

Tim Van Dyck Quoted in The Business Journals Playbook Newsletter Article "Feds issue game-changing ruling on nondisclosure agreements. Experts say employers should take these steps."

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A new ruling by the National Labor Relations Board found that a severance agreement was unlawful because it included broad nondisparagement and nondisclosure terms that would interfere with a worker's rights to organize their workplace. In light of the decision, employers need to take a second look at these clauses in their severance agreements.

Tim Van Dyck spoke with the *The Business Journals* Playbook Newsletter about the ruling and stated:

> It's unclear how universal the ruling is, but it seems to apply to both union and nonunion workers and to non-supervisory employees. Tim noted that employers need to get their ducks in a row when it comes to severance agreements and policies and stated, "If they don't have a clear severance policy in place, now would be the time to adopt one. And also for those employers who do have severance policies in place, they should ensure that such policies are being adhered to."

The decision, which caught a lot of legal experts off guard, is part of a much broader series of decisions by government agencies under the Biden Administration to more strongly protect workers' rights. This includes a recent proposed rule by the Federal Trade Commission to more broadly ban noncompete agreements. Commenting further, Tim stated:

> "We are sort of in a watershed moment. Clearly the Biden Administration is taking the stance that workers' rights need to be more significantly protected."

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