



Jonathan M. Crotty

Partner

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t 704.335.9041



Jonathan Crotty has been a successful counselor and problem solver for large and small employers in the Carolinas and beyond for more than 20 years. He heads Parker Poe's Employment & Benefits practice group and represents employers in all aspects of the employment relationship, from hiring to discharge.

Jonathan provides guidance to employers as they navigate the complex array of laws and regulations applicable to the employment relationship, including employment discrimination laws, Occupational Safety and Health Administration (OSHA) compliance, Family and Medical Leave Act (FMLA), and wage and hour matters. If employers face legal or administrative claims resulting from their employees and employment practices, he defends and resolves those disputes in line with the client's goals and expectations.

REPRESENTATIVE EXPERIENCE

- Federal and North Carolina OSHA compliance, administrative citations and litigation, including representation of employers before OSHA review commissions.
- Fair Labor Standards Act and state wage and hour claims, including compliance reviews, audits, and employee exemption determinations.
- Americans with Disabilities Act compliance and defense of discrimination and failure to accommodate claims.
- Affirmative action plan drafting and compliance, Office of Federal Contract Compliance Programs (OFCCP) audits, and administrative defense of claims against government contractors.
- Transactional employment matters, including preparation of employment contracts, restrictive covenants, employee handbooks and employment policies, employee separation agreements and employment issues relating to corporate merger and acquisition activities.
- Counseling and advising human resources professionals and other corporate executives and managers with respect to individual employee issues, including discipline and termination.
- Employment and other legal issues unique to the transportation industry, including Department of Transportation (DOT) driver safety compliance.



CHARLOTTE OFFICE



PRACTICE AREAS

Employment & Labor
 Administrative Law
 Transportation
 Government & Public Policy
 Disability Access



EDUCATION

Duke University
 JD, with distinction, 1988
 Duke University
 BA, *magna cum laude*, 1985



ADMISSIONS

North Carolina, 1988



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A sample of Jonathan's recent work includes:

- Successfully represented a Fortune 500 company in the negotiation and settlement of systemic discrimination claims before the OFCCP relating to alleged discriminatory hiring practices by a government contractor. The settlement included innovative multi-location hiring procedures intended to correct the hiring discrepancies.
- Obtained dismissal of OSHA administrative charges against a general contractor based on alleged safety violations by one of its subcontractors; achieved this result through a detailed reconstruction of work site safety conditions and compliance responsibilities.
- Convinced the U.S. Equal Employment Opportunity Commission (EEOC) to vacate a previous "for cause" Americans with Disabilities Act (ADA) discrimination determination based on drug testing and employee reinstatement procedures.
- Represented a Fortune 500 employer faced with complex executive employment agreement issues relating to its acquisition of a competitor, including successful negotiations with multiple executives of the target company resulting in retention of key personnel through closing of the transaction and beyond.

CLIENT ALERTS

- "New California Sexual Harassment Laws May Predict Trend in Other States," October 2018
- "Local Government Units Cannot Adopt Right-to-Work Ordinances," October 2018
- "Supervisor Overhearing Racist Remarks Makes Employer Potentially Liable for Harassment," October 2018
- "Can Employees Bring Emotional Support Animals Into the Workplace?," October 2018
- "Full Ninth Circuit Defers to DOL's Interpretation of Payment for Non-Tipped Work," October 2018



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- "Expansive Disability Definition Applies to 'Regarded as' Disabled Claims," October 2018
- "Management Company Possibly Considered Hotel Worker's Employer for Title VII Liability," October 2018
- "Even if Credit Report Is Accurate, Federal Law Requires Notice of Right to Dispute," September 2018
- "Seventh Circuit Says Employer Liable for Customer Stalking Employee," September 2018
- "Employer Not Required to Accommodate Employee's Inability to Wear Safety Shoes," September 2018
- "U.S. Labor Department Issues Guidance for Analysis of Compensation Practices," September 2018
- "Employer Cannot Join E-Verify Without Bargaining With Union," September 2018
- "NLRB Proposes Rule to Limit Joint-Employer Status," September 2018
- "Eighth Circuit Says Criminal Convictions Justified Termination of Bank Employees," September 2018
- "Asking Employee to Pay for MRI as a Hiring Condition Violated ADA," September 2018
- "Organ Donations Considered Serious Health Conditions Under FMLA," September 2018
- "Drug Tests May Be On the Way for Unemployment Benefits," September 2018
- "Employer Prevails, But First Circuit Raises Questions Over Use of Screenshot Capturing Software," September 2018
- "Tenth Circuit Allows Discrimination Claim to Proceed Despite No EEOC Charge," August 2018
- "Wave of New EEOC Lawsuits Targets Harassment Claims," August 2018
- "FLSA Does Not Bar Individual Mandatory Arbitration of Wage Claims," August 2018



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- "Employer Cannot Prohibit Diabetic Employee From Eating at Work," August 2018
- "Same-Sex Harassment of Male Employee in Mixed-Gender Workplace Violated Title VII," August 2018
- "Plaintiff's Own Testimony Enough to Send Harassment Claim to Trial," August 2018
- "Can Employers Legally Go Vegetarian?," August 2018
- "NLRB Says Facebook Comments About Workplace Safety Remain Protected," August 2018
- "New Massachusetts Law Restricts Noncompetition Agreements," August 2018
- "EEOC Sues Over Mandatory Medication Disclosure Policy," August 2018
- "Eighth Circuit Affirms Criminal OSHA Sanctions Against Construction Company," August 2018
- "OSHA Proposes Changes to Electronic Recordkeeping Rule," August 2018
- "U.S. Labor Department Officially Kills Persuader Rule," August 2018
- "Employer's Failure to Respond to Other Employees' Complaints Advances Harassment Claim," August 2018
- "Employer's Unilateral Assertion of Need for Full-Time Work Insufficient to Dismiss ADA Claim," July 2018
- "Fourth Circuit Says Hyper-Vigilant Supervision Enough to Support Race Discrimination and Retaliation Claim," July 2018
- "Even Rhetorical Use of the 'N-Word' Sufficient to Allow Racial Harassment Claim to Go to Jury," July 2018
- "South Carolina Releases Poster Explaining New Pregnancy Discrimination Law," July 2018
- "Note Questioning Mental Stability Justified Follow-Up by Employer Despite Doctor's Clearance," July 2018
- "Employee's Failure to Provide FMLA Medical Certification Does Not Preclude Later Leave Request," July 2018



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- "California Bill to Add Medical Marijuana Use as Protected Classification Fails," July 2018
- "Eleventh Circuit Remands Arbitration Case to NLRB in Light of Supreme Court Decision," July 2018
- "ADA Does Not Require Employer to Provide Extended Breaks for Exercise," July 2018
- "New S.C. Law Tells Employers Not to Consider Expunged Criminal Records in Hiring Decisions," July 2018
- "ADA Doesn't Require Employer to Provide Exact Accommodation Preferred by Employee," July 2018
- "OSHA Form 300A Electronic Filings Due July 1," July 2018
- "U.S. Supreme Court Strikes Major Blow Against Public Sector Unions," June 2018
- "Infrequent Job Tasks May Still Be ADA Essential Function," June 2018
- "Multi-Tiered Review Process Can Avoid Cat's Paw Claims," June 2018
- "Fourth Circuit Won't Extend Arbitration Agreement With Parent Company," June 2018
- "NLRB Provides Employers With Guidance on Acceptable Handbook Policies," June 2018
- "Recent EEOC Actions Show Dangers of Using Personality Tests in Hiring Process," June 2018
- "First Circuit Holds Employer in Contempt for Repeated OSHA Violations," June 2018
- "NLRB to Issue Rule on Joint Employer Standard," June 2018
- "Appeal of Second Circuit Decision Sets Table for Supreme Court Review of Sexual Orientation Protections," June 2018
- "New Silica Exposure Standards Take Effect June 23," June 2018
- "Why the 'Equal Opportunity Jerk' Defense Should Be a Last Resort for Employers," June 2018
- "New S.C. Law Adds Pregnancy and Childbirth Accommodation Requirements," June 2018



