Bryce Downey & Lenkov LLC

Labor & Employment Newsletter

December 2021

OSHA Will Not Enforce ETS Rule on Mandatory Employee Vaccinations

On November 5, 2021, the Federal Occupational Safety and Health Administration (OSHA) issued its long-awaited Emergency Temporary Standard (ETS) requiring all employers with at least 100 employees to mandate that all employees be fully vaccinated against COVID-19 or submit to weekly COVID-19 testing.

On November 12, 2021, the U.S. Court of Appeals for the Fifth Circuit granted a motion to stay OSHA's ETS. The court ordered that OSHA "take no steps to implement or enforce" the ETS "until further court order." OSHA has suspended activities related to implementing and enforcing the ETS, pending future developments in the litigation.

On November 16, 2021, due to similar legal challenges against the ETS filed in other courts, U.S. Circuit Court of Appeals for the Sixth Circuit was randomly selected to hear a consolidated action. A three-judge panel from the Sixth Circuit, primarily comprised of Republican-appointed judges, will now be randomly assigned to hear the legal challenges to the OSHA ETS.

We highlight critical information for employers should the ETS be enforced but do not detail all of the ETS's requirements.

EMPLOYERS COVERED BY THE ETS

With limited exceptions, the ETS covers employers with 100 or more employees company-wide. It includes temporary workers, season workers and minors.

Employees who work from their homes, workplaces where no other people are present (such as a remote worksite) or exclusively outside are exempt from the ETS. While they are still counted toward the 100 employees, those workers need not comply with the mandates imposed by a covered employer.

ETS REQUIREMENTS OF COVERED EMPLOYERS

Covered employers under the ETS are required to establish and implement a written mandatory vaccination policy unless the employer adopts an alternative policy requiring COVID-19 testing and face coverings for unvaccinated employees.

To meet the definition of "mandatory vaccination policy", the policy must require: Vaccination of all employees, including all new employees as soon as practicable, other than those employees (1) for whom a vaccine is medically contraindicated, (2) for whom medical necessity requires a delay in vaccination, or (3) those legally entitled to a reasonable accommodation under federal civil rights laws because they have a disability or sincerely-held religious beliefs, practices, or observances that conflict with the vaccination requirement.

WHEN COVERED EMPLOYERS NEED TO COMPLY WITH ETS

The deadline to implement the required policies under the ETS is 30 days from the publication date of the ETS, which is December 5.

The ETS requires all covered employees to either be vaccinated or start weekly testing by January 4, 2022. The ETS defines "fully vaccinated" to mean two weeks after an individual's second dose in a two-dose series, such as Pfizer or Moderna's, or two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. This includes vaccinations approved by the U.S. Food and Drug Administration (FDA) and World Health Organization (WHO).

OSHA published this chart of the ETS requirements and compliance dates.

RECORDS THAT COVERED EMPLOYERS NEED TO PROVE EMPLOYEES' VACCINATION STATUS

ETS states acceptable proof of vaccination status includes:

- the record of immunization from a health care provider or pharmacy;
- a copy of the COVID-19 Vaccination Record Card;
- a copy of medical records documenting the vaccination;
- a copy of immunization records from a public health, state, or tribal immunization information system; or a copy of any other official documentation that contains the type of vaccine administered, date(s) of administration and the name of the health care professional(s) or clinic site(s) administering the vaccine(s)

A signed and dated employee attestation is acceptable when an employee is unable to produce proof of vaccination.

Employers should maintain all proof of vaccination while the ETS is in effect and should be kept in separate, confidential files.

ETS REQUIREMENTS FOR WEEKLY TESTING

The ETS requires employers to ensure that employees who are not fully vaccinated and who report at least once every seven days to a workplace where other individuals such as coworkers or customers are present are:

1. tested for COVID-19 at least once every seven days;
2. provide documentation of the most recent COVID-19 test result to the employer no later than the seventh day following the date the employee last provided a test result.

Employers must also ensure that employees who are not fully vaccinated and do not report during a period of seven or more days to a workplace where other individuals are present are:

1. tested for COVID-19 within seven days prior to returning to the workplace; and
2. provide documentation of that test result upon return to the workplace.

Tests must be cleared, approved or authorized (including Emergency Use Authorization) by the FDA and administered in accordance with authorized instructions.

