Bryce Downey & Lenkov LLC

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Labor & Employment Newsletter

August 2021

Illinois Employers Back-to-School Checklist

With summer coming to a close and the anticipated return to school, Illinois employers should keep in mind that businesses have certain obligations to employees with children.

PAID SICK LEAVE

Employers covered by the Chicago and Cook County Paid Sick Leave ordinances must permit employees to use leave for the illness, injury or medical care of a child, legal guardian or ward or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship. Leave may also be used if a child's care facility or school has been ordered closed due to a public health emergency.

Employees may only accrue up to 40 hours for each 12-month period under these ordinances. Employers are prohibited from retaliating against employees who take leave under the ordinances. Employers who violate the ordinances are subject to damages equal to three times the amount of unpaid sick leave denied or lost, plus interest, costs and reasonable attorneys' fees.

FMLA

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. FMLA applies to all public agencies, all public and private elementary and secondary schools and companies with 50 or more employees. These employers must provide an eligible employee with up to 12 weeks of unpaid leave each year for certain family and medical reasons, including caring for a child with a serious health condition. It also requires that their group health benefits are maintained during the leave. Employers are prohibited from interfering with or retaliating against employees who request and/or take leave.

SCHOOL VISITATION LEAVE

The Illinois School Visitation Rights Act provides employed parents and guardians (who are otherwise unable to meet with educators because of work conflicts) the right to 8 hours of unpaid time off during the school year to attend necessary education or behavioral conferences at their children's schools. The law provides leave for employees to attend school conferences or classroom activities when such activities cannot be rescheduled during non-work hours. This Act applies solely to public and private employers with 50 or more individuals in Illinois.

To be eligible, the employee must have been employed for at least six months and have been employed at least half-time. The employee may be granted up to eight hours during any school year; no more than four hours may be taken at any one-day. This time may only be taken if the employee has exhausted all accrued leave time, except sick or disability leave. The employee must provide the employer with a written request for leave at least seven days in advance. 24 hours' notice is required in emergency situations. The leave permitted under this Act is not required to be paid time.

COVID-19 RELATED ISSUES

This school year is anticipated to be complicated by continuing COVID-19 related concerns including strong variants of the virus impacting even vaccinated populations. Employers should expect to see a growing need for absences in connection with school closures, sicknesses and mandatory quarantines because of exposure to infected

individuals. Although some employees may be eligible for protected leave by statute, other employees may not be covered.

Accordingly, employers should be mindful of the consequences for taking disciplinary actions against such employees without first analyzing potential risks. For example, taking disciplinary actions against employees who need time off to take care of children exposed to the virus, could result in retaliation or discrimination claims. To help mitigate the risk of such claims, employers should remain flexible, to the extent possible, with employees who may need additional or unforeseen time off for COVID-19 related reasons. Moreover, employers should have clearly written policies about time off, call-in procedures, etc. and communicate those policies to their workforce. All policies should be equally applied to all employees.

Practice Tip:
Although parental status is not an enumerated protected class under Illinois law, employee-parents do enjoy certain protections under various local, state and federal laws. As such, employers must be careful not to infringe on such rights. Further, because COVID-19 continues to be a part of our everyday lives, employees with children will undoubtedly be impacted during the upcoming school year and employers should be prepared to deal with attendance issues.

Illinois Court Rules in Favor of Transgender Woman in Case of First Impression

In *Hobby Lobby Stores, Inc. v. Sommerville* (2021 IL App (2d) 190362), the Illinois 2nd District Court of Appeals ruled in favor of a transgender woman who was not permitted to use the women's bathroom by her employer. In reaching its unanimous landmark ruling on August 13, 2021 the court stated, "Sommerville's sex is unquestionably female just like the women who are permitted to use the women's bathroom." It held that the employer violated Illinois law by denying her access to its women's bathroom in the store where she worked for almost 23 years. The ruling affirmed the expansive protections of the Illinois Human Rights Act (Act) for transgender people and held that transgender individuals in Illinois have the right to access restrooms matching their gender identity.

After she began openly transitioning to female at work in 2010, Meggan Sommerville filed a charge with the Illinois Department of Human Rights (IDHR) against her employer, Hobby Lobby, for not allowing her to use the women's restroom. Although Hobby Lobby changed Ms. Sommerville's personnel records and benefits information to reflect her female identity, it refused to allow her access to the women's restroom. It also issued written warnings to Ms. Sommerville for using the women's restroom. A complaint was filed in the Illinois Human Rights Commission (Commission) following an investigation by IDHR. The Commission listened to the matter and ruled in Ms. Sommerville's favor, ordering Hobby Lobby to allow her to use the women's restroom immediately and awarding her $220,000 in damages for the violation. Hobby Lobby appealed the matter to the 2nd District Appellate Court.

