

# Employment & Labor Law

## Professionals

Mark Bakker  
 Kamri N. Barber  
 Sarah Sloan Batson  
 Cherie W. Blackburn  
 Bridget A. Blinn-Spears  
 Michael T. Brittingham  
 James A. Byars  
 Brittany N. Clark  
 L. Grant Close III  
 Jennifer S. Cluverius  
 David E. Dubberly  
 Victoria L. Eslinger  
 William H. Floyd III  
 David J. Garrett  
 James T. Hedgepath  
 Rebecca Jennings  
 Mary Stuart King  
 Angus H. Macaulay  
 Susan P. McWilliams  
 Nikole Setzler Mergo  
 Caitlin A. Mitchell  
 Ashley Parr  
 Tommy Postek\*  
 Rhett Ricard  
 David S. Robinson  
 Christy L. Rogers  
 Jim P. Rourke  
 Julia Gallagher Stewart  
 Sara Svedberg  
 Clarence R. Turner IV  
 Caitlin R. Walker

Nexsen Pruet has one of the largest, most experienced Employment and Labor Groups in the Carolinas. With more than 25 attorneys, we provide a comprehensive range of services including advice and counsel, training, and litigation of claims before administrative agencies and in state and federal courts.

We believe the best way to defend against employment and labor disputes is to avoid them, so we also assist clients through proper planning, management training, development of effective policies and practices, and audits that expose potential issues and shape appropriate responses. At the same time, however, our attorneys have the litigation skills to aggressively pursue any matter through trial when it is in the best interests of the employers we represent.

## Complete capabilities in multiple areas

Nexsen Pruet's Employment and Labor Group represents management in both union and non-union environments. We have successfully handled matters involving all aspects of the employment relationship, including:

- Arbitrations and mediations
- Business immigration
- Discrimination, retaliation, and harassment claims
- Employee benefits design and administration
- Employee benefits litigation
- Executive contracts and compensation
- Family and Medical Leave Act issues
- Individual employee and class action suits
- Occupational safety and health
- Reductions in force and plant closings
- Trade secret protection and litigation
- Union representation elections and unfair labor practices
- Wage and hour compliance and litigation

## Areas Of Concentration

Employee Benefits Litigation  
Employee Compensation and Benefits  
Employees and Technology  
Employment Immigration

→ Whistleblower investigations and lawsuits

As Nexsen Pruet has grown, we have applied new technologies that leverage our resources without increasing expense. We continue to reinforce a firm-wide commitment to providing the best, most professional service at the greatest possible value.

## Accomplished employment attorneys

Eight members of the group are listed in *Best Lawyers in America*<sup>®</sup> and similar surveys, and more than half of the group members have earned the highest possible ranking for legal ability and professionalism.

Nexsen Pruet's Employment and Labor Law attorneys have considerable courtroom experience. We have successfully defended employers in state and federal courts in the Carolinas and also in other regions of the country.

## Services that educate and protect

At Nexsen Pruet, we understand that litigation costs significant time and money and distracts organizations from their missions. Our Employment and Labor attorneys, whose overriding goal is to recognize and prevent potential problems before they result in a claim, help clients develop employment policies and training programs, and devise solutions to complex personnel situations.

## Full service, full resources

Because Nexsen Pruet is a full-service firm, our clients have access to the complete strength, skill, and resources that go beyond the Employment and Labor Group. With many other practice areas — including antitrust, construction, tax, real estate, corporate, intellectual property, and business immigration — we have the knowledge and capabilities to shape specific solutions to specific problems.

In addition to domestic employment issues, Nexsen Pruet lawyers bring global perspective and skills to their work. Many of our attorneys are fluent in foreign languages. Others help U.S.-based employers manage their overseas workforces.

For additional help, visit our team's HR Tool Kit page, for news and resources.

