

LEGAL UPDATE
HUMAN RESOURCES ASSOCIATION OF THE MIDLANDS
GOVERNMENTAL AFFAIRS COMMITTEE

September 2016

1. Student Assistants Win Right to Unionize at Private Colleges and Universities

Reversing longstanding precedent, the National Labor Relations Board has ruled that students “who have a common-law employment relationship with their university are statutory employees under the [National Labor Relations] Act.” Columbia University, 364 NLRB No. 90 (Aug. 23, 2016).

<http://www.jacksonlewis.com/publication/student-assistants-win-right-unionize-private-colleges-and-universities>

2. Illinois Freedom to Work Act: One State’s Reaction to Overreaching Non-Compete Agreements

In an effort to address possible overuse of non-compete agreements by certain employers, Illinois Governor Bruce Rauner has signed into law the Illinois Freedom to Work Act. The Act prohibits private sector employers from entering into non-compete restrictions with “low-wage employees” and renders any such agreements “illegal and void.”

<http://www.jacksonlewis.com/publication/illinois-freedom-work-act-one-state-s-reaction-overreaching-non-compete-agreements>

3. New York Makes Some Workplace Assaults a Felony

New York has beefed up protections for certain private and public sector employees, designating assaults against them as Class D felonies, rather than just Class A misdemeanors.

<http://www.jacksonlewis.com/publication/new-york-makes-some-workplace-assaults-felony>

4. **State Safety Plans Object to Federal OSHA Fine Increases**

State workplace safety agencies raised objections to adopting federal Occupational Safety and Health Administration's penalty increases in letters to the Department of Labor on OSHA's interim final rule, Federal Civil Penalties Inflation Adjustment Act Catch-Up Adjustment.

<http://www.jacksonlewis.com/publication/state-safety-plans-object-federal-osh-fine-increases>

LABOR AND EMPLOYMENT LEGISLATION:

Federal:

The House and Senate were in recess from July 18, 2016 through September 6, 2016.

State:

The Nebraska Legislature adjourned on April 20, 2016 and will reconvene on January 4, 2017.
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