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- "Quid Pro Quo Sexual Harassment Includes Requests Involving Third Parties ," May 2018
- "Supreme Court Confirms Use of Class Action Waivers in Employment Arbitration Agreements," May 2018
- "Should Employers Begin Requiring Mandatory Arbitration Agreements?," May 2018
- "Manager's Complaints About Too Many Pregnant Women Prevent Summary Judgment on Discrimination Claim," May 2018
- "Ninth Circuit Says Employee Bears Burden at Trial of Proving Available ADA Accommodation," May 2018
- "What Happens When One Disability Accommodation Triggers Another Disability Complaint?," May 2018
- "Employer Can Give Employee Option to Work During FMLA Leave," May 2018
- "Ability to Work Rotating Shifts Considered Essential Job Function," May 2018
- "Fourth Circuit Says Manager's Alleged Fear of 'Voodoo Curses' Constituted Race Discrimination," May 2018
- "Group Email Exchange Deemed Protected Concerted Activity," May 2018
- "Seventh Circuit Says Applicant Can Bring ADEA Disparate Impact Claim," May 2018
- "U.S. Labor Department Issues Field Bulletin on New Tip Credit Rules," May 2018
- "FLSA Does Not Regulate 'Spiritual Coercion'," May 2018
- "DOL Issues Fact Sheet on Overtime Pay for Higher Education Employers," April 2018
- "Trump DOL Issues First Wage and Hour Opinion Letters ," April 2018
- "North Carolina Supreme Court Requires Specific Pleadings for Trade Secret Claim ," April 2018
- "Minor Changes to Business Do Not Allow New Owner to Ignore Existing Union Representation ," April 2018



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- "New Lawsuit Claims First Amendment Protections for Political Speech for Employee of Private Sector Company ," April 2018
- "Full Ninth Circuit Says Use of Salary History Violates Equal Pay Act ," April 2018
- "Supreme Court Declines Review of Seventh Circuit ADA Leave Decision," April 2018
- "Ignorance of OSHA Requirements Does Not Preclude Willful Violation," April 2018
- "Supreme Court Says Automobile Service Advisors Exempt From FLSA Overtime Requirements," April 2018
- "Why Is It Easier to Fire an Employee Instead of Refusing to Pay Unauthorized Overtime?," April 2018
- "Multilayer Performance Review Can Help Avoid 'Cat's Paw' Claims," April 2018
- "Should Employers Change NDAs to Exclude Sexual Harassment Complaints? ," April 2018
- "Wage and Hour Launches Pilot Program for FLSA Self-Corrections ," March 2018
- "2018 Budget Bill Limits Tip Pooling," March 2018
- "May Ineligible Employees Claim Rights to FMLA Leave?," March 2018
- "Allowing Employee to Use Donated Leave Time Not a Required ADA Accommodation," March 2018
- "Employer Not Required to Guarantee Scheduling Preference as Religious Accommodation," March 2018
- "Telecommuting Deemed Reasonable Accommodation for In-House Attorney," March 2018
- "Fourth Circuit Rejects Sexual Harassment Claim by Employee Who Quit Days Into Her Investigation," March 2018
- "Sixth Circuit Says Title VII Protects Transgender Employees," March 2018
- "NLRB Vacates Joint Employer Decision Based on Possible Conflict," March 2018



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- "Ninth Circuit Agrees to Reconsider Tip Credit Case," March 2018
- "Second Circuit Says Title VII Prohibits Sexual Orientation Discrimination," March 2018
- "Religious School Does Not Have to Restrict Hiring By Faith to Claim Ministerial Exemption," March 2018
- "Get Consent to Access Personal Devices Employees Use for Work," February 2018
- "Unable to Pass Licensing Requirements, Unable to Make ADA Claims," February 2018
- "For OSHA Purposes, First Circuit Deems Subcontractor Employee of General Contractor," February 2018
- "Maine Prohibits Employers From Discrimination Based on Off-Duty Marijuana Use," February 2018
- "Employees Again Sue Jimmy John's Based on Hiring Restriction," February 2018
- "U.S. Labor Department Sends Notices of Contractor Compliance Audits," February 2018
- "Fourth Circuit Raises Bar for Dismissal of Sexual Harassment Claims," February 2018
- "Fourth Circuit Requires Employers to Calculate Value of In-Kind Compensation," February 2018
- "PTO and Schedule Swaps May Not Fulfill Employer's Religious Accommodation Obligations," February 2018
- "DOL Reinstates Bush-Era Wage and Hour Opinion Letters," February 2018
- "Extended Consideration of Accommodation Request OK in Unusual Circumstances," February 2018
- "Fourth Circuit Tosses Arbitration Agreements Signed After Litigation Began," January 2018
- "DOL Throws in Towel on Standard for Unpaid Internships," January 2018
- "Fourth Circuit Raises Bar for Early Dismissal of Equal Pay Claims," January 2018



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- "Company Owner Pleads Guilty to Criminal Charges Stemming From Wage-Hour Investigation," January 2018
- "Employer Cannot Cap Bonus Plan Already in Effect," January 2018
- "Prior Harassment Warning Used to Attribute Knowledge of Subsequent Conduct to Employer," January 2018
- "N.C. Appellate Court Refuses to Declare Noncompete Invalid Prior to Discovery," January 2018
- "New Tax Law Prohibits Deduction for Sexual Harassment Settlements With Confidentiality Clauses," January 2018
- "Refusal to Take Flu Vaccine Not Based on Religious Beliefs," January 2018
- "Federal Court Nixes EEOC's Wellness Rules But Delays Effective Date," January 2018
- "Special Report: NLRB Acts Swiftly to Overturn Multiple Pro-Labor Decisions From Obama Era," January 2018
- "Should N.C. Restrictive Covenants Prohibit Solicitation of Prospective Customers?," December 2017
- "FMLA Requires Written Agreement With Exempt Employees for Intermittent Leave Calculation," December 2017
- "Full Eleventh Circuit Declines to Revisit Meaning of Race Under Title VII," December 2017
- "Overseas Affiliate Not Subject to Title VII Jurisdiction," December 2017
- "NLRB General Counsel Signals Rollback of Positions Affecting Unionized, Non-Unionized Employers," December 2017
- "DOL Proposes Repeal of Obama-Era Tip Credit Rule," December 2017
- "Fourth Circuit Says Mixed-Fleet Drivers Entitled to Overtime," December 2017
- "OSHA Delays Electronic Injury Reporting Requirement Until December 15," December 2017
- "Nonprofits Can Avoid Overtime Requirements If They Avoid 'Enterprise' Status," December 2017



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- "Overtime Claim Against Chipotle Stayed Until Contempt Motion Is Heard," November 2017
- "Ninth Circuit Agrees Minimum Wage Compliance Is Determined on Workweek Basis," November 2017
- "Lousy Internship Experience Does Not Convert It Into Paid Work," November 2017
- "Make Sure FMLA Forms Mailed to Employees Can Be Traced," November 2017
- "Federal Legislation Would Preempt State and Local Laws in Return for Guaranteed Paid Leave," November 2017
- "USERRA Requires Bonus Payment to Reservist Who Missed Training," November 2017
- "Federal Courts Uphold Employer Notification Requirements for FMLA Absences," November 2017
- "Employer Not Required to Provide Indefinite Leave for a Temporary Disability," November 2017
- "FMLA Care Leave Rights Expire Upon Relative's Death," November 2017
- "Fourth Circuit: Employer's Response to Unreported Harassment Defeats Later Title VII Claim," November 2017
- "Third Circuit Bats Away Employer's Flexible Time Break Policy," October 2017
- "Lack of Bonus Plan Explanation Does Not Violate Sarbanes-Oxley," October 2017
- "Employer Can Use Draw-On-Commissions but Cannot Require Repayment Upon Termination," October 2017
- "California Bans Salary History Inquiries During Hiring Process," October 2017
- "Calling African-American 'Boy' and 'You People' Creates Hostile Work Environment," October 2017
- "Departments of Justice and State Announce Joint Effort Targeting Visa-Abusing Employers," October 2017



