



Employment Litigation in Review #1

November 15, 2011

Often in the employment and labor field there are minor events worth noting, but not worth dedicating an entire post to. With that said, it is our pleasure to introduce the first of our “Employment Litigation in Review” series. This series will contain short articles detailing minor changes in the law, proposed legislation, and case decisions.

First, since Friday was Veteran’s Day, I would like to express our department’s gratitude to all the veterans who have served our country. It is simply impossible to show how much we appreciate those of you whom have made incredible sacrifices out of love for our country.

Second, today the Supreme Court announced that it will review the 26-state challenge to the President’s health care reform law (PPACA). Among the issues to be reviewed, the Court will look to whether PPACA’s individual mandate is unconstitutional. If the Court finds it is, it will then look to whether that piece is severable from PPACA or if it makes the whole Act invalid. Unfortunately, oral arguments will not be heard until March 2012, thus a decision will not be issued for a while.

Third, last week the Supreme Court refused to grant a motion to dismiss in *Knox v. SEIU*, which we briefly discussed a few weeks back. The Court decided that it would defer from making a decision until they heard the merits argument. The *Knox* case will determine two constitutional challenges stemming from a public sector union’s temporary imposition of increased dues and fees to fund political activity.

Fourth, also last week, the U.S. Senate voted 95-0 to pass the Veterans Opportunity to Work (VOW) to Hire Heroes Act. This act, if approved by the full Congress, will provide tax credits to businesses that hire unemployed and/or wounded veterans. Additionally, it will also help ensure that military personnel who are transitioning back to civilian life receive a assortment of training and rehabilitation benefits to help them find jobs.

Finally, today would have been the deadline for employers to post the NLRB’s new Employee Rights Notice. However, on October 5, the NLRB announced that the deadline for the new poster requirement would be pushed back to January 31, 2012.

A special thanks to Sean Gajewski for helping with this post. Sean is a third-year law student at Hofstra University School of Law. You can reach him by email at [srgajewski \[at\] gmail dot com](mailto:srgajewski@gmail.com). Bio: www.sgajewski.com.