Hobby Lobby sought to prove that the Commission erred in finding that it had discriminated against Ms. Sommerville and violated the Act by refusing to allow her to use the women's bathroom in the store where she worked and shopped. It also argued that the Commission abused its discretion in awarding damages. The court found that neither contention had merit and agreed that Hobby Lobby violated the Act both as an employer and a place of public accommodation by discriminating against Ms. Sommerville based on her gender identity.

The court also rejected Hobby Lobby's insistence that reproductive organs or structures are the sole determinant of a person's sex. The court cited how the definition of "sex" in the Act is more expansive than the "dictionary definition." Importantly, the Act does not treat "sex" as a fixed status and "does not draw distinctions based on genitalia, the sex marker used on a birth certificate or genetic information." It also allows gender identity to be one of the factors to consider when determining sex. For example, a transgender person's ability to obtain a birth certificate with a corrected sex marker or a corrected sex designation on a driver's license. In Ms. Sommerville's case, the State of Illinois recognized her gender identity as female when it changed her vital records, while Hobby Lobby recognized her female gender identity when it changed her personnel records.

The court also affirmed a business's authority to designate separate "male" and "female" restrooms, while acknowledging all people have the right to access the restroom that matches their gender identity at the same time. It found that prohibiting a person from accessing the restroom that matches their gender identity violates the Act.

Finally, the court remanded the case to the Commission to determine any additional damages and attorney fees that may be due to Ms. Sommerville in addition to the $220,000 previously awarded.

Practice Tip:
Due to the historic *Hobby Lobby* ruling, Illinois employers and business owners must take note of the court's recognition that the Act prohibits discrimination based on gender identity and grants transgender people in Illinois the right to access restrooms matching their gender identity. Employers should evaluate their current policies and update anti-discrimination and harassment policies to include such a prohibition if not already included.

New and Proposed Federal and State Restrictive Covenant Laws

NEW ILLINOIS LAW

On August 13, Gov. Pritzker signed into law a bill which severely restricts the use of non-competes and non-solicitation agreements for Illinois employees. The bill will not retroactively apply to existing agreements and become effective January 1, 2022.

The new law restricts which employees can lawfully enter into non-compete and non-solicitation agreements based largely on their compensation, making the new law most impactful for lower-income employees. In particular, Illinois employers cannot enter into enforceable non-compete agreements with Illinois employees unless they have expected earnings of at least $75,000. Likewise, Illinois employers cannot enter into enforceable non-solicitation agreements with Illinois employees who have expected earnings of less than $45,000.

The new law further restricts Illinois employers from entering into non-compete and/or non-solicitation agreements with Illinois employees:

- in the public sector covered by a collective bargaining agreement under the Illinois Public Labor Relations Act or the Illinois Educational Labor Relations Act
- employed in construction, other than those construction employees who "primarily perform management, engineering or architectural, design or sales functions;" and
- who are terminated, furloughed or laid off as a result of business circumstances or government orders related to the COVID-19 pandemic, unless certain conditions are met

In order to be enforceable, non-competition/non-solicitation agreements for eligible employees must also be supported by independent, adequate consideration. "Adequate consideration" means:

1. the employee worked for the employer for at least two years after the employee signed an agreement containing a covenant not to compete or a covenant not to solicit; or
2. the employer otherwise provided enough consideration adequate to support an agreement to not compete or solicit, such as a period of employment plus additional professional or financial benefits, or merely professional or financial benefits by themselves, e.g. a signing bonus

The amount of monetary consideration has not been established by the new law, but one can presume a nominal amount, such as a few hundred dollars might be deemed sufficient.

Illinois employers will also be required to provide employees 14 days to review a non-compete/non-solicitation agreement and advise them in writing to consult an attorney before signing it.

The new law does not impact confidentiality agreements which exclude non-compete and/or non-solicitation components.

BIDEN EXECUTIVE ORDER

President Biden recently signed an Executive Order asking the Federal Trade Commission (FTC) to restrict corporate use of non-competition agreements. The order aims to expand individuals' right to work within their industries in light of the heavy-handed use of non-competes in the U.S. While there are no specific details about what restrictions the FTC would impose, it may restrict the use of non-competes for lower income Americans and/or target specific industries.