Testing documentation should be kept in confidential files for vaccination records.

The ETS requires all covered employers to remove from the workplace any employee who tests positive for COVID-19 or receives a diagnosis of COVID-19.

PAYMENT FOR COSTS ASSOCIATED WITH GETTING VACCINATED AND TESTING

The ETS requires covered employers to provide up to four hours of paid time to receive each primary dose (excluding any booster doses) of the vaccine if employees get vaccinated during working hours and reasonable paid time for sick leave for side effects.

The four hours of paid time that employers must provide for the administration of each primary vaccination dose cannot be offset by any other leave that the employee has accrued, such as sick leave or vacation leave. However, if an employee already has accrued paid sick leave, an employer may require the employee to use that paid sick leave when recovering from side effects experienced following a primary vaccination dose.

Additionally, if an employer does not specify between different types of leave (i.e., employees are granted only one type of leave like PTO rather than differentiating between sick and vacation time), the employer may require employees to use that leave when recovering from vaccination side effects. If an employer provides employees with multiple types of leave, such as sick leave and vacation leave, the employer can only require employees to use the sick leave when recovering from vaccination side effects.

Where an employee chooses to remain unvaccinated, the ETS does not require employers to pay for the costs associated with regular COVID-19 testing or the use of face coverings.

In some cases, employers may be required to pay testing and/or face covering costs under other federal, state and local laws or collective bargaining obligations. Some may choose to do so even without such a mandate, but otherwise, employees will be required to bear the costs if they choose to be regularly tested and wear a face covering in lieu of vaccination.

Practice Tip:
We will monitor the status of the ETS and whether OSHA will enforce it pending the current litigation. If it is enforced, covered employers will need to implement the required policies and consult with experienced employment counsel regarding any questions.

EEOC Updated Vaccine Guidance for Employers

Since October, the EEOC has updated its vaccine guidance for employers on three occasions. Below is a summary of the key takeaways.

OCTOBER 13 UPDATED GUIDANCE

The EEOC updated its guidance to reiterate its position that an employer may require all employees physically entering the workplace to be vaccinated. It explains that accommodations may be necessary for employees who are pregnant, have disabilities or sincerely held religious beliefs. While this did not alter the EEOC's prior position in its vaccine guidance

materials, the updated guidance notes that mandatory vaccination policies may have a disparate impact on certain groups of employees because of disproportionate access to vaccines and encourages employers to evaluate options to address any such disparities. The EEOC does not elaborate further on this subject.

The EEOC also addressed pregnant employees who seek exemptions to a mandatory vaccine policy. Although the CDC encourages individuals who are pregnant or breastfeeding to receive a COVID-19 vaccine, the EEOC states that if a pregnant employee does not wish to be vaccinated and seeks an exemption from a mandatory vaccination policy, an employer must not discriminate against them when comparing to other similarly abled employees. The EEOC provides specific examples of types of accommodations an employer may have to provide to a pregnant employee seeking an exemption from a mandatory vaccination policy, including job modification, remote work, changes in schedules or assignments or leave.

Additionally, the updated guidance confirms that employers may ask for proof of vaccination without violating the Americans with Disabilities Act (ADA) or Genetic Information Non-Discrimination Act (GINA). Notwithstanding, all COVID-19 vaccination information is considered confidential medical information that the EEOC says must be kept separately from the employee's personnel file.

OCTOBER 25 UPDATED GUIDANCE

The updated guidance focuses on exemptions for employees who have a religious objection to receiving a COVID-19 vaccination. Prior to this update, the EEOC's guidance provided that employees may be entitled to a vaccine exemption under Title VII of the Civil Rights Act of 1964. Under Title VII, employers must provide accommodations to employees who object to getting vaccinated based on sincerely held religious beliefs unless doing so poses an undue hardship to the employer. The updated guidance clarifies that while an employer "generally" should assume that a request for religious accommodation is based on sincerely held religious beliefs, an employer may ask for more information if it has an objective basis for questioning either the religious nature or the sincerity of a particular belief.

The EEOC explains that the definition of "religion" under Title VII protects nontraditional religious beliefs that may be unfamiliar to employers. While the employer should not assume that a request is invalid simply because it is based on unfamiliar religious beliefs, employees may be asked to explain the religious nature of their belief and should not assume that the employer already knows or understands it.

