EMPLOYMENT LAW

Johnson & Bell's Employment group is comprised of attorneys with a wealth of experience in handling a variety of employment-related matters and disputes.

Johnson & Bell's Employment group represents small, medium and large companies, public agencies and hospitals and other health care related entities with regards to their employment and labor issues. Our attorneys have successfully litigated cases under:

- Title VII of the Civil Rights Act, including race, gender, religion and national origin harassment and discrimination suits
- Americans with Disabilities Act
- Age Discrimination in Employment Act
- Fair Labor Standards Act
- Family Medical Leave Act
- Illinois Minimum Wage Law
- Illinois Wage Collection and Practices Act
- Disputes involving employment contracts, allegations of sexual misconduct, trade secrets, violations of restrictive covenants and employment-related class action claims

We have represented clients before various arbitration panels, state and federal courts and administrative agencies, including the state and federal Department of Labor, Illinois Department of Human Rights and the U.S. Equal Employment Opportunity Commission. We also have handled defense of a major pharmacy in a Department of Labor whistleblower claims matter.

In addition to litigating disputes, our Employment attorneys provide service and counseling to clients regarding the day-to-day employment-related issues that arise within any place of employment. We draft and review employment contracts, severance agreements, employee manuals, sexual harassment policies, progressive discipline policies, employee benefits agreements and other employment-related documents. Our lawyers have also presented numerous employment law seminars to supervisors and managers at a number of our corporate clients. These seminars touch on topics including the key statutes mentioned above and also discuss acts specific to Illinois, such as the Personnel Records Review Act, Victims' Economic Security and Safety Act, the One Day Rest in Seven Act, as well as the rules regarding employment applications and interviews, among others.

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CLIENT RESULTS

Carlos Secures SJ in Discrimination Dispute

Summary Judgment Ruling Ends Defamation, IIED Lawsuit Against School

Vickrey Obtains Dismissal with Prejudice in Mental Health Confidentiality Act Lawsuit

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Appellate Court Reverses Bench Trial Award on Plaintiff's Statutory Wage and Hour Claims Against Non-Profit Religious Organization

Matros v. Commonwealth Edison Co., 2019 IL App (1st) 180907

Spitzzeri Secures Dismissal in Employment Discrimination Case

Burke, Linneman Secure Verdict for Plaintiff in Pro Bono Employment Dispute with FEMA

Spitzzeri, Margulis Secure Dismissal in Heated Legal Malpractice Dispute

Carlos Secures Defense Verdict in Employment Dispute

Bell, Geiser Secure Judgment for Defense in $7M Retaliatory Discharge Dispute

Spitzzeri, Carlos Secure Dismissal of Employment Lawsuit Alleging Improper Termination and Retaliation

Spitzzeri Secures Dismissal of Whistleblower Case

Spitzzeri Obtains Dismissal of Employment Discrimination Case Against Automotive Parts Retailer

Carlos Secures Positive Determination from IDES Over Employee Classification Issue

Spitzzeri and Carlos Secure Defense Verdict in EEOC Case

Bell Receives Not Guilty Verdict For Commonwealth Edison

Olivia Mendoza, et al., v. Zirkle Fruit Co., Federal Court. Settlement.

Jung v. Association of American Medical Colleges, Federal Court. Dismissed.

NOTABLE CASES

Bell, Geiser Secure Judgment for Defense in $7M Retaliatory Discharge Dispute

PUBLICATIONS

The Illinois Mental Health and Developmental Disabilities Confidentiality Act: Sword or Shield

"WARN" ACT Notice Requirements for Workforce Reductions and Plant or Business Closures Caused by COVID-19

Prior Job Application Admissible in ADA Litigation Along with Evidence That The Employer Hired a Different Member of Plaintiff's Protected Class

Seventh Circuit Reverses ADA Ruling in Favor of Plaintiff; Obesity Without Physiological Cause Not ADA Covered Impairment

Employers & Personal Cannabis Use After HB-1438 (Cannabis Regulation and Tax Act)

The Workplace Just Got More Complex to Manage in Illinois

7th Circuit Reaffirms Distinction Between Supervisor and Co-Employee Harassment Under Title VII

Amendments to Illinois Human Rights Act and Illinois Wage Payment and Collection Act Could Mean Future Headaches for Employers

OSHA Issues Clarification on Workplace Safety Incentive Programs and Drug Testing

Case Law Overview: Vehicle Legroom Accommodation Dispute Ends with Appellate Court Affirming In Favor of Employer

Appellate Court Affirms Dismissal in FLSA Dispute that Wasn't

Case Law Overview: Court Rules Paramedic Did Not Violate Decedent's Fourth Amendment Rights

Car Dealerships' Service Advisors Exempt from FLSA Overtime Pay Requirement

Cat's Paw in the 9th Circuit

The Cat's Paw Doctrine is Born in the 7th Circuit Court of Appeals

Fired in Retaliation for Reporting a Work-Related Accident? 7th Circuit Says "No" and Rules Employer Entitled to Costs