Practice Tip:
Illinois employers must review and revise existing restrictive covenant agreements to comply with the new requirements by January 1, 2022. We will monitor developments under both federal and state law if/when the new restrictive covenant laws take effect.

DOL Withdraws Independent Contractor Rule

The DOL withdrew the Trump-era Independent Contractor Rule effective May 6. The DOL announced the withdrawal took place for several reasons, including:

- The independent contractor rule was in tension with the FLSA's text and purpose, as well as relevant judicial precedent
- The rule's prioritization of two "core factors" for determining employee status under the FLSA would have undermined the longstanding economic realities test and court decisions requiring a review of the totality of the circumstances related to the employment relationship
- The rule would have narrowed the facts and considerations analysis of whether a worker is an employee or an independent contractor, resulting in workers losing FLSA protections

Although there is no established bright-line rule to determine whether a worker is an independent contractor or employee under the FLSA—and no such rule expected any time soon—the DOL has historically analyzed a number of factors to determine the proper classification including:

- The nature and degree of control over the work
- The worker's opportunity for profit or loss based on initiative and investment
- The amount of skill required for the work

- The degree of permanence of the working relationship between the worker and the potential employer
- Whether the work is part of an integrated unit of production (or the individual works under circumstances analogous to a production line)

Practice Tip:
Employers should be cautious classifying workers as independent contractors because penalties for misclassification are severe. When in doubt, employers should consult with experienced employment counsel before classifying workers.

Chicago Minimum Wage Increase

This is a reminder that the Chicago minimum wage increased to $15.00/hour for non-tipped employees and $9.00/hour for tipped employees working for an employer with more than 21 employees. It increased to $14.00/hour for non-tipped employees and $8.40/hour for tipped employees working for an employer with 4 to 20 employees. These changes went into effect July 1.

Chicago Paid Sick Leave Ordinance Amended

Chicago recently amended its Paid Sick Leave Ordinance (PSLO) to expand the bases to take paid leave and to create a wage theft provision. The paid sick leave changes took effect on August 1 and the wage theft provisions became effective on July 5.

PAID SICK LEAVE

The amended PSLO now includes the following reasons:

- The employee "is ill or injured, or for the purpose of receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders"
- "A member of the covered employee's family is ill, injured, or ordered to quarantine, or to care for a family member receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders"
- The "employee, or a member of the covered employee's family, is the victim of domestic violence, or a sex offense, or trafficking in persons"
- "The covered employee's place of business is closed by order of a public official due to a public health emergency, or the covered employee needs to care for a family member whose school, class, or place of care has been closed"
- The governor of Illinois, the Chicago Department of Public Health or a treating healthcare provider requires the employee to either:
  - Stay at home to minimize the transmission of a communicable disease
  - Remain at home while experiencing symptoms or sick with a communicable disease
  - Obey a quarantine order issued to the covered employee
  - Obey an isolation order issued to the covered employee

WAGE THEFT

The PSLO's amendment now allows covered employees to bring wage theft claims against employers who fail to timely pay them. Employers must timely pay covered employees for wages due for work performed, ordinance required paid time off and other contractual benefits.

Covered employees who claim wage theft may file a wage theft claim with the Office of Labor Standards or in state court, but not both. If an employer violates the PSLO, it becomes liable for any underpayment and either:

- 2% of the amount of any underpayments for each month following the date of payment during which the underpayments remain unpaid; or
- the amount specified by the Illinois Wage Payment and Collection Act (IWPCA), if the amount in the IWPCA is greater

Because the amount specified in the IWPCA is 5% per month for underpayments, the IWPCA rate will currently apply.

NEW PSLO POSTER REQUIREMENTS

Prior to the amendment, the PSLO included a posting requirement and obligated employers to disseminate the notice to covered employees with their first paycheck and then annually with a paycheck issued within 30 days of July 1.

The amendment now also requires covered employers to post and disseminate a revised notice that will advise covered employees of their ability to seek redress for wage theft. A poster which satisfies the new requirements will be prepared and made available by the Commissioner of Business Affairs and Consumer Protection.

Practice Tip:
These new amendments impact Chicago employers and employees. Employers and employees should be aware of the expanded PSLO coverage due to expected requests for leave by employees for COVID-19 related reasons. Covered employers must bring their current policies and practices up to compliance to avoid penalties and claims.