## News

09.15.2021 | Media Mention

Mark Bakker Discusses Legal Challenges with the Federal Vaccine Mandate

09.08.2021 | Media Mention

David Dubberly on SC Businesses Mandating Vaccinations

07.06.2021 | News from Nexsen Pruet

Nexsen Pruet's Sara Svedberg Graduates from Leadership Columbia Class of 2021

06.29.2021 | Media Mention

David Dubberly Discusses Tips for Employers Providing Volunteer Time Off

06.29.2021 | Media Mention

Bridget Blinn-Spears Offers Insight into Opioid Crisis in Construction Industry

06.01.2021 | Media Mention

Darra James Coleman Discusses OSHA Plans and Complaints

05.26.2021 | News from Nexsen Pruet

Nexsen Pruet Ranked Highly in Chambers USA: America's Leading Lawyers for Business for Another Year

05.12.2021 | Media Mention

Nexsen Pruet Case Highlighted in Media for Pharmaceutical Trade Secrets Settlement

03.04.2021 | Media Mention

Nexsen Pruet Highlighted in Media for Trade Secrets Case

09.18.2020 | News from Nexsen Pruet

Nexsen Pruet Welcomes Associates in Greensboro, Greenville

06.03.2020 | Media Mention

Bridget Blinn-Spears Advises Businesses to be Proactive in Tense Times

05.07.2020 | News from Nexsen Pruet

Nexsen Pruet has ranked highly in Chambers USA: America's Leading Lawyers for Business for another year

04.20.2020 | News from Nexsen Pruet

Pro Bono Champion: Grant Close - Habitat for Humanity of Greenville County

03.12.2020 | Media Mention

Vickie Eslinger Honored by Columbia City of Women

02.20.2020 | Speaking Engagement

David Garrett Discusses Managing a Foreign Workforce

02.10.2020 | Media Mention

Bridget Blinn-Spears Discusses Law Firm Parental Leave

02.06.2020 | News from Nexsen Pruet

Grant Close Honored by Habitat for Humanity

01.15.2020 | Media Mention

David Dubberly quoted on OSHA Warning About Headphones

01.09.2020 | News from Nexsen Pruet

Nexsen Pruet Names New Members for 2020

12.17.2019 | Media Mention

David Dubberly Discusses New Overtime Rule That Kicks In on Jan. 1

12.04.2019 | News from Nexsen Pruet

Nexsen Pruet Welcomes New Hires in Greenville and Columbia, South Carolina

11.20.2019 | News from Nexsen Pruet

Andrew Saleeby and Christy Rogers Join Nexsen Pruet

11.05.2019 | News from Nexsen Pruet

Nexsen Pruet Receives National Recognition from U.S. News

09.12.2019 | News from Nexsen Pruet

Nexsen Pruet Adds Three Attorneys to Upstate South Carolina Employment Group

08.15.2019 | News from Nexsen Pruet

76 Nexsen Pruet Attorneys Named to 2020 Best Lawyers in America® List

05.01.2019 | News from Nexsen Pruet

Nexsen Pruet Ranked Highly in Chambers USA 2019

04.12.2019 | News from Nexsen Pruet

23 Nexsen Pruet Attorneys Recognized by 2019 South Carolina Super Lawyers®

01.24.2019 | News from Nexsen Pruet

14 Nexsen Pruet Attorneys named to 2019 North Carolina Super Lawyers®

01.10.2019 | News from Nexsen Pruet

Nexsen Pruet begins 2019 with continued Triangle growth

10.25.2018

Nexsen Pruet's Economic Development Attorneys Among the Best in the South

## Events

Winter 2022 | Webinar  
Webinar Series: Life Sciences

12.01.2021 | Webinar | WebEx  
2021 Employment Law Certificate Series

Fall 2021 | Webinar | WebEx  
Virtual Briefing: OSHA, CMS, and Federal Contractor Mandatory Vaccination Rules

11.05.2021 | WebEx  
Nexsen Pruet's 20th Annual In-House Counsel Ethics Seminar

04.20.2021  
Webinar: Will Federal Infrastructure Funds + Construction Projects = Mandatory Unionization?

01.20.2021  
Panel Discussion: Getting Your Business Ready To Sell

04.23.2020  
WEBINAR: Managing the Work Place in a Pandemic

04.14.2020  
WEBINAR: Fine-tuning FFCRA Response

## Insights

01.19.2022 | Article  
NLRB Considering More Anti-Employer Changes

01.16.2022 | Publication  
CMS Issues New Vaccine Mandate Timing Deadlines for Healthcare Employers in the 24 States Previously Covered by Injunctions, including South Carolina

01.13.2022 | Publication  
Supreme Court Stays OSHA Vaccinate-or-Test Mandate

01.13.2022 | Publication  
U.S. Supreme Court Lifts Injunctions on CMS Vaccine Mandate: Healthcare Employers Should Plan for Compliance by Month's End

01.12.2022 | Article  
Supreme Court Hears Arguments in Vaccine Mandate Cases but Status of Mandates Remains Unresolved

01.10.2022 | Article

Kronos Catastrophe: What Employers Can Do to Avoid Panicked Payroll Practices

12.22.2021 | Article

GA District Court's Federal Contractor Vaccine Mandate Injunction Upheld by Eleventh Circuit – Should Federal Contractors Now Worry About ETS?