Importantly, it's stated that Title VII does not protect personal preferences or social, political or economic views. Thus, objections to COVID-19 vaccination based on these views or nonreligious concerns about the vaccine's possible effects do not qualify as "religious beliefs" under Title VII. When an employee's objection to a COVID-19 vaccination requirement is not religious in nature, or is not sincerely held, Title VII does not require the employer to provide an exception to the vaccination requirement as a religious accommodation.

The guidance further clarifies how an employer would demonstrate that it would be an "undue hardship" to accommodate an employee's religious accommodation request. Under Title VII, requiring more than a "de minimis," or minimal, cost to accommodate an employee's religious belief is an undue hardship. Costs to be considered include not only direct monetary costs, but also the burden on the conduct of the employer's business. In this instance, that includes the risk of spreading COVID-19 to other employees or the public. However, it cautions that an employer cannot rely on speculative hardships when faced with an employee's religious objection and should rely on objective information such as whether the employee requesting a religious accommodation to a COVID-19 vaccination requirement works outdoors or indoors, works in a solitary or group work setting and/or has close contact with other employees or members of the public (especially medically vulnerable individuals). Another relevant consideration is the number of employees who are seeking a similar accommodation (i.e., the cumulative cost or burden on the employer).

The guidance states that each accommodation request requires an individualized assessment based on the specific factual context.

It's further explained that the employer ultimately determines the accommodation, not the employee. While employers should consider the employee's preference for accommodation, it is not obligated to provide the accommodation preferred by the employee.

Lastly, the accommodation process is describe as being fluid and may change over time. For example, employees' religious beliefs and practices may evolve or change over time and may result in requests for additional or different religious accommodations. Similarly, an employer has the right to discontinue a previously granted accommodation if it is no longer utilized for religious purposes or if a provided accommodation subsequently poses an undue hardship on the employer's operations due to changed circumstances. The EEOC provides that as a best practice, an employer should discuss with the employee any concerns it has about continuing a religious accommodation before revoking it and consider whether there are alternative accommodations that would not impose an undue hardship.

NOVEMBER 17 UPDATED GUIDANCE

The updated guidance includes more information about employer retaliation in pandemic-related employment situations. The updates explain and clarify the rights of employees and job applicants who believe they suffered retaliation for protected activities under the ADA, Title VII or

other employment discrimination laws. The updated guidance explains how these rights are balanced against employers' needs to enforce COVID-19 health and safety protocols.

Key updates include:

- Current and former employees and job applicants are protected from retaliation by employers for asserting their rights under any EEOC-enforced anti-discrimination laws.
- Protected activity can take many forms, including filing a charge of discrimination; complaining to a supervisor about coworker harassment; or requesting accommodation of a disability or a religious belief, practice, or observance, regardless of whether the request is granted or denied.
- The ADA prohibits retaliation for protected EEO activity as well as "interference" with an individual's exercise of ADA rights.

Practice Tip:
The EEOC updates do not dramatically change the prior guidance from the EEOC related to vaccines. The agency's position remains clear that employers may mandate vaccines in the workplace so long as they consider legally-required accommodation processes for certain employees and avoid any retaliatory actions.

New Employee Work Authorization Protection Under Illinois Law

On August 2, 2021, Gov. Pritzker signed Public Act 102-0233 into law, which adds work authorization status as a protected classification to workers in Illinois. The Illinois Human Rights Act (Act) now makes it a civil rights violation for an employer to discriminate against an employee based on an employee's Work Authorization Status. "Work Authorization Status" means the status of being a person born outside of the United States, and not a U.S. citizen, who is authorized by the federal government to work in the United States.

Effective January 1, 2022, the Illinois Human Rights Act will also prohibit "unlawful discrimination against an individual because of the individual's association with a person with a disability," which will make it consistent with the definition in the federal ADA.

Practice Tip:
The Act applies to all employers in Illinois with one or more employees. Accordingly, Illinois employers should review their policies to ensure compliance with these new laws and prohibit any discriminatory act with regard to an employee's work authorization status and their association with a person with a disability. Discriminatory acts would include decisions related to hiring, discipline, promotion, termination, etc.

Be Careful What You Say

Employers need to be reminded that phrases or statements you make to or about their employees can be one of the factors that can impact whether an employee or even the EEOC might bring an employment-related discrimination or disability claim against that employer. A potentially damaging statement, even when not intended by the employer to sound discriminatory in nature, can be used by an employee to support his claim of a violation of Title VII or other employment-related protection.