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- "How to Answer Employee Questions About a Co-Worker's ADA Accommodations ," October 2017
- "Accommodations Beyond ADA Requirements Can Backfire on Employers," October 2017
- "Tenth Circuit Upholds EEOC's Authority to Sue in Relation to Non-Disparagement Provision," October 2017
- "DOJ Says Title VII Does Not Protect Transgender People," October 2017
- "Ninth Circuit Rejects DOL's Interpretation of Tip Credit Rule," October 2017
- "Workplace Communications Policy Can Limit Later Discovery Burdens," October 2017
- "EEOC Sues Employer for Mandatory Bible Study Meetings," October 2017
- "Seventh Circuit Says Extended Post-FMLA Medical Leave Not Required Under ADA," October 2017
- "Settlement Agreements With Employees Should Avoid IRCA Compliance Contingency," September 2017
- "DOJ Vows Criminal Prosecution of Employee "No Poaching" Agreements," September 2017
- "U.S. Department of Labor Announces 2018 Federal Contractor Minimum Wage Increases," September 2017
- "Eleventh Circuit Says PDA May Require Accommodation of Breastfeeding Needs," September 2017
- "Failure to Complain About Sexual Harassment Over Long Period of Time Dooms Later Claims," September 2017
- "European Court Says Employers Cannot Monitor Employees' Personal Email Sent on Company Servers," September 2017
- "NLRB Upholds Rule Prohibiting Disclosure of Confidential Customer Information ," September 2017
- "Federal Court Again Says Telecommuting Not Acceptable Substitute for Being at Work ," August 2017



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- "Denial of Lateral Transfer Adverse Employment Action Under Title VII," August 2017
- "Eighth Circuit Says Racist Comment Not Justification for Terminating Striking Worker ," August 2017
- "Google and Charlottesville Events Raise Questions for Companies Regarding Employee Political Views ," August 2017
- "North Carolina Governor Signs Law Creating Division to Investigate and Prosecute Employee Misclassification Claims ," August 2017
- "Ninth Circuit Says Mortgage Underwriters are Production Workers Not Eligible for Overtime Exemption ," August 2017
- "DOL Halts Enforcement of Tip Pooling Rules," August 2017
- "Fifth Circuit Finds Telecommuting Not Reasonable for Accommodation for Litigation Attorney," July 2017
- "Workplace Odors Can Provide Basis for Telecommuting Arrangement ," July 2017
- "Latest Revised I-9 Form Released," July 2017
- "Massachusetts Supreme Court Finds Medical Marijuana Users Protected from Adverse Employment Action ," July 2017
- "NLRB Affirms Employer's Right to Terminate Employees Who Disparaged Company's Food Safety Practices ," July 2017
- "OSHA Proposes Delay for New Injury Reporting Requirements ," July 2017
- "Eleventh Circuit Decision May Prompt Supreme Court to Determine Coverage of Sexual Orientation Bias Under Title VII ," July 2017
- "President Trump Loosens DOL Apprenticeship Qualifications ," June 2017
- "North Carolina Appellate Court Refuses to Lift Preliminary Injunction in Non-Solicitation Case Before Trial ," June 2017
- "Ninth Circuit Finds Small Government Subdivisions Subject to ADEA ," June 2017
- "Fourth Circuit Affirms "Mark of the Beast" Religious Discrimination Verdict ," June 2017



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- "Shielding Teacher From Unruly Students Not ADA Reasonable Accommodation ," June 2017
- "Second Circuit Upholds NLRB Ban on No Recording Policy ," June 2017
- "DOL Withdraws Joint Employer Guidance ," June 2017
- "Seventh Circuit Title IX Ruling May Impact Transgender Employee Protections," June 2017
- "EEOC Charge Does Not Need to Specify Quid Pro Quo Sexual Harassment," May 2017
- "Can Employers Require Medical Confirmation of Pregnancy for FLMA Leave Purposes? ," May 2017
- "Fourth Circuit Says FMLA Allows Reinstatement to Equivalent Position Even If Original Job Remains," May 2017
- "Expletive-Laced Facebook Rant Protected Under Federal Labor Law," May 2017
- "Sixth Circuit Says "Cat's Paw" Theory Applies to FMLA Retaliation Claim," May 2017
- "Should Employers Consider Dropping Marijuana Testing? ," May 2017
- "Employer Not Required to Pay for Medical Treatment or Provide Teamwork Structure as ADA Accommodations ," April 2017
- "Employer Potentially Liable for Supervisor's Off-Duty Murder of Employee ," April 2017
- "NC Court of Appeals Says Attempted ADA Accommodation Can Be Terminated Based on Effects on Coworkers ," April 2017
- "IRS Asks Employers to Report Phishing Schemes ," April 2017
- "Fourth Circuit Upholds Termination of Public Employee for Social Media Comments," April 2017
- "Supreme Court Defers to Lower Court Determinations on EEOC Subpoena Powers," April 2017
- "Seventh Circuit Says Sexual Orientation Protected Under Title VII," April 2017



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- "Second Circuit Chief Judge Urges Reconsideration of Title VII's Prohibition Against Sexual Orientation Discrimination," April 2017
- "President Trump Kills Fair Pay and Safe Workplaces Federal Contractor Rule," April 2017
- "HB2 Repeal Shields Employers From Local Labor Ordinances ," April 2017
- "Mandatory Disclosure of Prescription Drug Use May Violate ADA," March 2017
- "Tips Cannot Be Used to Satisfy Minimum Wage Requirement for Non-Tipped Work ," March 2017
- "Split Eleventh Circuit Panel Says Title VII Does Not Prohibit Discrimination Based on Sexual Orientation," March 2017
- "Tenth Circuit Rejects Broad EEOC Subpoena in Single Employee Discrimination Charge," March 2017
- "Purchaser of Assets in North Carolina Should Not Rely on Assign Ability of Seller's Non-Compete Agreements," March 2017
- "Supreme Courts Dismissal of Transgender Discrimination Case Could Affect Employment Discrimination Claims ," March 2017
- "Repeated "Friendly" Hugs and Kisses Can Rise to the Level of Actionable Sexual Harassment ," March 2017
- "New NLRB Chair's Dissent May Point to Future Board Position on Challenges to Employee Handbook Policies ," March 2017
- "Federal Computer Hacking Laws Apply to Executive's Unauthorized Access to Coworkers' Emails ," March 2017
- "Prior Sexual Harassment Does Not Ease Plaintiff's Burden of Showing Hostile Work Environment," March 2017
- "FMLA Caregiver Leave Rights Can Extend to Grandparents ," March 2017
- "Federal ARB Says H-1B Employers Do Not Have to Pay Travel Costs for Employees Who Initially Decide to Stay in the U.S.," March 2017



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- "Work in "Ultra-hazardous" Activity Does Not Provide North Carolina Employees with Exception to Workers' Compensation Exclusivity," March 2017
- "Employers Should Review Work Authorization Procedures ," February 2017
- "Fourth Circuit Finds Religious Accommodation Obligation Does Not Require Waiver of Advance Notice Policy," February 2017
- "Fourth Circuit Follows Salinas Decision With Finding of Joint Employment of Satellite TV Installers," February 2017
- "Seventh Circuit Dismissal Signals Likely End to EEOC's Challenges to Employer-Sponsored Wellness Programs ," February 2017
- "Second Circuit Rejects Attempt to Prove Equal Pay Violation Through Simple Salary Comparison ," February 2017
- "Sales Plans Should Contain Specific Treatment of Trailing Commissions," February 2017
- "Harassment of Patients Does Not Give Reporting Employee Cause of Action Under Title VII," February 2017
- "Fourth Circuit Says Construction General Contractor Responsible to Subcontractor's Employees for FLSA Violations ," February 2017
- "Tenth Circuit Rejects EEOC Position on Retroactive Accommodation of Performance Issues," February 2017
- "Seventh Circuit Affirms FMLA Retaliation Claim Based on Employer Ending Home Working Arrangement," February 2017
- "Fifth Circuit Allows Award of Compensatory Damages for FLSA Overtime Violation," January 2017
- "Seventh Circuit Says Student Athletes Not Entitled to Minimum Wage Payment," January 2017
- "DOL Releases Final Sick Leave Mandate for Federal Contractors," October 2016
- "Trucking Company Owner Personally Liable for Whistleblower Retaliation Claim," October 2016