12.21.2021 | Article

Getting Claims Straight: S.C. Supreme Court Clarifies the Contractual Nature of At-Will Employment

12.21.2021 | Article

Sixth Circuit Dissolves Stay of OSHA Vaccine-or-Test Mandate and OSHA Issues New Compliance Dates

12.15.2021 | Article

Fifth Circuit Curtails Nationwide Reach of Injunction Against CMS Vaccine Mandate

12.08.2021 | Article

Upcoming Labor Changes—“Micro Units”

12.08.2021 | Article

Federal Contractor Vaccine Mandate Blocked *Nationwide*

12.06.2021 | Article

The South Carolina Supreme Court Issues an Important Decision on the Viability of Legal Claims by Former Employee for Termination of At-Will Employment

12.01.2021 | Article

CMS Vaccine Mandate Temporarily Halted for Covered Health Care Employers Nationwide

12.01.2021 | Article

Federal Contractor Vaccine Mandate Blocked in Three States

11.22.2021 | Article

Navigating the Uncertainties of the ETS: What Employers Should Do Now

11.05.2021 | Article

CMS Vaccine Mandate Update

10.29.2021 | Article

For Employers Making the Tough Calls in the Vaccine Mandate Trenches: EEOC Issues Welcome Guidance Clarifying What is -- and Is Not -- a Proper Religious Exemption

10.27.2021 | Article

Federal Court Rejects Legal Challenges to Workplace Mandatory Vaccination Policies

10.19.2021 | Article

CMS' Upcoming COVID-19 Vaccine Mandate: What Healthcare Employers Need to Know Now

10.12.2021 | Article

Department of Labor Responds to COVID-Related Medical Premium Discounts and Surcharges

10.12.2021 | Article

\$137 Million Verdict Illustrates Importance of Competent Anti-Harassment Policies

10.06.2021 | Article

The Apprentice and The President's NDA: Lessons for Protecting Confidentiality

10.05.2021 | Publication

From Face-to-Face to FaceTime: Legal Issues in Virtual Interviewing

09.30.2021 | Article

Developments Regarding Employee Vaccination Requirements

09.16.2021 | Article

Prepare Now to Manage Employee Accommodation Requests Resulting from a Potential COVID-19 Vaccine Mandate

09.14.2021 | Article

President Biden Announces Plan Calling for Employee Vaccination Requirements

09.09.2021 | Article

**Client Alert:** Proposed Buy American Act Amendments – Public Comment Period Ends September 28, 2021

08.30.2021 | Article

Chinese Companies Should be Aware of Federal Trade Commission (FTC) Final Rule Regarding "Made in USA" Claims

08.25.2021 | Article

FDA Full Approval of Pfizer's COVID-19 Vaccine: To Mandate or Not to Mandate, That is the Question

08.25.2021 | Article

Paid Time Off For Vaccinations – A Reason for an Employer Tax Credit

08.25.2021 | Article

Workplace Protests and Mandatory Vaccinations

08.17.2021 | Article

OSHA Updates COVID-19 Guidance

08.17.2021 | Article

Promises in Writing: Recent Amendments to North Carolina Wage and Hour Act

08.17.2021 | Article

South Carolina Supreme Court Alters "Statutory Employee Doctrine," Increasing Tort Liability for Workplace Accidents

08.16.2021 | Article

Employers Can Still Say "No Carry" Under South Carolina's New "Open Carry" Law

08.02.2021 | Article

South Carolina Abolishes "Special Damages" Element for Civil Conspiracy Claims, Overruling Decades of Precedent

08.02.2021 | Article

Lessons from Million Dollar OSHA Fine of Georgia Poultry Processor and Contractors

08.01.2021 | Article

Mask Up, Mask Down: In Reversal, Health Officials Recommend Masks for Fully-Vaccinated Individuals. What is the Potential Impact on Employer Immunity?