Phrases like "not a good fit," or "not comfortable with you," or "getting up in years" can be the type of evidence the EEOC and plaintiff employee attorneys look for to support their position of discriminatory or retaliatory conduct by an employer.

Recently, the EEOC brought a sex discrimination case against a furniture retailer in Minnesota in which a transgender applicant for a sales position was not hired by the company. *EEOC v. Frisseu Furniture*. In pursuing a claim and ultimately recovering $60,000 from the employer, the EEOC noted that a hiring representative at the store had advised the prospective employee that he would not "mix well with the customers."

Practice Tip:
Employers should avoid using phrases about prospective or existing employees not having the adequate character or personal background to work with the company, other employees or customers.

Advising employees that they do not have the requisite job experience or education to be employed or promoted, or failing to perform various necessary job functions and duties will avoid said phrases coming back to haunt the employer.

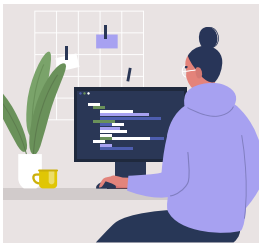
EEOC Files First COVID-19 Related Lawsuits

Since September, the EEOC has filed its first 3 lawsuits for COVID-19 related discrimination.

GEORGIA CASE

On September 7, 20201, the EEOC filed its first lawsuit against an employer alleging discrimination related to a request for a reasonable accommodation related to COVID-19.

According to the EEOC's lawsuit (*EEOC v. ISS Facility Services, Inc.* (N.D. Ga., No. 1:21-CV-3708-SCJ-RDC)) filed in the U.S. District Court for the Northern District of Georgia, Atlanta Division, the company unlawfully denied an employee's reasonable request for an accommodation for her disability and then fired her for requesting it.



From March 2020 through June 2020, the company required all of its employees to work remotely four days per week due to the COVID-19 pandemic. In June 2020, when the facility re-opened, the plaintiff-employee requested an accommodation to work remotely two days per week and take frequent breaks while working on-site due to her pulmonary condition that causes her to have difficulty breathing and placed her at a greater risk of contracting COVID-19. Although the company allowed other employees in the employee's position to work from home, it denied her request and, shortly thereafter, fired her.

The EEOC filed a lawsuit alleging the actions by the company violated the Americans with Disabilities Act (ADA). The EEOC is seeking back pay, compensatory damages, and punitive damages for the employee, as well as injunctive relief to prevent future discrimination.

TEXAS CASES

On September 24, 2021, the EEOC filed two lawsuits in Texas courts alleging that a pharmacy and a coffeehouse both discriminated against employees with disabilities that rendered them vulnerable to serious illness if they contracted COVID-19. The two employers took different approaches to the virus, but both violated the ADA according to the EEOC.

According to the EEOC's suit against the pharmacy (*EEOC v. U.S. Drug Mart d/b/a Fabens Pharmacy* (W.D. Tex. No. 3:21-cv-00232)), filed in the U.S. District Court for the Western District of Texas, El Paso Division, the employer discriminated against a pharmacy technician with asthma who asked to wear a facemask at work to accommodate his disability immediately following the COVID-19 outbreak to help protect him from the virus. The employee was harassed because he requested this accommodation and got sent home twice when he asked to wear a mask. According to the lawsuit, he was taunted and humiliated for questioning management's policy prohibiting masks, leading him to quit.

The EEOC is seeking back pay, compensatory and punitive damages and injunctive relief.

The case against the coffeehouse (*EEOC v. 151 Coffee, LLC* (N.D. Tex. No. 4:21-cv-01081)) filed in the U.S. District Court for the Northern District of Texas, Ft. Worth Division, alleges that the company violated the ADA by denying a reasonable accommodation to two baristas with disabilities and terminating their employment. According to the EEOC's complaint, the employees were not allowed to return to work until a vaccine for COVID-19 was developed, even though they were ready and willing to work.

In this case, the EEOC seeks back pay, compensatory and punitive damages and injunctive relief.

