

# Employment

## ATTORNEYS

Samuel J. Banks  
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Carole H. Capsalis  
Maureen E. Carr  
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R. Douglas Taylor, Jr.

## RELATED PRACTICES

Alternative Dispute  
Resolution  
Business Organizations &  
Transactions  
Commercial & Civil Litigation  
Employee Benefits  
Intellectual Property

Once, employment law was simple. People were hired to do a job and were paid for it. If they didn't work out, they were fired. Now employment relationships are incredibly complex and every business faces a bewildering thicket of laws and regulations. Bean, Kinney & Korman's employment law practice group assists its business clients of all sizes with the challenges presented by nearly every personnel and workplace matter in Virginia, Washington, D.C. and Maryland.

We offer seasoned insight applied to a wide spectrum of employment-related issues, working closely with clients to manage their workforce relationships and to develop appropriate legal strategies. We understand the need and techniques required to enhance and protect our clients' intellectual capital and workforce investments. Employers benefit from our guidance in implementing preventive measures to reduce the risk of litigation and ensure compliance with applicable employment laws and regulations.

### Employment Litigation

When litigation is unavoidable, we offer decades of experience defending clients in trial and appellate courts and before administrative agencies and arbitration panels. We understand that litigation isn't a business objective and are mindful that effective legal strategy requires finding ways to dispose of claims as quickly and cost-effectively as may be accomplished, consistent with our clients' interests. Some cases simply cannot be resolved short of trial; therefore, our approach to litigation incorporates thoughtful attention to keeping costs manageable for our clients.

### Alternative Dispute Resolution

When there is an opportunity to resolve employment claims without litigation, we assist our clients in understanding and choosing the most suitable alternative resolution process, whether mediation, neutral evaluation or arbitration to accomplish expeditious and successful closure of disputes.

### **Wide-Ranging Employment Law Experience**

Our employment litigation and counseling experience covers a wide range of workplace-related matters, including:

- Anti-Discrimination and Civil Rights Laws
- Wrongful Discharge/ Employment-Based Common Law Actions
- Wage & Hour Compliance
- National Labor Relations Act/Labor Practices
- False Claims Act, SOX, and Federal Whistleblower Actions
- Workplace-Oriented Corporate Governance, Due Diligence
- Employment Contracts
- ERISA and Employee Benefits (including the Patient Protection and Affordable Health Care Act)
- Restrictive Covenants, Trade Secrets Protection
- Reorganizations and Reductions in Force
- EEO Training, Audits, Civil Rights Investigations
- Human Resource Policies and Procedures

### **PUBLISHED ARTICLES**

Pandemic-related legal battles changing how we work in Greater Washington and beyond  
*Washington Business Journal*, April 8, 2022

Incentivizing Vaccination among Employees  
*Mount Vernon Gazette*, April 1, 2021

Are California-Style Right of Recall and Worker Retention Laws Right for Virginia?  
*LinkedIn*, October 22, 2020

New Employee Protections for Non-Payment of Wages Go Into Effect in Virginia  
July 21, 2020

New Protections against Workplace Discrimination Based on Sexual Orientation, Gender Identity, and Pregnancy Now in Effect in Virginia  
July 21, 2020

New Enhanced Whistleblower Protections for Virginia Employees Now in Effect  
July 21, 2020

Virginia Law Now Prohibits Non-Compete Restrictions for Low-Wage Employees  
July 21, 2020

Virginia Joins Lawsuit to Block Implementation of New Title IX Final Rule  
June 15, 2020

INSIGHT: Don't Say This in the New Workplace  
*Bloomberg Law*, June 15, 2020

Virginia Enacts New, Far-Reaching Employment Laws  
*Arlington Chamber of Commerce Blog*, June 3, 2020

What Can Employers Ask and Do About Their Employee's Health During the Coronavirus Crisis? Answers from the EEOC  
April 14, 2020

Documentation and Recordkeeping: COVID-19 Paid Leave and Employer Paid Leave Tax Credits  
April 7, 2020

Emergency Paid Leave Laws: DOL Issues Additional FAQs to Answer Employer Questions  
April 2, 2020

Wages & Benefits Questions During the Coronavirus Business Downturn  
*Arlington Chamber of Commerce Blog*, April 1, 2020

DOL Issues Second FAQs: Provides More Guidance to Employers on Paid Leave Laws  
March 30, 2020

Trump Signs Law: U.S. Workers Get Expanded FMLA Leave and Paid Sick Leave  
March 19, 2020

House Amendments to Families First Coronavirus Act – Mixed Bag for Employee Leave Benefits  
March 18, 2020

Families First Coronavirus Response Act  
March 16, 2020

New Virginia Law Requires Employer Disclosure of Requested Personnel Records  
October 3, 2019

Can an Employee Who Quits Receive Unemployment Benefits  
*LinkedIn*, September 10, 2019

Wage-Hour Mishap Creates Unsavory Stew for Prominent Restaurant Group  
*LinkedIn*, September 3, 2019