07.20.2021 | Article

Employer and Former CEO Indicted in No-Poaching Case

07.12.2021 | Article

President Biden Encourages FTC to Consider Limiting Non-Competition Agreements with Employees

06.30.2021 | Article

Supreme Court Reinvigorates Property Rights of Employers

06.24.2021 | Article

One-Time Bonus and Pay for Volunteer Time Off Properly Excluded From Overtime Pay Calculation, Per Fourth Circuit

06.24.2021

HR Tool Kit

06.24.2021 | News from Nexsen Pruet

Stay Informed: COVID-19 Resources Page

06.11.2021 | Article

OSHA Issues Emergency Rule for Healthcare Employers and Updates Guidance for Other Employers

06.09.2021 | Article

U.S. Supreme Court Confirms Narrow Scope of Federal Computer Fraud Claim Often Used in Trade Secret Litigation

06.02.2021 | Article

A Spoonful of Sugar Helps the Medicine Go Down: EEOC Provides Much Anticipated Guidance Regarding Employee Vaccination Mandates and Incentives

05.20.2021 | Article

OSHA Backs New CDC Mask Recommendations ... For Now, and Implications for Employer Policies



05.12.2021 | Article

Gig Worker-Friendly Independent Contractor Test Withdrawn by Department of Labor

05.04.2021 | Article

EEOC Scores, Despite a Tumultuous 2020: Key Takeaways for Employers

04.29.2021 | Article

At Long Last: South Carolina Passes COVID-19 Liability Immunity

04.27.2021 | Article

Pre-Litigation Investigations and Liquidated Damages

04.21.2021 | Article

The ARPA COBRA Premium Subsidy - The List of Must Do's

04.09.2021 | Article

Union Vote at Amazon

04.07.2021 | Article

COVID-19, Vaccinations, and Leave: What Employers Need To Know

04.07.2021 | Article

Unionization of South Carolina Newspapers

04.05.2021

VIDEO: Employment Issues When Businesses Merge and Sell

03.31.2021 | Article

EEOC Announces New Deadlines for EEO-1 Reporting

03.24.2021 | Article

DOL Proposes Withdrawal of the Business-friendly FLSA "Joint Employer" Final Rule

03.09.2021 | Article

Partial Setback for North Carolina's Statute Governing Unionization of Farmworkers

03.09.2021 | Article

There's No Leaving It at the Office: Workplace Harassment When Working from Home

03.03.2021 | Article

Will Federal Funding Result in Mandatory Unionization?

02.23.2021 | Article

Providing Incentives Can Be "Taxing"

02.23.2021 | Article

Employers Begin Offering COVID-19 Vaccination Incentives as an Alternative to Mandating the Vaccine. But is Doing So Risky?

02.22.2021

VIDEO: Proactive Strategies to Address Unionization in your Business

02.15.2021 | Article

OSHA Issues New Guidance for Employers on COVID-19

02.10.2021 | Article

Re-Filed "PRO Act": Big Potential Risk for Union-Free Employers and Employees

01.26.2021 | Article

One Year of COVID-19: Helping Clients Navigate a Crisis

01.26.2021 | Article

National Pro-Union Policy Shift Has Begun

01.20.2021 | Article

In 2021, More States and More Mandates for E-Verify

01.20.2021 | Article

Dealing with the Opioid Threat in the Construction Industry

01.08.2021 | Article

U.S. Department of Labor Finalizes New Independent Contractor Rule, But Will It Last?

01.06.2021 | Article

2021: We Thought You Would Never Get Here, and Now that You Are, What Can Employers Expect

12.30.2020

PPP Changes in Wake of the Coronavirus Response and Relief Supplemental Appropriations Act

12.29.2020

It's a Roll of the Dice: The Fate of the CARES Act and FFCRA Under Congress's New Stimulus Bill

12.18.2020

EEOC Issues Guidance Regarding Mandatory Vaccinations

12.16.2020

Fourth Circuit Ruling Finds Employee is not a "Qualified Individual" under ADA when Employee Fails to Comply with Valid Safety Requirement

12.07.2020

Can, and Should, Employers Require that Employees be Vaccinated for Covid-19?