Practice Tip:
While these cases filed by the EEOC are the first-of-their-kind COVID-19 related discrimination cases, they certainly will not be the last. We expect to see more litigation initiated by the EEOC and employees alleging similar claims for discrimination related to the pandemic. Employers should be cautious when approached with requests for reasonable accommodations by employees for COVID-19 related reasons and consult with experienced employment counsel before taking adverse employment actions.

New DOL Tip Rules for Restaurant and Hospitality Industries

The U.S. Department of Labor (DOL) recently published two new final rules with regard to tipped employees.

TIP SHARING FINAL RULE

The first final rule became effective on November 23, 2021 and prohibits managers and supervisors from keeping any portion of an employee's tips, regardless of whether the employer takes a tip credit. Managers and supervisors may only keep the tips they receive directly from customers based on the services they directly and solely provide.

This final rule also prohibits employers, managers and supervisors from receiving tips from an employee tip pool. The final rule clarifies, however, that while managers and supervisors may not accept tips from mandatory tip pools or tip-sharing arrangements, managers or supervisors are not prohibited from contributing tips to eligible employees in mandatory tip pools or sharing arrangements.

However, an employer that pays tipped employees the full minimum wage and does not take a tip credit may require tipped employees to share tips with dishwashers, cooks or other employees who don't customarily receive tips, as long as that arrangement does not include any employer, supervisor or manager.

TIPS DUAL JOBS FINAL RULE

The second final rule, dubbed the Dual Jobs Final Rule, will become effective December 28, 2021. This final rule sets reasonable limits on the amount of time an employer can take a tip credit when a tipped worker is not performing tip-producing work. It clarifies that an employer may take a tip credit only when an employee is performing work that is part of a tipped occupation, performing work that is tip-producing or directly supports tip-producing work for a limited amount of time.

Under this final rule, an employer can take a tip credit only when the worker is performing tip-producing work or when:

- A tipped employee performs work that directly supports tip producing work for less than 20 percent of the hours worked during the employee's workweek. Therefore, an employer cannot take a tip credit for any time that exceeds 20 percent of the workweek. Time for which an employer does not take a tip credit is excluded in calculating the 20 percent tolerance.
- A tipped employee performs directly supporting work for not more than 30 minutes. Therefore, an employer cannot take a tip credit for any time that exceeds 30 minutes.

Practice Tip:
Employers in the restaurant and hospitality industries should bring their tipping and compensation policies and practices into compliance before the effective date of the final rule. Employers who violate these rules could be subject to penalties of up to $1,100 per violation regardless of whether the violations were repeated or willful.

Chicago Company to Pay $1.1 Million for Race Discrimination

Per a recent settlement reached between the EEOC and a Chicago company, $1.1. million will be paid to employees who were subjected to race discrimination.

The EEOC's lawsuit *(EEOC v. Chicago Meat Authority*, N.D.IL Case No. 18-cv-01357) alleged that the employer discriminated against Black applicants in hiring, subjected African American employees who were in the workforce to racial harassment, and fired a Black employee because of his race and in retaliation for complaining about racial harassment.

At the administrative level, the EEOC's investigation revealed that the company favored hiring Hispanic employees over African American employees, even though the company is located in a predominantly Black neighborhood on Chicago's South Side. The investigation also revealed that hired African American employees were subjected to repeated racial slurs by both co-workers and managers.

The case settled and in addition to the company paying $1.1 million in monetary relief to the discrimination victims, significant injunctive relief was also decreed. For example, the settlement agreement prohibits future discrimination, mandates the hiring of rejected applicants who still want jobs at the company, requires the company to make good faith efforts to reach hiring goals for Black employees, and mandates implementation of anti-harassment training and policies.

Practice Tip:
Discrimination based on race remains a high priority for the EEOC. This case demonstrates the magnitude of such claims and the high exposure for damages resulting from race-based claims. Employers are prohibited from discriminating against applicants and employees based on race under both state and federal law, and as such, should have clear policies in place to prevent discrimination in any workplace practices.

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 and Jessica Jackler contributed to this newsletter.

Firm **News**

Thank You, Geoff Bryce

Following Bryce Downey & Lenkov's 20th anniversary, former Managing Capital Member Geoff Bryce is retiring.

Geoff founded the firm with Storrs Downey in 2001, with a focus on mentorship and building strong relationships. Geoff served as Managing Capital Member for 19 years and in addition to his construction and commercial work, Geoff's practice encompassed business transactions, toxic tort and products liability cases. He is a recognized leader in the construction industry, serving as President of the Society of Illinois Construction Attorneys and has been named as a leading practitioner by Super Lawyers and Leading Lawyers.