New Increased Penalties for Illinois Wage Underpayments

On July 9, Gov. Pritzker signed an amendment to the Illinois Wage Payment and Collection Act (IWPCA) that increases the penalty for underpaying wages from 2% of the underpayment amount per month to 5%. The amendment became effective immediately.

This increased penalty is on top of existing damages available to employees such as attorney's fees and costs. Additionally, an employer who has been demanded or ordered by Illinois Department of Labor (IDOL) or a court to pay wages or final compensation to an employee must also pay a $250 non-waivable administrative fee to IDOL. The fee increases to $500 if the amount ordered by the IDOL is more than $3,000 and $1,000 for orders of $10,000 or more. Furthermore, any employer who fails to timely comply with a demand or final order issued by IDOL shall also be liable for:

- a penalty, payable to IDOL, of 20% of the amount found owing; and
- a 1% penalty, payable to the employee, per calendar day of the amount found owing for each day of delay in paying such wages

Personal liability is also available under the IWPCA.

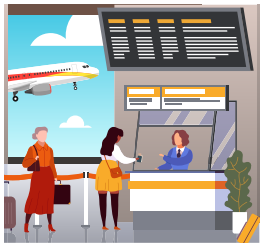
Practice Tip:
Illinois employers must pay their employees timely and correctly to expensive penalties. Additionally, employers should retain all compensation records to prove that they did so.

Prompt Workplace Investigations Secures Summary Judgment for Employer

In late May, the 7th Circuit Court of Appeals determined that the district court did not err in granting the employer's motion for summary judgment in *Vesey v. Envoy Air, Inc.*, No. 20-1606, 2021 WL 2176792 (7th Cir. 2021). In *Vesey*, the plaintiff-employee alleged she was harassed by a co-worker because of her race and was terminated for reporting the harassment.

The plaintiff, a former airline agent, had a history of making complaints and suffered performance problems during her four years of employment. In November 2014, she drove a jet bridge into an aircraft. She received a serious reprimand and signed a letter of commitment agreeing to comply with all company rules and regulations. That reprimand—the last step before termination—was meant to remain in effect for two years.

In 2016, plaintiff and other employees lodged workplace-related complaints against each other. Plaintiff complained of favoritism and bias to the airline's human resources department. The employer investigated and found her allegations unsubstantiated. That August, plaintiff reported that a co-worker directed racist remarks and actions at her. The employer found this complaint substantiated and fired the co-worker.



The company's employment benefits included flying standby for free. As part of her employment, plaintiff signed the company's rules and regulations that specified "[a]buse of travel privileges will be grounds for dismissal." In September 2016, a complaint was made against plaintiff for abusing travel benefits. The company investigated and concluded that throughout 2016, plaintiff had abused those benefits and her access to the airline's booking system numerous times. Before the end of the investigation, plaintiff again complained to human resources, claiming that a co-worker was harassing and stalking her by looking at her travel history. After investigating this claim, the company found this complaint to be unsubstantiated.

Given the active reprimand for the jet bridge incident, and the finding that plaintiff abused her travel benefits, the investigator recommended the airline terminate plaintiff. A company committee agreed and plaintiff was terminated in October 2016.

Plaintiff sued, claiming she was harassed because of her race and fired in retaliation for reporting the harassment. The airline maintained that it properly handled her complaints and that she was dismissed for just cause.

The court found that summary judgment was appropriate and that plaintiff could not prevail on her racial harassment claim because the employer promptly investigated plaintiff's harassment complaint and fired the harassing co-worker.

Practice Tip:
Vesey highlights the importance of workplace investigations and taking prompt remedial action when appropriate. In this case, the court found summary judgment was proper because the company promptly investigated plaintiff's harassment complaints, undeniably investigated the second harassment complaint and fired the perpetrator in one instance. Moreover, there was a legitimate, non-discriminatory/retaliatory reason for termination, which the employer documented.

EEOC Sues Illinois Nursing Home for Pregnancy Discrimination

The Equal Employment Opportunity Commission (EEOC) recently filed a federal lawsuit against an Illinois nursing home for pregnancy discrimination after the pre-suit investigation revealed that the company had a written policy requiring pregnant women to disclose their pregnancies.