12.01.2020

USCIS Proposes Changes to the H-1B Lottery

11.18.2020

It's the Most Wonderful Time of the Year to Contemplate Religious Accommodations under Title VII

11.18.2020

EEOC Updates Religious Discrimination Guidance

11.10.2020

Employers can expect OSHA to issue emergency rule for COVID-19 early in Biden administration

11.04.2020

ADA Claims Fail When Employee Accepts Lateral Transfer

10.28.2020

How employers can ensure federal law compliance by following updated EEOC guidance on COVID-19 screening and testing protocols

10.21.2020

Employees Voting in the Upcoming Election

10.08.2020

Deferred Compensation Plans: Options and Considerations

09.25.2020

U.S. Department of Labor Proposes New Test for Independent Contractor Status

09.21.2020

Revised Department of Labor Regulations Necessitate Job-Specific Assessment by Health Care Providers for Employees' Potential FFCRA Leave Entitlement

09.21.2020

Pandemic Pitfalls for the Unwary: NLRA Rights for Non-Union Employees

09.17.2020

As OSHA Enforcement Increases, Workplace Safety Compliance Could Reduce Need for More Coronavirus-Related Lockdowns

09.15.2020

DOL Revises Rules Governing FFCRA COVID-19 Related Leave

09.10.2020

EEOC Updates COVID-19 Guidance

08.31.2020

VIDEO: Bridget Blinn-Spears on Recent Shifts in EEOC's Enforcement Efforts During the Pandemic

08.31.2020

VIDEO: Nikole Mergo on Companies Offering COVID-19 Testing

08.25.2020

Retirement Plan Sponsors Must Soon Provide Annual Lifetime Income Illustrations

08.20.2020

Employers Reopened and Employees Returned to Work . . . Now What?

08.04.2020

VIDEO: William Floyd on Safety in the Workplace During the Pandemic

07.08.2020

DHEC Issues Guidance to S.C. Employers on COVID-19 Exposure Scenarios

06.29.2020

Employers' Great Balancing Act in Reopening: An Update for Employers on Returning to Work

06.29.2020

What Should Businesses Tell Employees and Third Parties When an Employee Tests Positive for COVID-19?

06.12.2020

WEBINAR: Returning to Work: Workplace Safety Issues

06.11.2020

IRS Provides Cafeteria Plans New Temporary COVID-19 Flexibility

06.10.2020

Paycheck Protection Program Flexibility Act of 2020

06.09.2020

School is Out For Summer - Is FFCRA Leave Out Too?

05.22.2020

OSHA Revises Guidance For Recording Work-Related COVID-19 Cases

05.19.2020

Mark Bakker Discusses Returning to Business Operations and Three Steps for a Healthy Restart

05.18.2020

SBA Interim Final Rule on PPP Participants with Foreign Affiliates Creates a Safe Harbor for Borrowers

05.13.2020

Melissa Spence Discusses Returning to Work in the COVID-19 Pandemic

05.06.2020

Understanding the Pandemic Unemployment Assistance Program: What Employers Need to Know About the Department of Labor's Recent Guidance to State Workforce Agencies

05.06.2020

OSHA and the CDC Continue to Issue COVID-19-Related Guidance

05.01.2020

Returning to Healthy Business Operations in the Age of COVID-19 Advance Planning Checklist and Considerations

04.21.2020

Nexsen Pruet and SCHA Team Up for a Q&A on Labor Related COVID-19 Topics

04.17.2020

OSHA Issues Industry-Specific Guidance

04.08.2020

VIDEO- The Paycheck Protection Program

04.01.2020

The CARES Act's Paycheck Protection Program Expands the SBA 7(a) Loan Program- Updated April 3, 2020

04.01.2020

Employers Take Note: How to Properly Substantiate Your Payroll Tax Credits under the FFCRA

03.30.2020

Department of Labor Provides Much Needed Clarification on FFCRA Exclusions for Health Care Providers, Emergency Responders and Small Businesses