Post-retirement, Geoff is looking forward to new adventures and spending more time with his family.

We cannot thank Geoff enough for his time and dedication to the firm. Please join us in sending Geoff well wishes in his next chapter.

Bryce Downey & Lenkov Names Two New Income Members

We are pleased to announce that Tim Furman and Emily Schlecte have been elected to Income Members.

Tim ("TJ") Furman joined the firm in 2016 and is an active speaker in the legal community, including presentations for Lorman Education Services, National Business Institute and other nationally recognized conferences. He also has been selected to Super Lawyer's Rising Stars list for the last three years.

Emily Schlecte joined the firm in 2017 and is especially noted for her thoroughness, due diligence and achieving positive results in the most cost-efficient manner for her clients. Emily also secured two consecutive zero workers' compensation awards in less than a month, which are very difficult to come by in Illinois.

Both Tim and Emily embody firm culture and values with a client-focused approach and commitment to their communities.

Bryce Downey & Lenkov Participates in CVLS Race Judicata® 2021

Bryce Downey & Lenkov was proud to participate in Chicago Volunteer Legal Services' (CVLS) Race Judicata® 2021 on 9/23. Race Judicata is a 5K Run/Walk benefiting CVLS' mission to coordinate, support and promote voluntary pro bono legal representation serving the city's working poor.

Of counsel Werner Sabo placed second place in his age group at 32:45! Thank you to everyone who stopped by our tent & a big thanks to Chicago Volunteer Legal Services for another fun and safe Race Judicata!

Learn more about CVLS and Race Judicata.

Jeff Kehl Wins Appeal in Indiana Dram Shop Case

This past summer, Jeff Kehl secured a summary judgment on behalf of an Indiana bar in a lawsuit brought by a patron who alleged that a drunk patron had physically assaulted her.

Plaintiff did not file a response to the motion for summary judgment within 30 days as required by Indiana law. The trial court struck Plaintiff's response to the motion for summary judgment and granted summary judgment for the bar based upon the evidence presented.

Plaintiff appealed, arguing that her attorney had been exposed to COVID-19 in the last year and the court's application of the 30 day rule for responding to motions for summary judgment resulted in a denial of her access to courts.

The Indiana Court of Appeals rejected the Plaintiff's argument finding that the COVID-19 based restrictions on court activity had expired three months prior to the bar filing its motion for summary judgment. The court also disagreed with the Plaintiff's claim that her access to courts had been denied. According to the court, this was not a case of access being denied but rather a case of access being squandered.

Jeff Kehl Secures Summary Judgment in Medical Malpractice Case

Income member Jeff Kehl secured summary judgment in an Indiana medical malpractice case where a doctor was charged with failing to diagnose a thyroid condition. Jeff argued that the statute of limitations runs from the date on which the patient "knew something was wrong," not on the date on which a correct diagnosis was made. The judge agreed and granted summary judgment.

Kirsten Kaiser Kus & Werner Sabo Named to 2022 Best Lawyers in America® List

We are pleased to announce that income member Kirsten Kaiser Kus and of counsel Werner Sabo have been recognized by their peers in the 28th Edition of Best Lawyers in America. This is Kirsten's third consecutive year selected for her work in workers' compensation law. Werner was highlighted for his work in construction litigation. They both rank among the top 5% of private practice attorneys nationwide.

Rich Lenkov Presents to NIU's Externship Program

Capital member Rich Lenkov recently gave a lecture to Northern Illinois University College of Law's Externship program on 9/21. Rich discussed the value of appropriate attire, promptness, language and writing skills, adequate research and more.

NIU's externship program provides practical and real-world experience for students entering the job market.

Rich is a 1995 NIU College of Law alumni and has served on the Board of Visitors for 13 years.

Margery Newman Joins Govcon Giants Podcast

Income member Margery Newman recently joined the Govcon Giants podcast to discuss high-risk construction contract clauses that primarily impact subcontractors. She highlights scope of work provisions, exclusions and omissions, best practices in contract negotiations, COVID-19's impact on the construction industry and much more.

Listen to the full episode.

GOVCON GIANTS
WINNING CONTRACTS LIKE BOEING!