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- "EEOC Finalizes New EEO-1 Form Requiring Disclosure of Pay Information," October 2016
- "Termination for Refusal to Cut Dreadlocks Not Race Discrimination," October 2016
- "SEC Fines Employers for Release Language Disclaiming Right to Monetary Recovery from Whistleblower Complaints," October 2016
- "Fourth Circuit Requires Individual Analysis of "Me Too" Discrimination Evidence," September 2016
- "Federal ALJ Says NLRB Also Protects Employee Social Media Use from Union Interference," September 2016
- "Ninth Circuit Holds SOX Gives SEC Power to Cause Executives to Disgorge Incentive Compensation Based on Others' Misconduct," September 2016
- "New IRS Guidance on Deferred Compensation for Tax-Exempt and Governmental Employers," September 2016
- "Supervisor's Remarks May Constitute Direct Evidence of Discriminatory Bias," September 2016
- "OSHA Details Federal Contractor Safety Violation Disclosures," September 2016
- "New White Collar Exemption Salary Level May Result in Decreased Base Pay," September 2016
- "Tenth Circuit Decision Shows How Employers Can Deal with Performance Problems Discovered with Employees on Leave," September 2016
- "Seventh Circuit Upholds NLRB Order to Return Jobs from Mexico to U.S. Facility," September 2016
- "NLRB Finds Temp Agency Joint Employer with User of Labor Services," September 2016
- "NCDOL to Cooperate with Federal Agencies to Crack Down on Employee Misclassification," September 2016
- "EEOC Issues Retaliation Enforcement Guidance," September 2016



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- "NLRB Says Employees Spreading Inaccurate Information is Protected Conduct," August 2016
- "ACA Non-Discrimination Rules May Apply to Certain Healthcare Employers' Benefits Practices," August 2016
- "DOJ Proposes Expanding Reaching of INA's Anti-Discrimination Provisions," August 2016
- "North Carolina Court Again Narrows Scope of Post-Employment Restrictions," August 2016
- "NLRB Says General Conflict of Interest Policies Violate Federal Labor Law," August 2016
- "Health Plan Case Managers Entitled to Overtime Pay," August 2016
- "Don't Use Form Non-Compete with North Carolina Employees," August 2016
- "D.C. Circuit Upholds NLRB Position on Illegal Handbook Policies," August 2016
- "New Massachusetts Law Prohibits Employers from Asking Applicants About Salary History," August 2016
- "Eight Circuit Holds Asset Purchaser Liable for Failure to Provide WARN Notice to Seller's Employees," August 2016
- "Federal ALJ Says Ban on Conducting Personal Business in Handbook Violated NLRA Rights," August 2016
- "Seventh Circuit Says Title VII Does Not Protect Against Discrimination Based on Sexual Orientation," August 2016
- "Are Professional Athletes Covered Under New Overtime Rules?," August 2016
- "Recent EEOC Notice Seeks to Counter Portions of North Carolina's HB2 Law," August 2016
- "Seventh Circuit Rejects Dual Minimum Wage Requirement for Tipped Workers Who Perform Other Duties," August 2016
- "EEOC Revises, Delays Pay Data Collection Proposal," July 2016
- "Fourth Circuit Says Failure to Replace Employee Does Not Defeat Discriminatory Termination Claim," July 2016



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- "OSHA Delays Enforcement of Portions of New Recordkeeping Rules," July 2016
- "NLRB Allows Temporary Employees to Form Part of Bargaining Unit for Union Elections," July 2016
- "ADA Allows Employer to Reduce Employee to Part-Time Status After Return From Medical Leave," July 2016
- "Fourth Circuit Says Failure to Advise Employee of Leave Reinstatement Interfered with FMLA Rights," July 2016
- "Fifth Circuit Says Texas May Challenge EEOC Criminal Background Check Guidance ," July 2016
- "Cashed Out Benefits Must Be Included in Regular Rate When Calculating Overtime Premium ," July 2016
- "North Carolina General Assembly Reinstates State Law Discrimination Claims," July 2016
- "Employers Limited in Service Fees Deductions From Credit Card Tips," July 2016
- "Limited Liability Company Member Not an Employer Under NC Wage and Hour Act," July 2016
- "Federal Judge Blocks DOL "Persuader" Rule ," July 2016
- "Highly Compensated Employee Cannot Claim FLSA Violation Based on Employer's Wage Withholding ," June 2016
- "North Carolina Supreme Court Denies Employee's Claim to Patent Ownership Based on Pay Dispute with Employer," June 2016
- "Supreme Court Passes Automobile Dealership Service Advisor Exemption Issue Back to Lower Court ," June 2016
- "Can North Carolina Employers Terminate Employees Based on Threat of Domestic Violence Spillover? ," June 2016
- "Prevailing FLSA Defendant May Recover Costs From Unsuccessful Plaintiff," June 2016
- "Fourth Circuit's Exotic Dancer Decision May Affect Other Independent Contractor Classifications," June 2016



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- "Second Circuit Rejects Light Duty Program Limited to Job-Related Injuries," June 2016
- "Appellate Court Split Sets Stage for Supreme Court to Determine Use of Class Action Waivers in Employment Arbitration Agreements ," June 2016
- "Ninth Circuit Affirms Use of FLSA "Rounding" Rule for Recording Time Worked," June 2016
- "New Overtime Salary Exemption Levels Allow Limited Use of Incentive Pay ," June 2016
- "Supreme Court Allows Employer to Collect Fees From the EEOC Without Verdict on Merits of Claim ," June 2016
- "Fourth Circuit Finds Rebellious Behavior by Subordinates Insufficient to Constitute Hostile Work Environment," June 2016
- "NLRB Again Rejects Employer Code of Conduct Provisions Requiring Positive Coworker Relations," June 2016
- "Supreme Court Says Limitations Period for Discrimination Claims Runs Beginning on Date of Constructive Discharge," May 2016
- "New Defend Trade Secrets Act Requires Employers to Include Disclaimers in All Confidential Information Agreements," May 2016
- "EEOC Issues Final Wellness Plan Rules," May 2016
- "DOL Issues Final Overtime Exemption Rules Doubling Minimum Salary as of December 1 ," May 2016
- "Fourth Circuit Rejects Motor Carrier's Defense in Refusing to Hire Driver Diagnosed with Narcolepsy ," May 2016
- "Fourth Circuit Says Standard for Adverse Action in Retaliation Claim is Significantly Lower Than That for Discrimination Claims ," May 2016
- "OSHA Issues Final Rules on Electronic Injury Reporting," May 2016
- "South Carolina Court of Appeals Says 150-Mile Geographic Restriction in Non-Compete is Unreasonable," May 2016
- "EEOC Issues Fact Sheet on Transgender Employee Bathroom Access," May 2016
- "Fourth Circuit Says Employer-Sponsored Training Through Community College May Be Compensable Working Time," May 2016



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- "NLRB Rejects General Employee Behavior Standards in Code of Conduct ," May 2016
- "Congress Passes Federal Trade Secret Protection Legislation," May 2016
- "Special Report: How Should NC Employers Apply Restroom Policies Following HB2?", April 2016
- "Permanent Light Duty Not Required Under ADA," April 2016
- "Fifth Circuit Rejects EEOC's Position on Reasonable Belief Standard for Reactive Retaliation Claims ," April 2016
- "Morbid Obesity Must Have Physiological Cause to Gain ADA Protection ," April 2016
- "Does HB2's Prohibition on State Discrimination Suits Apply to Pending Cases? ," April 2016
- "Eleventh Circuit Recognizes Pregnancy Complications as ADA Disability, but Says Employer Does Not Have to Waive Mandatory Overtime," April 2016
- "Social Media Policy Cannot Prevent Employee from Negative Responses to Customer Tweets ," April 2016
- "Fourth Circuit Says Employer's Response to Race Discrimination Claims Did Not Excuse Plaintiff's Failure to Allege Claims in EEOC Charge," April 2016
- "Second Circuit Finds Human Resource Manager Personally Liable for FMLA Violations ," April 2016
- "EEOC Not Required to Conciliate Class Claims On an Individual Basis," April 2016
- "New NC LGBT Legislation Eliminates All State Law Employment Discrimination Lawsuits ," April 2016
- "DOL Issues Final "Persuader" Rules Governing Disclosure of Consultants in Antiunion Efforts ," March 2016
- "North Carolina Supreme Court Reaffirms Strict "Blue Pencil" Rule for Non-Competes," March 2016



