


## EMPLOYERS

# Be aware

**Schwabe**  
WILLIAMSON & WYATT®

KEEP A LOOKOUT FOR THE TOP 10 EMPLOYMENT LAW RED FLAGS.   
When we see the following, we see potential legal risk:



### REASONABLE ACCOMMODATIONS

Inconsistent treatment of disability reasonable accommodation requests and protected leave requests.



### WORKER CLASSIFICATIONS

Misclassifying workers, particularly delivery workers in the gig economy.



### HIRING & FIRING PARAMETERS

Hiring or firing an individual primarily because they are or are not “a good fit” or “the right cultural fit” for an office.



### EQUITY & INCLUSION

Inconsistent pay ranges for employees performing essentially the same job. Pushing back on use of gender-specific pronouns if requested.



### TIMELY RESPONSES

Failing to respond in a timely manner to employee complaints about harassment, discrimination or retaliation.



### PRIVACY & SECURITY

Failing to follow state and local law when conducting or utilizing background checks in employment decisions.



### TIME-OFF POLICIES

Failing to recognize that some leave may be protected sick leave and not getting HR involved.



### NON-DISCLOSURE & ARBITRATION

Asking employees to sign confidentiality and arbitration agreements that violate post-#MeToo legislation.



### CONTRACTS & PROVISIONS

Attempting to enforce post-employment restrictive covenants, particularly in certain states.



### HEALTH CARE ASSISTANCE

Post-*Dobbs*, understanding what employers can and cannot do for employees seeking abortion.

## QUESTIONS? CONTACT A SCHWABE EMPLOYMENT ATTORNEY



**JEAN BACK**  
jback@schwabe.com  
503-796-2960



**STEPHANIE BERNTSEN**  
sberntsen@schwabe.com  
206-689-1235



**JEREMY WOOD**  
jwood@schwabe.com  
206-407-1574

[schwabe.com](https://www.schwabe.com)