

In The News

Amy Moor Gaylord Shares Thoughts on recent NLRB Severance Guidance

Amy Moor Gaylord provided Bloomberg Law some insight into how employers should move forward in their communications with employees regarding severance agreements amid new uncertainty raised by the National Labor Relations Board. Gaylord, co-chair of Akerman's Traditional Labor Law Practice, told Bloomberg employers should also pay extra attention to what is included in their separation agreements, offer letters, and employee handbooks.

"[Employers] should consider rewriting overly broad provisions that may cause the mere offering of the document to be deemed unlawful," Gaylord told the publication. "But that does not mean employers should simply eliminate confidentiality and non-disparagement provisions altogether. There is no one size fits all approach."

The NLRB issued guidance this month that, in addition to making overly broad confidentiality and nondisparagement provisions in severance agreements illegal, the McLaren Macomb decision also invalidates existing gag orders under federal labor law. However, many feel the law remains unclear and are seeking legal counsel to make sense of it.

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