

# Employment, Benefits & Labor Alert

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## Significant Labor & Employment Decisions in Store for 2010

In 2009, the Supreme Court of the United States handed down several momentous decisions that changed the landscape of labor and employment law. As 2010 begins, employers should be aware of the following cases that, when decided, may significantly impact companies in all industries around the country:

### ***Lewis v. Chicago***

The Supreme Court of the United States will decide whether a plaintiff must file a charge with the Equal Employment Opportunity Commission within 300 days of the announcement of an employment practice or the employer implementing the practice at issue. Although the issue is procedural in nature, the outcome will affect an employer's evaluation of risk in discrimination claims.

### ***City of Ontario v. Jeff Quon***

The Supreme Court of the United States will consider how much privacy a public employee is entitled to with respect to text messages received on an employer issued device. A victory for employees would provide enhanced privacy rights and raise questions about liability exposure.

### ***Stolt-Nielsen v. Animalfeeds International Corporation***

The Supreme Court of the United States will consider whether class arbitrations are available when the parties' agreement is silent on the issue. Ultimately, either the case holding or legislative reform in response to the holding will have a profound significance on class arbitrations of employment disputes.

### ***Conkright v. Frommert***

The Supreme Court of the United States will decide how much deference district courts should grant to an ERISA plan administrator when the benefit plan gives the administrator discretionary authority to construe the terms of the plan.

### ***Brinker Restaurant Corp. v. Superior Court & Brinkley v. Public Storage, Inc.***

These two cases before the Supreme Court of California may set national precedent. At issue in both cases is whether an employer must ensure that an employee takes his or her statutory rest period or merely make it available. If employers are required to ensure breaks are actually taken, employers will face implementation issues and will likely see a spike in filings of wage and hour class actions.

If you have any questions regarding these cases and their potential impact on your organization, please contact a member of Blank Rome LLP's Employment, Benefits and Labor Practice Group.

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