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- "Supreme Court Says Averages May be Used to Establish Classwide Liability," March 2016
- "Fourth Circuit Ducks Transgender Discrimination Coverage Under Title VII," March 2016
- "Sixth Circuit Says Residential Loan Underwriters Are Exempt From Overtime Requirements ," March 2016
- "Fourth Circuit Says Driving May Not Be Essential Job Function for Traveling Salesperson," March 2016
- "Computer Usage Records Not Enough to Place Employer on Notice of Unauthorized Overtime," March 2016
- "First Circuit Says Employees on Fluctuating Workweek Pay Plan May Receive Commissions or Incentive Bonuses ," March 2016
- "EEOC Sues Employers on Grounds That Sexual Orientation Bias is "Inherently" Sex Discrimination Under Title VII," March 2016
- "Warnings and Loss of Bonus Deemed Acceptable Response to Harassment Complaints," March 2016
- "Ninth Circuit Says DOL Tip Pooling Restrictions Apply Even if Employer Does Not Claim Tip Credit," February 2016
- "Final EEOC Charge Statistics for FY 2015 Show Increase in Retaliation Claims ," February 2016
- "Repeated Touching Enough to Justify Same-Sex Harassment Verdict," February 2016
- "North Carolina Federal Court Says State Wage Payment Claims Cannot Be Waived Through Private Release ," February 2016
- "WARN Act Does Not Prohibit Employers From Spacing Layoffs to Avoid Notice Requirements," February 2016
- "NLRB Says Agreement's Failure to Advise Employee of Right to File Claims with Board Violates Federal Labor Law," February 2016
- "ADA Does Not Protect Nurses with Restricted Licenses Due to Narcotics Abuse," February 2016
- "EEOC Announces New Pay Disclosure Requirement," February 2016



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- "Supreme Court Says No Subrogation Claims from Health Plan After Participant Spends Settlement," February 2016
- "Proposed Federal Rule Says Government Contractors Cannot Prevent Employee from Reporting Fraud, Waste or Abuse," February 2016
- "Alleged Harassers' Intent Irrelevant to Hostile Environment Determination," February 2016
- "Federal ALJ Allows OSHA to Seek Enterprise-Wide Abatement of Hazards Discovered at One Location," February 2016
- "Fourth Circuit Upholds Gender-Based Job Qualification ," February 2016
- "NLRB Again Says Employers Cannot Impose Blanket Ban on Employee Recording in Workplace," January 2016
- "Federal OSHA Releases Online Injury Reporting Form," January 2016
- "EEOC Settles GINA Lawsuit Against Employer Using Outdated Medical Forms," January 2016
- "Federal Court Rejects EEOC Suit Challenging Employee Wellness Plan," January 2016
- "Fourth Circuit Says Insurance Investigators Do Not Qualify for Overtime Exemption," January 2016
- "New NC "Ag-Gag" Law Might Conflict with NLRB View of Concerted Activity Rights," January 2016
- "DOT Lowers Random Drug Testing Rate to 25 percent for 2016," January 2016
- "Fourth Circuit Says Medical Case Managers Are Exempt Professionals ," January 2016
- "Seventh Circuit Tosses EEOC Lawsuit Challenging CVS Severance Agreements Due to Failure to Conciliate," January 2016
- "Supreme Court Agrees to Review EEOC's Obligation to Pay Employer's Attorneys Fees ," December 2015
- "Job Applicants May Bring Disparate Impact Age Discrimination Claims," December 2015
- "Supreme Court Upholds Class Action Arbitration Waivers," December 2015



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- "Tuition Reimbursement Requirement May Result in Loss of FLSA Overtime Exemption," December 2015
- "DOL Anticipates Late 2016 Issuance of Final Overtime Exemption Rules," December 2015
- "Fourth Circuit Says Mandatory Arbitration Agreement in Employee Handbook is Unenforceable," December 2015
- "EEOC Expanding Digital Charge Response System," December 2015
- "Refusal to Allow Employee to Rescind Resignation May Violate Title VII," December 2015
- "Third Circuit Finds Host Company Subject to Title VII Discrimination Claims by Temp," December 2015
- "Fourth Circuit Tosses Sexual Harassment Claim Based on Failure of Employee to Report Supervisor's Conduct," November 2015
- "Employees Using FMLA Leave Must Abide by Employer's Absence Notification System," November 2015
- "New OSHA Penalty Maximums Take Effect by August 1, 2016," November 2015
- "D.C. Circuit Upholds NLRB Ban on Various Employee Handbook Policies," November 2015
- "Supreme Court Agrees to Review Additional ACA Birth Control Mandate Cases," November 2015
- "EEOC Proposed Rules for Wellness Program Compliance with GINA," November 2015
- "Ninth Circuit Gives EEOC Broad Access to Employee Personal Information During Charge Investigation," November 2015
- "Fifth Circuit Repeats Rejection of NLRB Ban on Class Action Waivers," November 2015
- "Seventh Circuit Backs Employer on Running of FMLA Statute of Limitations," November 2015
- "Employee on Extended Medical Leave Cannot Claim ADA Violation for Reduced Discretionary Bonus," November 2015



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- "Employee Does Not Have to Seek Raise to Maintain Pay Discrimination Action," November 2015
- "Second Circuit Affirms NLRB View That Facebook "Likes" Are Protected Concerted Activity," November 2015
- "Full Eighth Circuit Rejects OSHA's Expansive Reading of Machine Guarding Standard ," October 2015
- "California Adopts Landmark Pay Differential Law," October 2015
- "IRS Announces 2016 Dollar Limitations for Retirement Plans," October 2015
- "Second Circuit Will Not Review Adequacy of EEOC Investigation," October 2015
- "NLRB Case Explains Agency's Position on Confidential Information Policies ," October 2015
- "OSHA Releases Annual Top Ten Citations List," October 2015
- "Supreme Court Agrees to Review California Rule Invalidating Contractor Arbitration Agreements," October 2015
- "NLRB Says Employee Protest of Government Action is Protected Concerted Activity," October 2015
- "NC Court of Appeals Finds \$100 Adequate Consideration to Support Non-Compete," October 2015
- "Employee's Change in Racial Self-Identification Cannot Support Discrimination Claim if Employer Unaware of Change," October 2015
- "Employee Assigned to Charlotte Operation But Working in South Carolina Cannot File North Carolina Comp Claim," October 2015
- "South Carolina Supreme Court Finds Employee Cannot Sue for Breach of Contract and Wrongful Discharge," October 2015
- "Changes to Pay Structure in Lieu of Requested Accommodations May Violate ADA and FMLA," September 2015
- "EEOC Sues Employer for Requiring That Epileptic Employee Take Medication as a Condition of Continuing Employment," September 2015
- "OFCCP Issues Final Rule on Contractor Pay Transparency," September 2015



