



In The News.....

Lisa was interviewed by the *New York Times* for, *The Résumé and References Check Out. How About Social Media?*, posted February 19, 2016. [Click here to read the full article...](#)

Protecting Employee Rights - Stephenson v. DLP Enterprises, Inc.

On October 1, 2014, Plaintiffs filed the Complaint alleging three claims: (1) Unpaid Overtime and Straight Time under the FLSA; (2) Unpaid Minimum Wage under the FLSA; and (3) Breach of Contract. [Click here to read the full article...](#)

Donations

Bertini Law appreciates being able to give back to the community and we have supported the following organizations recently:

- Virginia Museum of Contemporary Art
- Center for Reproductive
- Trash Freeway

[To see other organizations the firm support click here....](#)

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- **Lisa A. Bertini** was a guest lecturer at The College of William & Mary Law School on trends in employment law in February 2016. She has recently accepted a position as a professor in the Law School where she will begin teaching a class in the Fall 2016 semester.
- **Lisa Bertini** has been named by *Super Lawyers Magazine* in 2016 as one of the Top Lawyers in Virginia (Top 100).
- **Lisa Bertini** has been recognized as a Super Lawyer Virginia 2016 for Employment and Labor by *Super Lawyers Magazine*.
- **Lisa Bertini** has been recognized as a Lawyer of the Year, Virginia 2016 for Litigation - Employment and Labor by *Best Lawyers Magazine, Business Edition*.
- **Lisa Bertini** has been recognized as one of the top Women in the Law, Virginia 2016 for Employment and Labor by *Best Lawyers Magazine, Business Edition*.
- **Lisa Bertini** has earned the AVVO Clients' Choice Award due to her 10.0 Superb client reviews ratings.
- **Lisa Bertini** has been selected to service as a council member on the Labor Relations and Employment Law Section Council for The Virginia Bar Association.

Andrea has successfully represented several clients at the VEC by qualifying them for unemployment benefits. Additionally, Andrea has resolved several cases with private companies, including several successful EEOC mediations, on behalf of wrongfully terminated employees or employees who were treated poorly. Further Andrea has protected the licensure of a public school teacher. Finally, Andrea is excited to announce that she has been elected the Treasurer of the Norfolk Portsmouth Bar Association's Young Lawyers' Section.

New cases of interest

The Fourth Circuit has been busy this spring! Since March, the Fourth Circuit has issued two rulings that have important legal implications for employers. The first case, *Gentry v. East West Partners Club Management Company*, discusses the causation standard required for cases under the Americans with Disabilities Act ("ADA"). In that case, the plaintiff broke her ankle at work in 2007 to the extent that she required surgery and was determined to have a 30 percent permanent physical impairment which may require additional surgery. She was fired in December 2010. The plaintiff alleged that she was terminated because of the issues with her ankle and that she could be a liability to her employer ("the Club"). Ms. Gentry's employer, however, maintained that her termination was part of a restructuring plan designed to cut the Club's costs. Ms. Gentry argued that the less stringent "mixed motive" standard should apply for cases arising under the ADA. The Club argued that the proper causation standard under the ADA is the more difficult "but for" causation standard. The Court agreed finding that the statute's language prohibiting discrimination "on the basis" of disability mandates that employees must show that "but for" their disability, no adverse job action would have been taken against them. For more information about this case, please see *Gentry v. East West Partners Club Management Company, Inc., LLC*, No. 14-2382 (4th Cir. Mar. 4, 2016).

The second important case is *Williams v. Prince William County*. In that case the plaintiff, Carol Williams, brought suit against her employer alleging that she was sexually harassed and discriminated and retaliated against in violation of Title VII. The District Court granted Prince William County's ("the County") Motion to Dismiss the retaliation claim. Ms. Williams appealed. On appeal, the Fourth Circuit evaluated whether or not Ms. Williams properly alleged an adverse job action under Title VII's anti-retaliation provision when she alleged that a job reassignment was an adverse job action. The court found that although a job action is not automatically actionable, it may be materially adverse depending upon the circumstances. Any job reassignment should be judged from the perspective of a reasonable work place in the plaintiff's

position, considering all of the circumstances. The Fourth Circuit vacated the district court's order to dismiss the retaliation claim because the plaintiff failed to sufficiently allege an actionable adverse employment action as the district court had not properly considered all of the circumstances surrounding the job reassignment. For further information please see *Williams v. Prince Williams County*, No. 15-1711 (4th Cir. April 14, 2016).

We are more than happy to meet with you to explain how these and other recent updates to the law can impact you. Please call our office at 757-222-9165 to schedule an appointment.

Lisa and Andrea would like to thank everyone that has left them great testimonials at AVVO based on their experience working with our firm. Please use the following links to review the testimonials.

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