Passing an Exam Necessary for Licensing is Both an Essential Function of the Job and Required to be a Qualified Individual Under

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the ADA

7th Circuit Reaffirms That a Pay Disparity Based Upon Prior Sex is a Legitimate Factor Other Than Sex Under the Equal Pay Act

Noncompetes Often "Stick" when Associated with Sale of a Business

7th Circuit Rejects Medical Leave of Absence Request as Reasonable Accommodation Under the ADA Following Exhaustion of FMLA Leave

Seventh Circuit Upholds EEOC's Investigatory Authority Despite Resolution of the Underlying Case in favor of the Employer

Illinois One Day Rest in Seven Act Can Be Waived by Employee

Ruling Raises Questions About OSHA Worksite "Controlling Employer" Policy

7th Circuit Court of Appeals Affirms Preliminary Injunction Authorizing Transgender Bathroom Use

Ninth Circuit Opens Divide in Equal Pay Cases

Full Seventh Circuit Reverses Course on Sexual Orientation Claims Under Title VII

10th Circuit Refuses to Enforce EEOC Pattern and Practice Administrative Subpoena

Fourth Circuit Court of Appeals Establishes New "Joint Employer" Test Under the Fair Labor Standards Act

Employer's Wellness Program Covered by the ADA's Insurance Safe Harbor - EEOC Challenge Declared Moot

Illinois Bans Noncompetes for Low Wage Earning Employees

Are Your Employment Agreements Current? The Defend Trade Secrets Act Impact

Expert Allowed to Testify That Employer's Anti-Discrimination Policies Met Custom and Practice in the Industry

EEOC Publishes Resource on the Rights of Job Applicants and Employees with Mental Conditions under the ADA

Penn Student Athletes Not Employees Under FLSA

New Whistleblower Settlement Guidance Announced by OSHA

Illinois Passes Sick Leave Law

In ADA Lawsuit, EEOC Ordered to Produce Claimants' Medical and Work Records, and Work History

EEOC Issues Final Enforcement Guidance on Retaliation and Related Issues

OSHA Pilots New, Expedited Whistleblower Review Process

"Overbroad" Employee Handbook Provisions Continue to Garner the Attention of the NLRB and its ALJs

Worker Protections Secured Behind Chicago's New Paid Sick Leave Ordinance

Court Finds Municipality Used Arrest Record to Wrongfully Terminate Employment

Drafting Effective EEOC Position Statements

Mach Mining Conciliation Issue Revisited by District Court

Non-Compete Agreements Under Attack in Illinois

Employer Beware - Department of Labor's New Overtime Rules Require Review and Action

U.S. Departments of Justice and Education Weigh in on Transgender Issues

Drafting a Leave Policy – Easier Said Than Done

Fourth Circuit Reverses District Court on Transgender Locker Room Issue Giving Deference to Department of Education Guidance Letter

Appellate Court Expands Reach of Illinois Human Rights Act, Impacting Pending and Future Litigation

District Court Rejects Title IX Restroom Access Claim of Transgender Student

EEOC Ordered Back to Conciliation

Motor Carrier's Self-Reporting Policy Violates the ADA

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EEOC Denied "Roving Depositions" and Onsite Inspection of Employee Functions

Supreme Court Upholds District Court's Review of the EEOC's Conciliation Efforts

Hospital Hit for $300K for Firing Employee After Leave of Absence

Department of Labor’s Efforts to Revamp Companionship Exemption Under FLSA Rejected

EEOC Files Suit Over Common Severance Agreement Language

Systemic Discrimination: A Cautionary Tale

DOL Whistleblower Investigations: A Summary Overview

Interacting With The Equal Employment Opportunity Commission (EEOC) During Administrative Investigations

Will Your Independent Contractors Come Back to Haunt You? Illinois Supreme Court Upholds the Illinois Employee Classification Act

EEOC Hit Twice in Three Months for Pursing Frivolous Claims

Supreme Court Ruling Favors Companies in FLSA “Donning” and “Doffing” Disputes

Interacting with OSHA - Employers' Rights and Responsibilities

OSHA Clarifies Regulations Regarding "Walkaround Representative"

SCOTUS Finds that an Unanswered Rule 68 Offer that Satisfies Plaintiff's Claim in its Entirety Moots Plaintiff's Cause of Action and Necessitates Dismissal of an FLSA Collection Action

U.S. Supreme Court Narrows the Scope of Title VII Harassment and Retaliation Claims

Physician Group's Non-Compete Clause Fails

The Illinois Prevailing Wage Act Adds Teeth

Sometimes Doing Less Is Better -- Anwar Oshana v FCL Builders, Inc., et. al

The Seventh Circuit Re-Examines the "Reassignment" Remedy Under the ADA

NLRB Invalidates Class Action Waivers in Employment Agreements

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