The Best Defense Against FLSA Lawsuits for Unpaid Overtime  
*Best Lawyers*, August 9, 2019

EEOC Report: Workplace Sexual Harassment Complaints are Up  
May 10, 2019

Workplace Violence: 5 Key Practices Employers Should Consider  
*Arlington Chamber of Commerce Blog*, May 2, 2019

Fourth Circuit Concludes: False Rumor that Female Employee Slept with Her Male Boss to Obtain a Promotion Can Support a Claim of Sexual Harassment  
February 25, 2019

Virginia Employers: Are Your Non-Competes Enforceable?  
August 1, 2018

DOL Explains When Employees Must Be Paid for Travel Time  
July 6, 2018

You Need What?: When Does Your Employee's Request for  
More Leave Become Unreasonable Under the ADA?  
August 4, 2017

Federal Court Halts Implementation of New Overtime Final Rule  
November 23, 2016

Mandatory Paid Sick Leave Comes To Montgomery County  
Maryland  
October 19, 2016

NLRB to Begin Targeting Employer Misclassification of Workers  
as Independent Contractors as an Unfair Labor Practice  
May 19, 2016

Virginia Attorney General Says Virginia Law Prohibits  
Discrimination on the Basis of Gender Identity and Perhaps  
Sexual Orientation  
May 18, 2016

HR 101 from Abercrombie & Fitch  
*BKK Business Law Newsletter*, January 21, 2016

A Tale of Two Cases: The Perils of Using Temporary Workers  
*BKK Business Law Newsletter*, January 13, 2016

OFCCP Final Rule Prohibits Pay Secrecy Policies by Federal  
Contractors  
January 11, 2016

The Financial Risks to Employers of Misclassification of  
Employees as Independent Contractors  
*BKK Business Law Newsletter*, November 8, 2015

Happy Birthday: The Americans with Disabilities Act Turns  
Twenty-Five  
*Virginia Employment Law Journal*, July 27, 2015

Employer Risks in Using Employment-Related Criminal  
Background Checks

*BKK Employment Law Newsletter, July 1, 2015*

Is Your Employee's Extended Leave Request a Reasonable Accommodation?

*Arlington Chamber of Commerce Blog, July 1, 2015*

New Law Limits Virginia Employers' Access to Social Media Accounts

*Virginia Employment Law Journal, April 27, 2015*

Virginia May Soon Join Maryland in Prohibiting Employers from Asking for Social Media Passwords

*Virginia Employment Law Journal, March 26, 2015*

All Legally Married Same-Sex Couples Now Covered Under FMLA

*Virginia Employment Law Journal, March 24, 2015*

March Madness & Employee Morale: A Winning Combination

*Virginia Employment Law Journal, March 17, 2015*

Cunningham v. Feinberg: Virginia Employers May be Answerable in Maryland Courts for Unpaid Wages

*BKK Employment Law Bulletin, February 11, 2015*

No WARNing of Bankruptcy?

*BKK Employment Law Newsletter, April 2, 2014*

Department of Labor Further Delays Publication of its Final "Persuader" Rules

*BKK Employment Law Newsletter, April 2, 2014*

Avoiding Pitfalls of Severance Agreements

*BKK Employment Law Newsletter, January 1, 2014*

2013 Virginia Employment Law in Review

*BKK Employment Law Newsletter, January 1, 2014*

Sea Change in Virginia Non-Competition Law  
September 24, 2013

Proactive Steps to Protect Trade Secrets

*BKK Business Law Newsletter, September 1, 2013*

Severance Agreements: What Are They Good For?  
*American Bar Association - Tort Trial & Insurance Practice Section Newsletter*, September 1, 2013

Administration Postpones Health Care Reporting and Penalties Until 2015  
*Virginia Employment Law Journal*, July 3, 2013

Pitfalls on Termination: Employer May be Liable for Employees' Loose Talk  
*BKK Business Law Newsletter*, July 1, 2013

Fourth Circuit Joins D.C. Circuit in Striking Down NLRB's Employee Rights Notice Posting Rule  
*BKK Business Law Newsletter*, July 1, 2013

SCOTUS Strikes Down DOMA – Employer Obligations in Virginia, D.C., and Maryland  
*BKK Employment Law Newsletter*, July 1, 2013

New I-9 Creates Risk for Employers  
*BKK Business Law Newsletter*, May 1, 2013

Virginia's New Employment-Based Tort  
*The Corporate Counselor*, April 1, 2013

Virginia Non-Competition Law After Home Paramount  
*BKK Business Law Newsletter*, March 1, 2013

Distinguishing Between Non-Competition Agreements in Employment Agreements and Those in the Sale of a Business  
*BKK Business Law Newsletter*, November 1, 2012

“What Athletic Directors Need to Know – A Title VII & Title IX Primer”  
*Winthrop Intelligence*, October 29, 2012

Old Law Wins a New Case  
*BKK Business Law Newsletter*, May 1, 2012

Virginia Narrows Employer Non-Competition Protections  
*BKK Construction & Land Use Newsletter*, December 1, 2011

