

Employment Update

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Boston Bar Association's Inaugural Employment Law Conference

Brian J. MacDonough was a member of the Boston Bar Association's Inaugural Employment Law Conference Advisory Committee and gave the opening remarks. Brian attended the conference along with **David I. Brody** and **Jaclyn L. McNeely** on October 25, 2018. Below is a recap of two of the topics covered at the conference.

Paid Family & Medical Leave Coming in 2021

By Jaclyn L. McNeely

Among the many new developments in the law discussed at the conference, (including the new non-compete law and the latest impacts of the #MeToo movement) was the lesser-publicized "Grand Bargain" bill which, among other things, establishes a paid family and medical leave program beginning in 2021. [Read more.](#)



Punishing Unlawful Employers - Juries Say #MeToo

By David I. Brody

#MeToo

The effects of the #MeToo movement have reached almost all corners of our lives, and the courtroom has been no exception. The Equal Employment Opportunity Commission ("EEOC"), the national agency that administers and enforces laws against workplace discrimination, recently published telling statistics. In the past year it has received over 7,500 sexual harassment claims - a 12% jump over the prior year. During that same period, on behalf of sexual harassment victims, the EEOC recovered \$70 million, a 67% increase. [Read more.](#)

Thought Leadership

Our "Top Five to Ten" List of Important Recent Cases

In an effort to keep our newsletter readers abreast of recent developments and legal trends, we are continuing our "top five to ten" list of cases of importance to executives and professionals.



This time, we are covering cases addressing the following topics: (1) the enforceability of an employer's choice of law and forum provision in a restrictive covenant agreement; (2) how Massachusetts's status as a "pretext only jurisdiction" is increasing the number of trials in discrimination cases; and (3) how the terms of a written employment agreement may reduce the viability of ultra-contractual claims.

Also included in our list you will find our "Heads Up" regarding: (4) a constitutional challenge to the restriction on an employer's right to ask a job candidate about her (or his) salary history; and (5) a case pending at the Massachusetts Supreme Judicial Court regarding, among other things, whether racially "separate but equal" work units are lawful - we expect the answer to be "no." [Click here](#) to read the full list of important cases to watch.

Severance: Practical Guidance for the Departing Executive

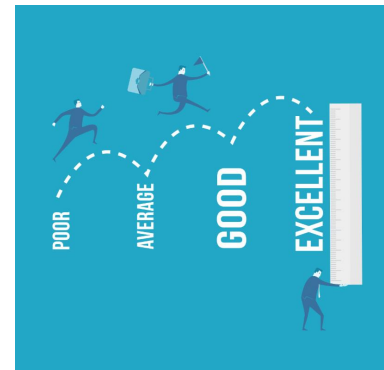
By Brian J. MacDonough and Nancy S. Shilepsky

With rare exceptions, employment relationships are not permanent. Indeed, in many cases, executives and professionals should not expect guaranteed employment for a specific period of time, and should anticipate that their employment may end sooner than expected. Accordingly, severance has become an increasingly important component of an executive or professional's overall compensation. [Read more.](#)

Performance Evaluations: What Your Employment Lawyer Would Like You to Know

By Brian J. MacDonough and David I. Brody

Nothing is quite as frustrating for employment lawyers as when their clients' own words - or silence - are used against them. Whether in a self-evaluation or in a response to critical feedback, what you say and do not say matters. [Read more.](#)



This Just Isn't Right: Using Equitable Claims and Remedies to Right a Wrong

By Nancy S. Shilepsky

There are some cases in which something is just not right, but there is no legal remedy. Instead, one may need to rely on equitable principles to right the wrong. Such was the situation in

Nardone v. LVI Services, Inc., a case decided by the Massachusetts Appeals Court in October. There, Mr. Nardone and his supervisor, Mr. Fried, believed that Mr. Nardone had been granted stock options. However, when the options should have been worth a substantial amount of money, Mr. Nardone and Mr. Fried discovered that no grant had been made. Mr. Nardone's response was to tell Mr. Fried to get someone else to finish certain work (a roadshow) as he (Mr. Nardone) was "done." Mr. Fried promised Mr. Nardone that if he (Mr. Nardone) finished the roadshow, he (Mr. Fried) would "make it right." In late 2005, when other executives were cashing in their stock options, Mr. Fried paid Mr. Nardone a \$50,000 bonus. [Read more.](#)

Sherin and Lodgen News and Accolades

Sherin and Lodgen LLP received national and Boston market rankings in the *U.S. News - Best Lawyers®* 2019 edition of "Best Law Firms." Firms included in the "Best Law Firms" rankings are recognized for professional excellence and have persistently impressive ratings from clients and peers. Our Employment Department was ranked in the Boston market. [Click here](#) to see the rest of the firm's rankings.



Nancy S. Shilepsky and **Brian J. MacDonough** were also among 18 Sherin and Lodgen attorneys to be selected for inclusion in *The Best Lawyers in America 2019*.

Brian J. MacDonough and **Nancy S. Shilepsky** were selected for the inclusion in the 2018 Massachusetts Super Lawyers. **David I. Brody** was listed as a *Rising Star*.

Brian J. MacDonough and **Nancy S. Shilepsky** spoke to Women in Technology International on October 19, 2019.

About Sherin and Lodgen LLP

Sherin and Lodgen is a mid-sized Boston law firm specializing in real estate, litigation, business law and employment. With over 40 attorneys, the firm handles complex matters, while providing responsive, senior-level attention to every matter. Known for its effective, efficient and focused representation, Sherin and Lodgen delivers sophisticated analysis and a high touch service by developing an in-depth understanding of clients' business goals, issues, concerns and emerging industry trends. Visit our website to learn more.