

BERTELSON LAW OFFICE, P.A.

Employment Law • Minneapolis, MN

Workplace News

Employment Law Litigation and Proactive Conflict Resolution Services for the Workplace Summer/Fall 2015

BEST of the BEST

Top 50:
2014 Women
Minnesota
Super Lawyers
Top List

Don't Sign A Separation Agreement At The Termination Meeting

Being terminated or laid off can be traumatic. If you are offered a separation agreement do not sign it at the termination meeting. Take your time. Read it carefully. Consult with an attorney. In most instances, you have at least 21 days to decide if you want to sign it. (The Agreement will set forth the time period you have in which to sign it)

When you sign these agreements, you are giving up your right to pursue legal action against your employer in exchange for the money the employer is offering you. The agreement often imposes additional obligations on you beyond giving up your right to take legal action.

An attorney can help you figure out whether it makes sense to pursue additional benefits or give up your right to pursue legal action against your employer in exchange for the money offered in the agreement.

There are many things to consider, such as:

- Do I have legal claims against my employer?
- If I sign, will I be subject to a non-compete or other types of restrictions?
- If I sign, will I have any ongoing obligations to the employer?
- Will the employer pay me for outstanding business expenses?
- Will I receive payment for unused Paid Time Off (PTO)?
- If I sign the agreement, can I still get long-term disability benefits?
- Can I get unemployment compensation benefits?

- If I find a new job, will I have to give the money back to the employer?

Bertelson Law Offices, P.A. has over 35 years of combined experience reviewing, evaluating and strategically negotiating severance agreements, separation agreements, buy-out packages, executive agreements and non-compete agreements.

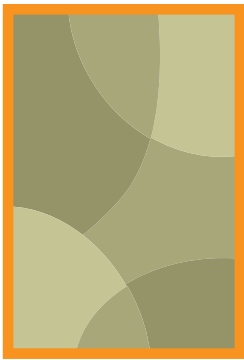
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If you are terminated or laid off feel free to give us a call. Because we practice exclusively in the area of employment law, we are able to provide you with knowledgeable and caring experience, as well as personal service for your individual needs and goals. We offer a thorough review to help you determine how your particular situation would be impacted by signing, or if it would be appropriate to move forward with legal claims or with negotiating changes to the agreement, such as increasing the amount the employer is offering and language changes to the agreement. ■

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Workplace News is only a general summary of the topics discussed here and is not a substitute for legal advice.



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Certified ▲ Specialist



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Wage Disparity Still a Problem

The Equal Pay Act (EPA) has been around since 1963. It makes wage disparity based on sex illegal. Men and women doing comparable work should make the same money. The Minnesota Human Rights Act has had the same protection since 1969.

Yet, over 50 years later, wage disparity based on gender is still a problem. An analysis from the Institute for Women's Policy Research found that it will be until the year 2054 before Minnesota women, working full-time, make the same, on average, as their male counterparts. Today, women working full time and year-round make just 78 cents for every dollar their male counterparts make.

So how do you prove that a pay difference is illegal? To establish an initial case under the law, the employee must show that:

- different wages are paid to employees of the opposite sex;
- the employees perform substantially equal work on jobs requiring equal skill, effort, and responsibility; and

- the jobs are performed under similar working conditions.

Liability is established by making an initial case. It does not matter if the employer's wage disparity was purposeful or accidental. The employer may avoid liability only by proving the existence of one of four defenses for the unequal pay: when the wages are set through (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) ... any other factor other than sex[.]”

In December 2014, the U.S. District Court of Minnesota ruled that the Norwegian government violated the Minnesota Human Rights Act when it paid Ellen Ewald \$30,000 less than her male counterpart. Both employees performed comparable jobs at the Norwegian Consulate in Minneapolis. The Court ordered Norway to pay Ms. Ewald double her lost wages; \$100,000 for emotional distress; and \$2.1 million in attorney's fees. The case is, *Ewald v. Royal Norwegian Embassy*, No. 11-CV-2116 SRN/SER, 2014 WL 7409565 (D. Minn. Dec. 31, 2014). ■

Bertelson Law Office Offers Mediation Services

For many, early intervention in a legal conflict protects both a client's dignity and pocketbook. As a mediator, Beth Bertelson can help parties resolve disputes, providing control and closure on a difficult situation by avoiding the time and expense of a trial. As a legal advocate practicing exclusively in employment law, Beth understands that employment conflicts can impact people physically, emotionally and financially. She also understands that for companies, unresolved disputes generally fester into costly litigation, affecting employee morale and profits.

In addition to representing individual clients in employment law matters and providing mediation services, Beth has trained businesses on employment law issues and investigated internal reports.

For over 20 years, Beth Bertelson has practiced in the area of employment law. She is a certified

Labor and Employment Law Specialist by the Minnesota State Bar Association. She has been recognized in *Law & Politics* and *Minneapolis St. Paul Magazine* as a “Super Lawyer.” She is a qualified neutral under Minnesota Rule 114. She has served as a section council member of the Labor and Employment



Law Section of the Minnesota State Bar Association and a board member for the Minnesota Chapter of the National Employment Lawyers Association and several other non-profit organizations.

Contact Beth Bertelson at 612-278-9832 if you are interested in having her serve as a mediator. ■

Minnesota Raises Minimum Wage

Starting August 1st, Minnesota's minimum wage increases to \$9.00/hour for large employers and \$7.25/hour for small employers.