There was no similar written policy requiring other non-pregnant employees to disclose medical information. Further, pregnant employees were forced to get doctor's notes indicating that they could work without restrictions, even if they were not asking for an accommodation. Pregnant employees who had restrictions and had not worked for the company for at least a year were fired, and the company categorized them as ineligible for rehire.

The lawsuit alleges Title VII and ADA violations because the company required employees to submit to medical examinations without a business necessity, which violates the ADA.

The EEOC is seeking full relief, including back pay, reinstatement for affected individuals, compensatory and punitive damages and non-monetary measures to correct the company's employment practices going forward.

Practice Tip:
Employers should not have any policies or practices which disparately treat or impact pregnant women. Pregnancy is a protected characteristic under both federal and Illinois state law.

Wisconsin Jury Awards $125,150,000 Against Employer for Disability Discrimination Claim

A Wisconsin jury recently found in favor of the EEOC regarding disability discrimination claims against a major retailer in the amount of $125,150,000. The jury found that the retailer failed to accommodate an employee with down syndrome and then fired her because of her disability.

The failure to accommodate claims were based on the retailer's refusal to make changes to the employee's longstanding work schedule. She requested her start and end times be adjusted by 60-90 minutes and returned to her prior schedule. The retailer failed to grant her request and instead fired her.

The jury considered that the employee had worked for the company for approximately 16 years and had consistently received positive performance evaluations from her managers. They also noted that the company rejected the employee's rehire request because of her disability or because of their need to accommodate her disability.

Practice Tip:
This significant jury award demonstrates the potential exposure for employers in discrimination cases. Simply refusing an employee's request to make a minor scheduling change led to a seven-figure award in this case. When employees with disabilities request accommodations, employers should always engage in the required interactive process and determine if a true, undue hardship exists before refusing such requests.

Race-Based Shift Change Confirms Unlawful Discrimination

In *Threat v. City of Cleveland, Ohio*, Case No. 20-4165 (July 26, 2021), the 6th Circuit Court of Appeals ruled that discriminatory shift changes based on race violate Title VII. A seniority-based bidding process under a City of Cleveland collective bargaining agreement generated a schedule in which three Black Emergency Medical Services (EMS) captains would be the only captains on the day shift.

The collective bargaining agreement allowed the city's EMS Commissioner to transfer up to four captains to a different shift, even if it conflicted with the captains' first choice. Exercising this power, the Commissioner removed one Black captain from the day shift and replaced him with a White captain to "diversify the shift." The Black captains complained and filed a discrimination charge with the EEOC. The captains rebid their shift preferences after informal discussions, but the resulting schedule caused the day shift to be staffed by only Black captains again. The Commissioner then reassigned one of the Black captains to a night shift to "create diversity."

The Black captains sued the city and Commissioner in federal court under Title VII for unlawful race discrimination. The district court granted summary judgment to the defendants. The 6th Circuit reversed the decision. The issue was whether discriminatory shift changes based on race violate Title VII.

Title VII makes it unlawful to discriminate against any individual with respect to compensation, terms, conditions of employment or privileges of employment because of race, color, religion, sex or national origin. It was obvious that the defendants discriminated against the plaintiffs because of their race by making shift assignments based on race.

The question was whether the city's shift schedules were "terms of employment" under Title VII, and whether getting priority because of seniority amounted to a "privilege of employment" under the statute. The court of appeals' answer to both questions was yes: the "*when*" is a "term" of employment, and benefits that come with seniority are "*privileges*" of employment. Accordingly, moving an employee's shift because of race over the employee's seniority-based objection constituted unlawful discrimination.

Practice Tip:
The shift changes in *Threat* caused no economic harm to the plaintiffs. The court's decision illustrates that economic damage is not required for a discriminatory adverse employment action to occur.

Threat also demonstrates that while a collective bargaining agreement permits an employer to take an action, it does not trump liability where the result is discrimination based on a prohibited factor such as race.

View more information on our
Labor & Employment practice.

Our other practices Include:

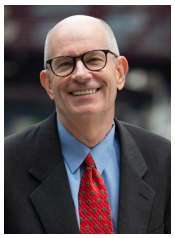
- Appellate Law
- Business Law
- Condominium Law
- Construction Law
- Entertainment Law
- General Liability
- Healthcare Law
- Insurance Law
- Intellectual Property
- Products Liability
- Professional Liability
- Real Estate
- Transportation Law
- Workers' Compensation

Newsletter Contributors

Storrs Downey, Jessica Jackler and Cary Schwimmer contributed to this newsletter.