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- "ADA May Require Accommodation of Deaf Medical Technician," September 2015
- "BMW and EEOC Resolve Lawsuit Over Criminal Background Checks," September 2015
- "NLRB Says Arbitration Agreement Without Carve-Out for Unfair Labor Charges Violates Federal Labor Law," September 2015
- "New Executive Order Mandates Sick Pay for Federal Contractors ," September 2015
- "DOL Refuses to Extend Comment Period for Overtime Exemption Salary Changes," September 2015
- "EEOC Continues Attacks Against Employers Accused of Requiring Employee to Waive Rights to Bring Discrimination Charges," September 2015
- "NC Toughens Unemployment Benefit Eligibility Rules," September 2015
- "Terminating Employee on Day After Return From FMLA Leave Not Good Idea," September 2015
- "Employer Not Required to Accommodate Inability to Work Predictable Hours," September 2015
- "Despite Abercrombie, Fifth Circuit Again Rejects Claim From Employee Fired for Refusing to Read Rosary," September 2015
- "Last Minute Write-Up Has Unintended Negative Legal Results," August 2015
- "Appeals Court Upholds DOL Changes to Home Care Worker Exemption," August 2015
- "NLRB Expands Joint Employer Coverage," August 2015
- "NLRB Says Employer Cannot Suspend Employee for Posting Disciplinary Warning," August 2015
- "Fourth Circuit Says Tip Pooling Rules Only Apply if Employer Claims Tip Credit," August 2015
- "OSHA Seeks to Extend Deadline for Citations Against Employers for Recordkeeping Violations," August 2015



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- "NLRB Says Filing Class Action Lawsuit is Protected Concerted Activity," August 2015
- "Federal Judge Rejects Challenge to NLRB Ambush Election Rules," August 2015
- "Fourth Circuit Rejects "Manager Rule" Exception to Title VII Retaliation Claims," August 2015
- "Make Sure your Company is Using Updated FMLA Medical Certification Forms," August 2015
- "Third Circuit Says Employer Did Not Retaliate Against Employee by Disallowing Tape Recording of Disciplinary Meeting," August 2015
- "Does NC Law Prohibit Employers From Acting on Drunk Facebook Behavior?", August 2015
- "Confederate Flag License Plate Does Not Create a Hostile Work Environment Based on Race," August 2015
- "Employer Potentially Liable for Harassment of Supervisor by Her Subordinates," August 2015
- "Fourth Circuit Says Placing Employee on PIP Not Discrimination Under Title VII," August 2015
- "Fourth Circuit Says Host User of Temporary Employee Liable for Title VII Violations," July 2015
- "EEOC Issues Overview on LGBT Rights Under Title VII," July 2015
- "DOL Issues Warning to Companies Misclassifying Employees as Independent Contractors," July 2015
- "Fifth Circuit Sanctions DOL for Frivolous Claims Against Employer," July 2015
- "Second Circuit Rejects DOL Test on Intern Pay," July 2015
- "NLRB Says Employers Cannot Ask Employees Not to Discuss Internal Investigation," July 2015
- "DOL Proposed Overtime Rules Raise Possibility of Expansion of Computer Professional Exemption," July 2015
- "Fourth Circuit Holds Employer to High Standard for Responding to Anonymous Workplace Harassment," July 2015



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- "DOL Releases Proposed White Collar Overtime Exemption Rule Changes," July 2015
- "NLRB Nixes Employer Policy Prohibiting Employee Conflicts of Interest," July 2015
- "Same-Sex Marriage Ruling - What Does It Mean for Employee Benefit Plans?", July 2015
- "Colorado Decision Shows Continuing Tension Between Legal Marijuana and Employer Drug Testing," June 2015
- "NLRB Says Employer Cannot Rescind Contract for Employee Who Wrote Complaining Email to Co-Workers," June 2015
- "New SDS Disclosures Require Changes to Overall Hazard Communication Policy," June 2015
- "Health Insurance Premium Subsidies Upheld by Supreme Court," June 2015
- "A Reminder to Employers That FLSA Claims Cannot Be Waived in Most Circumstances," June 2015
- "Cumulative Harassment Theory Must Include Individual Claims That Meet Severe and Pervasive Threshold," June 2015
- "Deferred Compensation - Updated IRS Audit Guide," June 2015
- "Supreme Court Agrees to Review Another Donning/Doffing Case," June 2015
- "Federal Judge Rejects Challenge to NLRB Ambush Election Rules," June 2015
- "NC General Assembly Overrides Veto of Property Protection Bill," June 2015
- "Second Circuit Upholds Employers' Use of Effective ADA Accommodation Over "Perfect" One Sought by Employee," June 2015
- "OSHA Issues Best Practices for Transgendered Employee Restroom Use," June 2015
- "DOL Issues Guidance on Contractor Compliance Executive Order," June 2015



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- "Supreme Court Agrees With EEOC on Duty to Accommodate Suspected Religious Practices," June 2015
- "Will DOL's Overtime Rule Revisions Fix the Outside Salesperson Exemption?", May 2015
- "Fourth Circuit Adopts Lower Burden for Plaintiffs to Survive Summary Judgment on Retaliation Claims," May 2015
- "Supreme Court Affirms Duty to Monitor Plan Investments," May 2015
- "Federal Court Rejects Challenge to Contractor Labor Posting Requirements," May 2015
- "NLRB Says Letting Co-Worker Know About Job Posting is Protected Activity Under Federal Labor Law," May 2015
- "Supreme Court to Determine if Offer of Relief to Named Plaintiff Moots Class Action," May 2015
- "Delay in Calling 911 After Accident Results in Willful OSHA Violation," May 2015
- "Telling Harasser to Stop Conduct Protects Employee from Retaliation," May 2015
- "Fourth Circuit Reverses Position on Single Racial Slur as Sufficient to Create Hostile Work Environment," May 2015
- "Federal Court Won't Block NLRB Ambush Election Rules," May 2015
- "Supreme Court to Decide When Limitations Period Begins Running for Constructive Discharge Discrimination Claims," May 2015
- "Do Your Employee Confidential Information Agreements Protect Your Social Media Assets?", May 2015
- "Harassing Act Directed at Another Employee Enough to Revive Plaintiff's Time Barred Harassment Claims," May 2015
- "Informal Complaint to Supervisor About Pay Prohibits Retaliation Under the FLSA," May 2015
- "Supreme Court Requires Narrow Proof of EEOC Conciliation Efforts," May 2015
- "EEOC Requires Employer to Provide Restroom Access to Transgendered Employee Based on Gender Identity," April 2015



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- "Eighth Circuit Says Effects of Obesity on Kidney Functions Not FMLA Serious Health Condition," April 2015
- "EEOC Issues Proposed Rules for Wellness Program Compliance Under the ADA," April 2015
- "Seller of Business is Special Circumstance That Justified Termination Following Expiration of Contract," April 2015
- "ALJ Nixes Hospital's Broad English-Only Rule Under NLRA," April 2015
- "Sixth Circuit Rejects EEOC's Demand for Telecommuting as ADA Accommodation," April 2015
- "Deceased Employee's ADA Claim Becomes Property of Estate," April 2015
- "NLRB Rejects Profane Employee Facebook Rant as Grounds for Termination," April 2015
- "SEC Says Employer's Confidentiality Agreement Violates Dodd-Frank," April 2015
- "NLRB General Counsel Releases Memo on Employee Handbook Conflicts With Employee Concerted Activity Rights," April 2015
- "Ninth Circuit Defers to DOL View that Automobile Service Advisors Have No Industry Overtime Exemption," April 2015
- "NC Court of Appeals Finds Freight Broker Liable for Driver's Workers' Comp Claim," April 2015
- "EEOC's Proposed Rules for Employer Wellness Programs at OMB for Approval," March 2015
- "Employers Asserting ADA Direct Threat Defense Do Not Have to Prove Actual Threat," March 2015
- "Supreme Court Allows Employee to Claim Pregnancy Discrimination Based on Employers' Accommodations to Other Persons," March 2015
- "Failure to Comply with Terms of EEOC Consent Order Costs Employer \$400,000 in Agency's Costs," March 2015
- "Fourth Circuit Says Social Anxiety Disorder Is ADA Disability," March 2015