03.30.2020

Construction Industry Employers and COVID-19

03.27.2020

CARES Act -- New Employee Benefit Tools to Support Affected Employees

03.26.2020

DOL Provides Initial Guidance and Sample Posting on New Paid Leave Laws

03.25.2020

Think Twice About Claiming Essential Critical Industry Status

03.25.2020

City of Charleston, SC issues Emergency Stay at Home Ordinance

03.25.2020

Mecklenburg County N.C. Issues Stay at Home Order

03.20.2020

COVID-19: Managing HR, Benefits, and Immigration Challenges During the Pandemic

03.19.2020

SBA Disaster Loan Program Eligibility

03.19.2020

New Federal Law Provides Emergency Paid Sick and Family and Medical Leave

03.19.2020

SBA Disaster Assistance in Response to the Coronavirus

03.12.2020

Coronavirus Outbreak: Employment and Contract Law Issues

03.12.2020

COVID-19 European Travel Ban

02.19.2020

Employers must start using new form I-9 on May 1, 2020

01.29.2020

The Carolinas Are No. 1!

01.29.2020

OSHA Publishes Resource on Coronavirus Outbreak

01.15.2020

March 1? H-1B Season Will Be A Little Different This Year

01.15.2020

OSHA Tweets Reminder of March 2 Deadline for OSHA 300A Summaries

01.08.2020

Marijuana in the Workplace

12.18.2019

OSHA Warns Against Use of Music Headphones at Construction Sites

10.16.2019

Department of Labor Announces Notice of Proposed Rulemaking to Expand Tip Pooling Practices for Employers

10.09.2019

Whistleblower Protections and Retaliation Risks

09.25.2019

Important News for Employers: Salary Increase for Overtime Exemption

09.18.2019

Caution: Ban Ahead - The Rise in Bans on Salary History Inquiries Requires Employer Diligence

09.11.2019

Employee Volunteer Community Service: Compensable or Not?

09.04.2019

UPDATE: Pending September 30 Deadline for EEO-1 Pay Data Collection

08.29.2019

Outrageous Requirements for Foreign Workers Pushing Business Away

08.28.2019

Foreign Manufacturer + Union Campaign = Netflix Documentary (and Lessons for Employers)

08.15.2019

NLRB Seeks To Reinforce Employee Choice Through Regulatory Changes

07.24.2019

Fourth Circuit Affirms Abuse of Discretion Finding in Denial of Coverage for Long Term Disability Claim

07.10.2019

Workplace Safety and Summer Heat

05.15.2019

OSHA Citation of Employer For Failing to Do More to Prevent Workplace Violence Upheld

05.15.2019

EEO-1 Pay Data Deadline Reinstated

03.27.2019

Employee Who Fails Drug Test Can Sue Drug Testing Laboratory For Negligence

03.15.2019

Overtime: It Just Keeps Changing Over Time

03.13.2019

DOL Proposes New Rule Raising the Salary Threshold for White-Collar Overtime Exemptions

03.06.2019

South Carolina Legislators Propose Pay Equity Law

02.27.2019

Recent Shooting Underscores Rise in Workplace Violence

02.13.2019

Rumors Run Amok: Poorly Managing Rumors of an Alleged Affair Opens Title VII Liability

02.06.2019

5 Tips to Help Employers Avoid Workplace Romance Mishaps

01.25.2019

Enough Progress? Taking a closer look as the U.S. - China trade truce nears the halfway point.

01.23.2019

How The Partial Federal Government Shutdown Impacts Employment Law Matters

02.07.2018

Employers are Subject to Criminal Antitrust Charges for Wage-Fixing and No-Poaching Agreements

10.11.2017

The Age Discrimination in Employment Act: Looking Back at the Last Fifty Years

10.27.2015

OSHA Targets Agribusiness Industry with New Citations

01.15.2013

S.C. Supreme Court Upholds Confidentiality and "Holdover" Inventions Assignment Clauses in Employment Agreement

## [Employment Law Certificate Series](#)

Back in Session: 2021 Employment Law Certificate Series

[Click here to learn more and sign up now!](#)

### Overview

*Now in its seventh year, Nexsen Pruet's employment law certificate series is Bringing Clarity to Workplace Complexity in 2021. This has become the go-to employment law certification series for professionals throughout the Carolinas interested in staying up to speed on the latest issues and trends in labor and employment law.*

Sessions will be held in webinar format through WebEx. Upon completion of the series, certificates will be issued to registrants who participate in at least 5 of the 6 live (virtual) presentations. SHRM, North Carolina and South Carolina CLE credits are pending.