Non-Competes in Virginia Civil Settlement Agreements

*BKK Business Law Newsletter*, November 1, 2011

Non-Competition Agreements and Independent Contractors  
*BKK Business Law Newsletter*, September 1, 2011

Distracted Driver Collects Workers' Compensation Benefits  
*BKK Employment Law Newsletter*, May 1, 2011

Employees and Independent Contractors  
*HR.com*, November 1, 2010

Restrictive Covenant as a Restraint of Trade  
*BKK Business Law Newsletter*, September 1, 2010

Consider Legal Ramifications of Personal Guarantees  
*Society for Human Resource Management Legal Report*,  
September 1, 2010

Sexual Discrimination in the Workplace – Hostile Environment  
*BKK Business Law Newsletter*, July 1, 2010

Non-Competition in State Court  
*BKK Business Law Newsletter*, November 1, 2009

Remedies for Breach of Non-Competition Agreements  
*BKK Business Law Newsletter*, November 1, 2009

State of Independence  
*Masonry Magazine*, June 1, 2009

## **NEWS**

R. Scott Caulkins, Patricia Bruce, and Carole Capsalis Join  
Bean, Kinney & Korman  
Tuesday February 8, 2022

Bean, Kinney & Korman Represents RenXTech LLC in a  
Transaction with Buchanan & Edwards Inc.  
Monday November 29, 2021

Bean, Kinney & Korman Represents Cavalier Healthcare  
Services, Inc. in the Sale of its Home Health Business  
Wednesday August 25, 2021



Bean, Kinney & Korman Represents Finley Asphalt in a Transaction with Shoreline Equity Partners  
Friday July 2, 2021

Bean, Kinney & Korman Represents Farm Market iD in Acquisition by DTN  
Friday February 26, 2021

Charles (Chas) McAleer, Dean Luo and Harrison Clinton Join Bean, Kinney & Korman  
Friday February 12, 2021

Maureen E. Carr Joins Bean, Kinney & Korman as a Shareholder  
Monday March 13, 2017

## **SEMINARS & EVENTS**

Everything you need to know about COVID-19 vaccines, mask mandates, and Virginia workplace safety  
Online, Thursday, August 26, 2021

Can Employers Require Employees to Get the COVID-19 Vaccine?  
Online, Wednesday, June 23, 2021

New Wage and Employment Laws Impacting Construction  
Online, Thursday, May 6, 2021

Can your employer force you to get the COVID-19 vaccine?  
Podcast, Wednesday, May 5, 2021

Small Business Check-Up: Best practices to help ensure the legal health of your business  
Online, Tuesday, March 16, 2021

COVID-19 Vaccine Rollout: Key Legal Considerations for Employers  
Online, Wednesday, March 10, 2021

COVID-19 Vaccines are Here: Key Public Health and Legal Considerations for Employers  
Online, Wednesday, January 27, 2021

Remote Work Is Here to Stay: Key Legal Issues for Employers  
Webcast recording - view on demand, Tuesday, December 15, 2020

2020 Legal Drama in the Commonwealth:  
Online, Thursday, November 19, 2020

Small Business Academy Workshop: The Legal Side of  
Business  
Online, Wednesday, October 14, 2020

Overview of Virginia Department of Labor and Industry COVID-  
19 Regulations for Employers  
Online, Tuesday, August 4, 2020

Nonprofit Forum: Reopening Strategies  
Online, Tuesday, July 28, 2020

2020 Not-for-Profit Symposium  
Online, Tuesday, June 2, 2020

Mental Illness: Legally Addressing Employees with “Unseen”  
Disabilities  
Online, Thursday, May 7, 2020

“The Shifting Landscape of Independent Contractors”  
Online, Tuesday, May 5, 2020

Webinar: Moving Beyond COVID-19 – EEOC/DOL/IRS  
Guidance and Getting Back to Business  
Online, Friday, May 1, 2020

Webinar: Moving Beyond COVID-19  
Online, Thursday, April 30, 2020

The Legal Side of Business  
Webinar, Wednesday, April 15, 2020

Small Business Roundtable  
Webcast recording - view on demand, Wednesday, March 25,  
2020

The Legal Side of Business  
Fairfax Business Center, Annandale, VA, Wednesday,

December 4, 2019

Sexual Harassment – How to Avoid Liability  
Springhill Suites Alexandria, 6065 Richmond Highway, Friday,  
January 18, 2019

“#METOO: Sexual Harassment in the Workplace”  
George Washington University School of Business, Tuesday,  
March 6, 2018

Employees vs. Independent Contractors vs. Interns: Worker  
Designations and Why It Matters  
Wednesday, October 16, 2013

“Leave Management and Insurance Coverages: What  
Employers Need to Know about FMLA, ADA and GINA and  
How Your Insurances Are Affected”  
The Navy League Building, 2300 Wilson Blvd., Arlington,  
Virginia, Wednesday, September 21, 2011