BDL Sponsors Harriet Tubman Elementary School's Fall Fun Run

Bryce Downey & Lenkov was proud to sponsor Harriet Tubman Elementary School's 15th Annual Fall Fundraiser: Fun Run. The fall fundraiser brings the community together by promoting health and well-being. Funds raised will provide assistance to Harriet Tubman Elementary families in need due to issues related to COVID-19.

Harriet Tubman Elementary is a kindergarten through 8th grade Chicago Public School in the Lakeview neighborhood that serves families from around the city.

Bryce Downey & Lenkov Proud Founding Member of MPLA

Bryce Downey & Lenkov is proud to be a founding member of the Management and Professional Liability Alliance (MPLA). MPLA is a community that offers resources and shared experiences to its members.

Recently, MPLA sponsored the PLDF National Conference in Nashville. Capital member Storrs Downey also attended.

Learn more about Management & Professional Liability Alliance.

Management & Professional Liability Alliance ™

Bryce Downey & Lenkov Sponsors Higher Orbits STEM Education Charity Golf Tournament

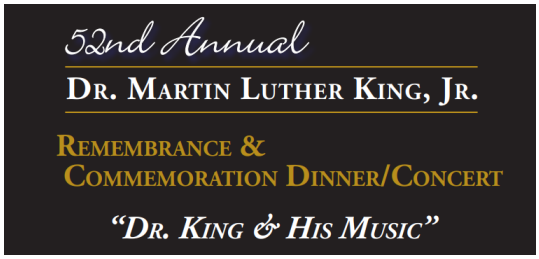
Bryce Downey & Lenkov proudly sponsored Higher Orbits' Inaugural Charity Golf Tournament on 9/27. Higher Orbits is a non-profit organization whose mission is to equip and inspire students through spaceflight in hands-on, project-based learning experiences that promote Science, Technology, Engineering, and Math.

Chicago associate Natalie Christian serves on the Board of Directors

BDL Sponsors ICDHR's MLK Remembrance Dinner & Concert

We were proud to sponsor Illinois Commission on Diversity and Human Relations' 52nd Annual Dr. Martin Luther King, Jr. Remembrance Dinner & Concert on 11/13. The annual dinner commemorates the anniversary of Dr. King's death by honoring and elevating the ideas for which he stood for.

Income member Brian Rosenblatt was selected to host this year's dinner, which featured a performance by five-time Grammy Award-winning artists, the Five Blind Boys Of Alabama.

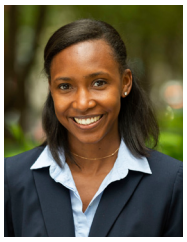


BDL Is **Growing!**

Please join us in welcoming Megan Dyson, Ryan O'Malley and Talia Shambee to the firm. They join us as workers' compensation and general liability associates.

Megan has experience representing clients in a wide range of workers' compensation, personal injury and civil litigations. She brings a unique perspective to the firm as she previously worked for a prominent Petitioner law firm.

Ryan utilizes his diverse skill set to resolve a variety of complex matters while achieving the best results for his clients in workers' compensation litigation. Prior to joining the firm, Ryan handled divorce and family law matters for a notable Chicagoland law office.



Talia brings a fresh outlook to her cases, previously assisting with pro bono matters throughout all aspects of litigation. Prior to joining Bryce Downey & Lenkov, Talia handled toxic torts for a St. Louis law firm.

Cutting Edge Continuing Legal Education

If you would like us to come to you for a free seminar, Click here or email Storrs Downey.

Our attorneys regularly provide free seminars on a wide range of labor and employment topics. We speak to companies of all sizes and national organizations. Among the regional and 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 Business Institute (NBI)
- National Workers' Compensation and Disability Conference
- RIMS Annual Conference
- SEAK Annual National Workers' Compensation and Occupational Medicine Conference

Previous Webinars

- Responding to Internal Employee Complains: Conducting Workplace Investigations
- Common Employer Mistakes
- Reopening Your Business Amid COVID-19
- COVID-19: What Employers Need to Know
- 10 Tricky Employment Termination Questions Answered
- Approaching LGBT Issues in Today's Workplace
- Hiring Do's and Don'ts
- Employment Law Issues Every Workers' Compensation Professional Need to Know About

If you would like a copy of our other prior webinars, please email us at mkt@bdlfirm.com.