
- Claims and Litigation Management Alliance Annual Conference
- CLM Retail, Restaurant & Hospitality Committee Mini-conference
- Employment Practices Liability Insurance ExecuSummit
- National Association of Security Companies (NASCO)
- National Workers' Compensation and Disability Conference® SEAK Annual National Workers' Compensation and Occupational Medicine Conference
- RIMS Annual Conference

Some of our previous seminars include:

- 10 Tricky Employment Termination Questions Answered.
- Approaching LGBT Issues In Today's Workplace.
- Employment Law Issues Every Workers' Compensation Professional Needs To Know About.
- Hiring Do's And Don'ts (With Video Examples).
- Is your Independent Contractor Actually An Employee?
- Recent DOL & NLRB Developments.
- Religious & Disability Discrimination & Accomodations.
- Risky Business: Drugs, Sexual Orientation & Guns In The Illinois Workplace.

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