Firm **News**

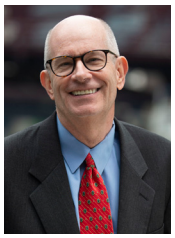
Storrs Downey & Jessica Jackler Secure Summary Judgment in Retaliatory Discharge Case




Storrs Downey and Jessica Jackler recently secured summary judgment in an Illinois retaliatory discharge case. A former employee alleged retaliatory discharge due to a disputed pre-termination work-related injury and a post-termination workers' compensation claim.

More than two years after the case filing and following significant discovery and motion practice, the judge granted summary judgment. This is a big victory for the employer because summary judgment is only granted under limited circumstances and requires a high threshold showing as it disposes of the entire case prior to trial..

Storrs Downey & Jessica Jackler Secure Dismissal in IDHR Discrimination and Retaliation Claims




Storrs Downey and Jessica Jackler were successful in securing a dismissal of an Illinois Department of Human Rights (IDHR) charge claiming disability discrimination and retaliation following an evidentiary hearing by the investigator. The IDHR's detailed dismissal order cited the evidence and testimony presented by the employer throughout the IDHR's investigation and fact finding conference as reasons for the dismissals.

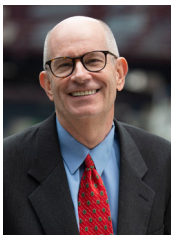
Bryce Downey & Lenkov Turns 20!

This year, we celebrate our firm's 20th anniversary!

A lot has changed from our humble beginnings to the firm we are today, but our values & culture are the same. We remain committed to community, inclusiveness & the footprint we leave behind.

Thank you for your confidence in our firm. We hope to continue another 20 years of exceptional service & proven results.

Storrs Downey & Jessica Jackler Co-Author Refresher on Conducting Workplace Investigations



Capital member Storrs Downey and Chicago associate Jessica Jackler recently co-authored an article for *CLM Magazine* titled, "Back To Basics In The Workplace," a refresher for employers on conducting internal workplace investigations during an important era of #MeToo, civil rights movements and a global pandemic.

Storrs and Jessica highlight the importance of workplace investigations, proactive policies and procedures, confidentiality, witness interviews and provide post-investigation protocols.

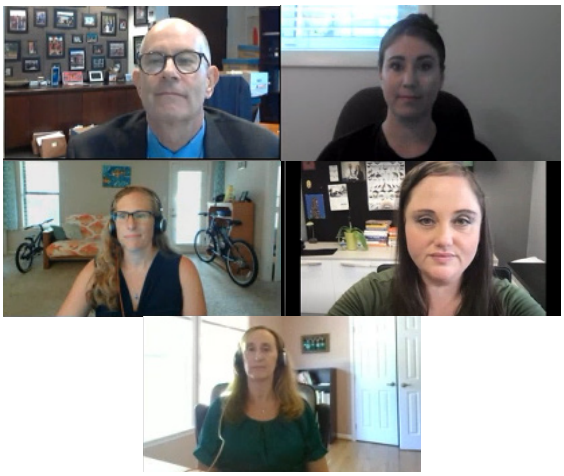
Read "Back To Basics In The Workplace."

Responding to Internal Employee Complaints: Conducting Workplace Investigations Webinar

Landmark Pest Management's Rebecca Fyffe and Hartford Steam Boiler's Lenore Chouinard and Stephanie Hewerdine joined capital member Storrs Downey and associate Jessica Jackler as they addressed internal workplace investigations.

Topics included proactive policies, knowing when & who should conduct an investigation, confidentiality, remedial measures and more.

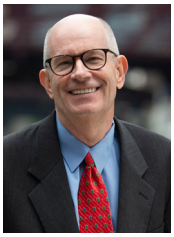
View the recording.



Storrs Downey Joins WGN Radio's Legal Face-Off

Capital member Storrs Downey discusses Naomi Osaka, mental health conditions in the workplace and more employment news on Legal Face-Off On WGN Radio with Rich Lenkov & Christina Martini.

Watch the interview.



WGN RADIO 720

Chambers USA Names Margery Newman a Leading Construction Lawyer

We are pleased to announce that income member Margery Newman has been recognized by *Chambers USA* 2021 as a leading lawyer.

Margery was selected as a leading construction attorney in Illinois for her work in construction litigation, contract negotiation, mechanics lien claims and MBE/WBE/DBE certification.