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- "NC OSHA Posts Online Reporting Form for Workplace Hospitalizations," March 2015
- "Fourth Circuit Affirms Dismissal of Age Discrimination Claim Despite Manager's Comments About Need to Retire," March 2015
- "South Carolina Does Not Protect Employee Against Discharge for Reporting Crime to Police," March 2015
- "Supreme Court Says Agencies Can Change Rule Interpretation Without Notice and Comment," March 2015
- "Teacher With Fear of Children Not Entitled to ADA Accommodation," March 2015
- "NLRB Restricts Company From Requiring Employee to Keep Performance Improvement Plan Confidential," March 2015
- "DOL Amends Rules to Extend FMLA Benefits to More Same-Sex Spouses," March 2015
- "Complaint to Managers Below Level of Alleged Harasser Not Effective Use of Company's Policy," February 2015
- "DHS Extends Eligibility for Employment to Certain H-4 Dependent Spouses of H-1B Holders Seeking Permanent Residence," February 2015
- "Fourth Circuit Slaps EEOC for Use of Misleading, Incomplete and Error-Riddled Expert Testimony," February 2015
- "Employer on OSHA Severe Violator List Fined \$1.76 Million Over Widespread Employee Injuries," February 2015
- "Can Employers Be Sued by Adulterous Employee's Spouse?," February 2015
- "EEOC Loses Argument That Company Converting Employees to Contractors Cannot Require Release of Pending Discrimination Claims," February 2015
- "Fifth Circuit Recognizes Color Discrimination Claim Even in the Absence of Evidence of Race Discrimination," February 2015
- "White Collar Overtime Exemption Overhaul May Include Big Increase in Minimum Salary Requirements," February 2015



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- "Employee Refusing to Provide SSN Has No Religious Discrimination Claim," February 2015
- "OFCCP Proposes Update to Old Sex Discrimination Guidelines," February 2015
- "Sixth Circuit Says Ineligible Employee May Still Enjoy FMLA Leave Rights Based on Estoppel Argument," February 2015
- "Fourth Circuit Upholds Federal Criminal Conviction for Accessing Former Employer's Database," February 2015
- "Equitable Defenses Do Not Apply to FLSA Overtime Claim," January 2015
- "Disclosure of Charging Party's Name in Securities Filing Can Constitute Retaliation Under Title VII," January 2015
- "Ban on Employee Salary Discussion Violates NLRA," January 2015
- "Employee's Resignation in Midst of Interactive Accommodation Process Dooms ADA Claim," January 2015
- "Federal Judge Invalidates DOL's Revised Definition of Companionship Services," January 2015
- "Fourth Circuit Says Verbal Conduct Can Rise to Level of Actionable Harassment," January 2015
- "Plaintiffs' Class Action Claims Target Background Checks," January 2015
- "Employee's Delay and Employer's Prompt Response Undermine Liability for Sexual Harassment," January 2015
- "Sexualized Conduct Absent Sexual Desire Not Actionable Harassment Under Title VII," January 2015
- "DOJ Says Gender Identity Discrimination Violates Title VII," January 2015
- "D.C. Circuit Upholds OFCCP's Disability Affirmative Action Rules," January 2015
- "Reminder: New OSHA Recordkeeping Rules Took Effect January 1," January 2015
- "NLRB Issues Final Rules Revising Union Election Procedures ," January 2015



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- "NLRB Says Employees Have Right to Use Company Email for Protected Communications ," January 2015
- "An Early Holiday Present for Home Care Providers ," January 2015
- "NLRB Counsel Files Unfair Labor Practice Charges Against McDonald's Based on Joint Employment of Franchisees' Employees," January 2015
- "FMLA Does Not Require Employer to Agree to Altered Work Schedule or Work From Home," December 2014
- "Tolerance for Prior Misconduct Does Not Prevent Termination Based on Latest Behavior," December 2014
- "Employees' Different Approaches Toward Salary Negotiations Does Not Justify Disparate Pay," December 2014
- "EEOC's Regulatory Agenda Anticipates Wellness Program Rules in February," December 2014
- "OFCCP Issues Final Rules on Executive Order Prohibiting Contractor Discrimination on the Basis of Sexual Orientation," December 2014
- "Supreme Court Says Employers Do Not Have to Pay Employees for Time Spent in Security Checks," December 2014
- "Federal Judge Upholds Record \$185 Million Punitive Damages Verdict Won by Fired Female Manager ," December 2014
- "Should Employers Drop Domestic Partner Dependent Coverage? ," December 2014
- "Timing of Discharge Defeats Employer's Summary Judgment Motion ," December 2014
- "EEOC Issues FY 2014 Performance Report ," November 2014
- "EEOC Settles GINA Claim Against Employer That Solicited Family Medical Histories ," November 2014
- "Year-End Action Item: Section 125 Cafeteria Plan Amendments," November 2014
- "OSHA Releases Top Ten Violations List ," November 2014
- "EEOC Focuses Resources on Pregnancy Refusal to Hire Claims ," November 2014



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- "NLRB Reaffirms Noel Canning Position on Use of Class Waivers in Arbitration Agreements ," November 2014
- "Federal Judge Rejects EEOC's Attempt to Block Honeywell's Wellness Program ," November 2014
- "Employers Finally Win NLRB Facebook Case ," November 2014
- "Employer Threatened with Legal Action Over Broad Use of Non-Competition Agreements," November 2014
- "EEOC Sues Honeywell for Biometric Screening Requirement in Wellness Plan ," October 2014
- "How Should Employers Draft Severance Agreements Post-CVS? ," October 2014
- "Will OSHA's New Injury Reporting Rules Discourage Post-Accident Drug Testing? ," October 2014
- "State and Federal Departments of Labor Joining Forces to Fight Employee Misclassification ," October 2014
- "EEOC Legal Counsel Says Blanket Policy Prohibiting Alcoholic Employees From Drinking Could Violate ADA ," October 2014
- "IRS Announces 2015 Cost-of-Living Increases in Dollar Limits for Retirement Plans ," October 2014
- "DOL Announces Delay to Home Care Worker Wage Regulations ," October 2014
- "Eighth Circuit Says Termination Made to Lower Health Care Costs Constitutes Age Discrimination ," October 2014
- "Fourth Circuit Says Courts Retain Jurisdiction Over Retaliation Claim Linked to Untimely EEOC Discrimination Charge ," October 2014
- "Final VETS Rule Simplifies Contractor Reporting Requirements ," October 2014
- "Supreme Court Agrees to Review EEOC Suit Against Abercrombie Based on Rejection of Applicant With Headscarf ," October 2014
- "Supreme Court Declines to Rule on Same-Sex Marriage Cases - What Does This Mean for Employers? ," October 2014



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- "Fifth Circuit Allows Title VII Suit Against Franchisor to Proceed Even Though It Was Not Named in EEOC Charge," October 2014
- "Federal Court Dismisses EEOC Lawsuit Challenging CVS Severance Agreement and Release," October 2014
- "EEOC Sues Two Employers for Terminating Transgendered Employees," October 2014
- "Federal ALJ Finds Standard Employee Confidentiality Agreement Language to Violate NLRA," September 2014
- "OFCCP Issues Proposed Rule on Employer Wage Confidentiality Policies ," September 2014
- "Fifth Circuit Says Community Service Can Be Protected Religious Practice ," September 2014
- "Failure to Advise Employee of Consequences of Not Returning Medical Certification Form Results in FMLA Interference Verdict ," September 2014
- "NLRB Says "Liking" Another Employee's Facebook Comment is Protected Activity ," September 2014
- "OSHA Issues Final Rules on New Injury Reporting Requirements ," September 2014
- "Employee Taking Protected HIPAA Information Not Protected Under ADEA ," September 2014
- "Sixth Circuit Says Manufacturer's Testing for Legally Prescribed Drugs May Not be Prohibited ADA Medical Exam ," September 2014
- "EEOC Sues Employer for Allegedly Coercing Employee to Participate in Wellness Program ," September 2014
- "Employer Cannot Force Employee Into Counseling Over Extramarital Workplace Affair ," September 2014
- "Fourth Circuit Indicates That Employer Was Not Required to Provide Reduced Hour FMLA Leave Due to Business Needs," September 2014
- "Inability to Show Receipt of FMLA Notice Defeats Employer's Summary Judgment Motion ," September 2014



