



Weekly Wright Report (10/2/17)

PERSONAL INJURY LAW – MOTOR VEHICLES

Uninsured Motorist Coverage Update

Beginning October 1, 2017, Maryland drivers have a right to make their own Uninsured Motorist Coverage (UIM) “stack” or apply in addition to the coverage available from the person who causes the accident. Prior to October, this important coverage only applied when the at-fault driver’s insurance provided inadequate or less coverage than the victim’s insurance coverage. It is an “opt in” program that may come with a minor increase in premium, so make sure to ask your insurance broker about this “stacking” benefit. The small increase in premium may be offset by the help this coverage can provide to you and your family members in the event of an accident. Ask Neil nlanzi@wcsllaw.com

EMPLOYMENT LAW

Right to work vs. At Will Employment – What’s the Difference?

There is often confusion about these laws and employers ask – can I fire an employee or do I have to keep them because they have a right to work in my state? **At-will** employment means that a company and the employee both have the right to terminate the employment relationship at any time without advance notice or justification.

On the other hand, **right-to-work** laws allow employees the right to work without joining a union or having to pay dues. Currently, only the following states have Right-To-Work Laws:

Alabama	Indiana	Mississippi	Oklahoma	Virginia
Arizona	Iowa	Missouri	South Carolina	West Virginia
Arkansas	Kansas	Nebraska	South Dakota	Wisconsin
Florida	Kentucky	Nevada	Tennessee	Wyoming
Georgia	Louisiana	North Carolina	Texas	
Idaho	Michigan	North Dakota	Utah	

For more information, ask Laura LRubenstein@wcsllaw.com or Paul PEvelius@wcsllaw.com

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When Telecommuting is NOT a Reasonable Accommodation

Telecommuting may be a reasonable accommodation for some employees on leave under the Family Medical Leave Act (FMLA) or under the Americans with Disabilities Act (ADA) but the U.S. Court of Appeals for the Fifth Circuit said that this not the case for litigation attorneys. In-office attendance is an “essential duty” for a litigation attorney. In the past, the EEOC and the courts have issued several decisions providing guidance on when this type of accommodation may be permitted. They have also agreed that it may not be feasible if the job requires extensive in-person interaction with co-workers or customers and that supervision is not presented as a problem.

Importantly, the court noted that an employee’s unsupported claim that she could perform her job functions from home was not enough. The law requires the court to give greater weight to the employer’s judgment otherwise “every failure-to-accommodate claim involving essential functions would go to trial because all employees who request their employer exempt an essential function think they can work without that essential function.”

Ask Laura LRubenstein@wcslaw.com

LABOR LAW

The Latest NLRB News

On September 25, 2017, the United States Senate confirmed management-side labor lawyer William Emanuel to fill the last vacant seat on the National Labor Relations Board (NLRB). Vermont lawyer Peter Robb has been nominated by President Trump to become NLRB General Counsel after November 3, 2017. As the General Counsel, Robb would decide which issues to put before the NLRB for resolution.

This new Board is widely expected to reverse a wide range of labor-friendly rulings and decisions issued by the Obama-era Board, but significant change may take several months. Expect a shift to providing greater weight to employer judgment of its staffing needs and control of its workforce. Ask Paul PEvelius@wcslaw.com or Don DWalsh@wcslaw.com