Chambers USA ranks leading lawyers and law firms based on market analysis, industry feedback and client interviews. Their research assesses industry expertise and understanding, technical legal ability, client service, diligence and innovation.

Kirsten Kaiser Kus Named a CLM Professional of the Year

We are proud to announce that Kirsten Kaiser Kus was named winner in the Outside Defense Counsel category at the Claims and Litigation Management Alliance's Professionals of the Year Awards on 8/12/21. Kirsten was nominated for her commitment and leadership within the industry, as well as contributions to the success of the firm and her clients. Winners were announced at the CLM Annual Conference in Atlanta.

Jeanne Hoffmann Presents Women in Law Firm Leadership for Managing Partner Forum

Managing capital member Jeanne Hoffmann presented at Managing Partner Forum's virtual conference series: "Women in Law Firm Leadership: Shattering the Glass Ceiling" on June 17.

Jeanne's panel, "Building a Culture that Empowers Women in Leadership," examined ways to build and maintain a firm culture in which women lawyers thrive. They also discussed empowerment, sponsorship and flexible working arrangements that advance promotions and retention.

View 'Empowering Women in Law Firm Leadership' recording.

Rich Lenkov Authors *Business Insurance* Article

Capital member Rich Lenkov's *Business Insurance* article addresses COVID-19 presumptions and the future of other infectious diseases in workers' compensation. Rich examines strategies employers can use to overcome the presumption the infection arose out of and in the course of the employee's employment.

He also discusses permanency, legislation surrounding other severe infectious diseases and workers' compensation benefits for seasonal illnesses.

Read "Tips for Rebutting COVID-19 Presumptions."

Geoff Bryce Discusses Contract Terms & Conditions with *Construction Executive*

Capital member Geoff Bryce was recently quoted in "Forging a Contract for a COVID-Exit World" for *Construction Executive* magazine. The nation's best construction law attorneys were asked how the legal landscape is changing and how to sharpen contract language and pivot in response to challenges in the wake of COVID-19.

Geoff discussed navigating and avoiding delay claims, encouraging implementing specific terms at the outset.

Read "Forging a Contract for a COVID-Exit World."

BDL Sponsors St. Louis Claim Managers' Annual Charity Golf Tournament

Bryce Downey & Lenkov proudly sponsored the Annual St. Louis Claim Managers' Council Golf Tournament benefiting Operation Food Search (OFS) and Kids' Chance of Missouri on 8/5/21.

OFS is a hunger relief organization that provides free food, nutrition education and innovative programs that increases access to healthy and affordable food. Kids' Chance of Missouri provides post-high school scholarships to children of Missouri workers killed or seriously injured on the job.

Learn more about Operation Food Search.
Learn more about Kids' Chance of Missouri.

BDL Supports Legal Prep's 5th Annual Eat.Drink.Give Gala

Bryce Downey & Lenkov was proud to support Legal Prep Charter Academy's 5th Annual Eat.Drink.Give Gala on June 10. Proceeds benefit Legal Prep's transition back to the building by ensuring teachers and staff have enough necessary resources to provide high-quality education.

Capital member Rich Lenkov and income member Juan Anderson attended the gala at Merchandise Mart Plaza. Rich's Legal Face-Off podcast host, Tina Martini of McDermott Will & Emery also attended.

Legal Prep prepares Chicago's West Side youth for college using a law-themed curriculum and inspires students to give back to their community. Rich serves on the Advisory Board. Learn more about Legal Prep Charter Academy:

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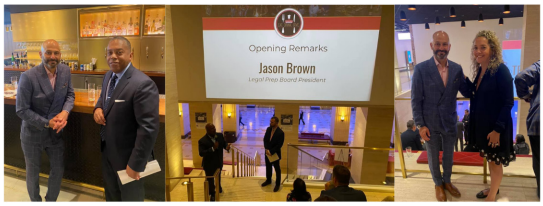

BDL Is **Growing!**

Please join us in welcoming Robert Kroeger as a workers' compensation and general liability associate has represented clients in a wide range of complex litigation matters, working with clients to minimize cost and achieve favorable outcomes.

In his spare time Robert enjoys watching and playing sports.

Upcoming **Events**

- **9/10 - 9/11/21** - Jeanne Hoffmann and Brian Rosenblatt will be mentors for several entertainment panel sessions at the 13th Annual LAUNCH Music Conference & Festival. For more information and to register, click here.