

Getting Divorced Is About To Get Easier

By [Frederick Kobb](#)

In order to get divorced in Maryland, you need to establish grounds for the divorce, the most common of which is a one-year separation. A separation is defined as the couple not having lived under the same roof and not having had sexual relations. Both of those factors must have existed for a full year in order to qualify for a divorce based on a one-year separation. The hardship that many couples face is that a party cannot file for divorce until the one year has passed. That is true even where there is a settlement agreement in place that resolves all of the issues in the divorce. So, when a divorce is uncontested, the parties still have to wait the full year before initiating an uncontested divorce on the grounds of a one-year separation.

A few years ago (2015 to be exact), the Maryland legislature recognized the burden and insignificance of the one-year waiting period and eliminated it for spouses that have no minor children in common and signed a settlement agreement that settles all issues in the divorce. At that point, Maryland established a new ground for divorce known as a “mutual consent divorce.” This year, Maryland adopted a law that extends the mutual consent divorce ground to couples with minor children. Thus, where a couple has signed a settlement agreement that resolves all issues between them and they still have minor children together, and assuming both parties want to get divorced, they may do so based on a mutual consent divorce, thus eliminating the need to wait to a full year after separating to file an uncontested divorce. The effective date of this new law is October 1, 2018.



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Are Your Employees Taking Summer Vacation?

By [Laura Rubenstein](#)

According to a 2017 survey by Robert Half printed in the April 2018 edition of [SHRM's HR Magazine](#), 35% of Americans don't use all of their vacation days. Here are some reasons why:

- 43% said they were saving time for something later
- 21% said they had too much work to do
- 15% said they couldn't afford a vacation
- 9% felt guilty taking time off from work
- 9% had other reasons for not taking time off
- 3% said they were discouraged by their boss

One reported explanation for the “other” is that employees want to advance their careers through long hours and be available for new

projects. And sadly, there is evidence that no vacation breaks can result in a leg up for employees. Oxford Economics, a forecasting and consulting firm, found that approximately 13% of managers were less likely to promote employees who took all of their vacation time. So much for work life balance.

But employers should beware of workaholics who hoard work and refuse to delegate. Planned absences allow a company to look at what projects an employee did not complete or did not complete correctly, audit emails, reconcile bank accounts, and evaluate customer relationships for evidence of embezzlement, fraud or other inappropriate activities. Most importantly, it forces employees to rest and recharge, making them better employees.

Summer is a great time to remind employees to plan their vacations, use their free time, and ensure a healthy business.

Mind the Illegal Pay Gap

By [Don Walsh](#)

Pay bias litigation recently resulted in a North Carolina federal judge approving a \$45 million settlement of class action claims brought by former and current female managers alleging that Family Dollar paid them less than it paid comparable male managers. The plaintiffs brought claims under the Equal Pay Act and made disparate impact and treatment claims under Title VII of the Civil Rights Act. There are several things an employer can do to ensure it doesn't fall to a similar fate.

- Conduct a simple pay audit utilizing your attorneys who can make sure the results remain protected from discovery while looking for potential exposure among similarly situated employees and positions.
- For each difference discovered, employers need to ensure that they have adequately documented the pay differences based on education, skill, experience or other lawful reasons.
- Implement a systematic plan which regularly evaluates and monitors compensation throughout an employees' growth and progression. Often bias gaps don't become more prevalent until long after the initial hire.
- Make adjustments where necessary.
- Never ignore employee concerns. The more proactive and responsive an employer is, the better chance it has of avoiding bigger issues.



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Succession of Your Family Business' Success

As a recent survey noted, family-owned businesses continue to dominate our economy but they also struggle with issues of succession more often than others. SCORE completed a survey to assess the role of family-owned businesses on our national economy and published an infographic with the results. According to [the survey](#):

Family-owned businesses are the single biggest job creator in our economy employing **60% of the U.S. workforce** and are responsible for **78% of all new jobs** created in the United States.

- Family-owned businesses include such megacompanies as Walmart, Ford Motor Company and Cargill. On the other end of the spectrum, of the 28.8 million small businesses in the United States, only 19% are family-owned.
- Only 30% of family-owned businesses successfully pass from the first generation to the second.
- Only 12% of family-owned businesses successfully pass from the second generation to the third generation.
- Overwhelmingly, family-owned businesses do not set themselves up for success in transitioning to the next generation with 47% of current family business owners expecting to retire in the next 5 years but have no succession plan in place.

At WC&S, we have successfully represented many family owned businesses across multiple generations. If you would like to join our **Family Business Roundtable** which focuses on issues and discussions unique to such businesses, please contact jhyatt@wcslaw.com.

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