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# SuperVision™ TODAY

LABOR & EMPLOYMENT NEWS

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Further Assistance to Help Rein in Employee Lawsuits: Key Amendments to Court Rules on Discovery in Litigation

By [Erin Jones Adams](#)

On December 1, 2015, several amendments to the Federal Rules of Civil Procedure took effect. While some changes are rather minor, others are expected to have a significant impact on litigation in federal court. Lawyers have been talking about these amendments for years as they were developed, proposed, revised, and eventually approved, but comparatively little has been said about what the parties to litigation need to know.

We discuss three key takeaways. Click [here](#) to read the entire article.

Promoting Workplace

## Notes from the Chair and Executive Editor

Welcome to 2016's first edition of *SuperVision Today*, the e-newsletter from Spilman Thomas & Battle's Labor & Employment Group. Spilman's commitment in 2016 is to become more fully immersed in our clients' employment issues. To us, this means more than simply offering good legal advice, but to truly partner with you to learn your business and offer solutions even before you know there are problems. A big part of that plan is continuing our SuperVision webinars and our SuperVision symposium series.

Our clients in West Virginia certainly are aware of two significant legislative reforms passed by our Legislature in the past month: the adoption of right-to-work legislation and the repealing of the prevailing wage. Kevin Carr and Eric Kinder explain, in a rhetoric-free way, what that legislation means legally and, more importantly, what it means for you. In order to complement this, we will be presenting a webinar on that topic in the middle of March. In addition, Erin Jones Adams is presenting a webinar in late March on Effective (and Defensible) Workplace Investigations. Be on the lookout for more information on both of these webinars in the near future.

2016 marks the 10th anniversary of Spilman's SuperVision symposium series. This year's series is already filling out with events scheduled for May 17 at PNC Park in Pittsburgh, Pennsylvania; June 24 at the Charleston Marriott Town Center in Charleston, West Virginia; and

## Diversity in Times of Trouble

By [Larissa C. Dean](#)

The population in the United States - and by extension - the workforce, is becoming increasingly diverse. According to projections from the U.S. Census Bureau, by 2044, racial and ethnic minorities will be the majority in the U.S. Because of these demographic changes, employers must redouble their efforts to make the workplace a welcoming place for all employees. Unfortunately, there are still cases of workplace discrimination based upon an employee's national origin or race, despite 50 years since the passage of Title VII of the Civil Rights Act of 1964.

What are the best practices for emphasizing the importance of avoiding workplace discrimination? Click [here](#) to read the entire article.

## Until Death Do Us Part - Divorce and HIPAA Violations: A Lesson in Safeguarding Protected Health Information

By [Mitchell J. Rhein](#)

The Office of Civil Rights, a division of the Department of Health and Human Services, recently took the rare step of imposing civil monetary penalties against a large home health provider for violating the Health Insurance Portability and Accountability Act, highlighting the importance of developing written policies that meet the realities of how and where employees use documents with patients' personal health information.

What safeguards can employers use? Click [here](#) to read the entire article.

September 13 at the Grandover Resort & Conference Center in Greensboro, North Carolina. Watch your inboxes for invitations to these events, as well as the March webinars (with more to come throughout the year). Currently, we plan to continue the Lunch & Learn topics at SuperVision symposia where attendees have the opportunity to discuss important employment topics with Spilman attorneys and other professionals. If you have suggestions for topics of discussion, please let me know by e-mailing [us](#).

In this edition of *SuperVision Today*, in addition to the article Kevin Carr and Eric Kinder prepared regarding new West Virginia legislation, Erin Jones Adams offers suggestions to help prepare you for the ever-changing reality of litigation in an electronic age. Larissa Dean takes a look at promoting workplace diversity in these changing times. And, the newest member of our labor & employment team, Mitchell Rhein, discusses important information regarding clients in the healthcare industry about how enforcement of HIPAA regulations is increasing. There is more on Mitch in our featured bio portion of this e-newsletter.

We hope you enjoy this issue. Feel free to contact us if you have any suggestions for future articles.

[Eric W. Iskra](#)

Chair, Labor & Employment Practice Group

[Eric E. Kinder](#)

Editor, *SuperVision Today*

## West Virginia, "Right-to-Work" and Prevailing Wage - What Does This Really Mean for Employers

By [Kevin L. Carr](#) and [Eric E. Kinder](#)

Less than a month ago, the West Virginia Legislature overrode the veto of Governor Tomblin to enact the "Workplace Freedom Act" - commonly called the Right-to-Work bill - and eliminated the requirement that state contractors must pay the "prevailing wage" on state projects. While the rhetoric over both bills was highly charged with proponents and opponents vocally disagreeing over the effects, we will explain what happened and what it means to West Virginia employers.

Click [here](#) to read the entire article.

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Mitchell J. Rhein, Associate (Charleston, W.Va.)

Mr. Rhein is an associate attorney in the firm's Charleston, West Virginia office. His primary areas of practice are labor and employment and government relations. Mr. Rhein assists on litigation of all types of labor and employment matters in state and federal courts, represents employers before administrative agencies such as the Department of Labor and the Equal Employment Opportunity Commission, assists in the drafting and promotion of legislation before the West Virginia Legislature, and advises a diverse mix of business clients on government relations matters. He is a member of the American Bar Association, Defense Research Institute, Energy & Mineral Law Foundation, and Sigma Chi Bar Association. He is admitted to the West Virginia State Bar and is a graduate of Michigan State University and the University of Kentucky College of Law.



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