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- "South Carolina Supreme Court Finds Workers' Compensation Covers Employee's Injuries Suffered During Kickball Game ," September 2014
- "NLRB Turns Its Attention to Corporate Codes of Conduct," August 2014
- "DOL Updates Procedures for Locating Missing Participants in Defined Contribution Plans ," August 2014
- "Three Year Interval Between Harassment Complaint and Failure to Promote Did Not Defeat Retaliation Claim," August 2014
- "Parker Poe Attorneys Honored by Best Lawyers," August 2014
- "Eleventh Circuit Upholds \$83,000 Fine Against Employer for Failure to Send COBRA Dental Coverage Notice ," August 2014
- "Fourth Circuit Adds Even More Complexity to Benefit Plan Fiduciaries' Role," August 2014
- "OFCCP Proposes Salary Disclosure Requirements for Federal Contractors," August 2014
- "EEOC Sues Employer for Requiring Medical Details as Part of Sick Leave Approval," August 2014
- "ADAAA Expanded Ability of Parents to Take FMLA Leave for Disabled Adult Son or Daughter," August 2014
- "North Carolina Court of Appeals Rewrites Geographic Territory of Non-Compete in Business Purchase Agreement," August 2014
- "Friendship Between Male Supervisor and Female Subordinate Does Not Create Title VII Rights for Disfavored Male ," August 2014
- "President Obama Signs Executive Order Requiring Federal Contractors to Disclose Labor Violations ," August 2014
- "OSHA Emphasizes Employer Safety Obligations to Temporary Employees ," August 2014
- "NLRB ALJ Finds Civility Requirement in Employer's Social Media Policy Legally Permissible ," August 2014
- "Fourth Circuit Says University President has Broad Authority to Require Medical Examinations Under ADA ," August 2014
- "NLRB Lawyers Declare Franchisor to be Joint Employer ," August 2014



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- " EEOC Says Failure to Provide Contraceptive Coverage May Violate Title VII ," July 2014
- "Plan Administrator Cannot Limit Enhanced Benefits in Retirement Plan Based on Change of Control ," July 2014
- "President Obama Issues Executive Order Banning Federal Contractors From Discriminating Against LGBT Persons ," July 2014
- "Seventh Circuit Says One Use of "N-Word" Does Not Create Hostile Work Environment," July 2014
- "New Case Shows NLRB General Counsel Challenging Traditional Employment Policies," July 2014
- "EEOC Issues Pregnancy Discrimination Guidance," July 2014
- "Supreme Court Agrees to Consider Pregnancy Accommodation Obligation," July 2014
- "Failure to Provide Anticipated Date of Return to Work Does Not Disqualify Employee From FMLA Leave," July 2014
- "Employee Suing Based on Withdrawn Job Offer Must Prove Disabled Status ," July 2014
- "Supreme Court to Review EEOC's Charge Conciliation Obligation," July 2014
- "Supreme Court's Recess Appointment Decision Could Affect Important NLRB Precedents ," July 2014
- "Supreme Court Voids ACA's Contraceptive Mandate," July 2014
- "Employee Must Know About Harassment to Use It as Evidence of a Hostile Environment," July 2014
- "Supreme Court Finds No Presumption of Prudence for ESOP Fiduciaries, But Plaintiffs Must Allege Reasons for Lack of Prudence," July 2014
- "Supreme Court Finds Public Employee's Testimony in Criminal Trial Protected Under First Amendment ," June 2014
- "North Carolina Supreme Court Allows Termination of TTD Benefits on General Economic Conditions ," June 2014
- "EEOC Sues Employer for Imposing "Onionhead" Religious Beliefs ," June 2014



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- "DOL Proposes to Extend FMLA Definitions of Spouse to All Same-Sex Marriages ," June 2014
- "DOL Proposes New Federal Contractor Minimum Wage to Carry Out Executive Order ," June 2014
- "White House Announces Intent to Expand Federal Contractor Discrimination Prohibitions to Include LGBT Persons ," June 2014
- "Supreme Court to Review Cases Involving Overtime Exemption for Mortgage Loan Officers ," June 2014
- "Rejected HR Manager's Manipulations May Legally Bind Employer ," June 2014
- "Employee Needing Extended Leave of Absence Not Qualified to Perform Essential Job Functions ," June 2014
- "NLRB Upholds Termination for Disclosure of Confidential Information, While Overturning Firing Based on Telling Co-Worker About Potential Job Loss," June 2014
- "Fifth Circuit Finds Attendance to be Essential Job Function ," June 2014
- "Eighth Circuit Affirms OSHA's Authority to Change Interpretation of Safety Rules Over Time ," June 2014
- "DOT Proposes to Fine Motor Carriers and Others Who Coerce Drivers to Violate Safety Rules ," June 2014
- "Federal ALJ Says Social Media Policy Cannot Require Employees to State That Their Opinions Are Not Those of the Company ," May 2014
- "Federal District Court Rejects Challenges to Employee Non-Solicitation Agreement ," May 2014
- "North Carolina Court Allows Emotional Distress Damages for Wrongful Discharge Claim ," May 2014
- "Further Guidance for Employers Providing Benefits Through Captives ," May 2014
- "Fourth Circuit Says Co-Worker's Use of Racially Derogative Terms Did Not Create Hostile Work Environment ," May 2014
- "Employer's Failure to Provide Timely FMLA Paperwork Creates No Claim Absent Proof Employee Was Able to Work ," May 2014



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- "DOL Issues Updated Model COBRA Notices ," May 2014
- "Fourth Circuit Says Employee Suing Under SOX Could Not Show Complaints Contributed to Termination Decision ," May 2014
- "Fourth Circuit Affirms Employers' Obligation to Respond to Harassment by Third Parties ," May 2014
- "Health Care Reform: Beware of Litigation Risks ," May 2014
- "EEOC Sues Another Employer Over Separation Agreement Language ," May 2014
- "Tenth Circuit Says Female Employee Who "Butted Heads" With Management Was Fired Based on Gender Stereotype ," May 2014
- "NLRB Discounts Use of Handbook Disclaimers to Avoid Interference Claims," May 2014
- "Fifth Circuit Will Not Review Decision Rejecting NLRB Position on Class Action Arbitration Waivers," May 2014
- "New Decision Highlights Courts' Growing Acceptance of Telecommuting as ADA Accommodation ," May 2014
- "Eleventh Circuit Affirms Ability to Obtain Release of FMLA Claims ," April 2014
- "NLRB Now Says Prohibition Against Negativity in Workplace Violates Federal Labor Law ," April 2014
- "Health Care Reform: 90-Day Waiting Period Limitation ," April 2014
- "Federal Court Overturns Hours of Service Rules," July 2007
- "OFCCP Announces Intent to Use Predetermination Notices Before Citing Federal Contractors

PUBLICATIONS

- "NLRB Acts Swiftly to Overturn Multiple Pro-Labor Decisions From Obama Era," Society for Corporate Governance, January 2018
- "Tension Between Legal Marijuana Use and Employer Rights," Law360, October 2017



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- "Podcast: ADA/AA Proposed Regulations for Definition of Disability," October 2009
- "Lily Ledbetter Compliance Podcast," July 2009

SPEAKING ENGAGEMENTS

- "Background Checks and the Fair Credit Reporting Act: Key Issues for North American Employers," Employment Law Alliance, March 2015
- "Public Conversations Series - Social Media: Taming the Beast," Public Conversations Series - Social Media: Taming the Beast
- "Social Media and the New Workplace: Is Your Brand and Reputation Protected?," Employment Law Alliance Webinar

HONORS

- Woodward/White's *The Best Lawyers in America* in Employment Law: Management and Labor and Employment Litigation, 2011-2019
- *Chambers USA: America's Leading Lawyers* in Labor & Employment Law, 2012-2018
- *North Carolina Super Lawyers*, 2008-2013, 2018
- *Business North Carolina* magazine's "Legal Elite" in Employment Law, 2003, 2005, 2009
- *Charlotte Business Journal's* 40 Under 40, 1997
- Martindale-Hubbell AV® Preeminent™ in Employment & Labor; Administrative Law; Educational Institutions; Transportation; Government & Public Policy

MEMBERSHIPS

- Charlotte Historic District Commission, Chair, 2006-2010



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