Tim Van Dyck Quoted in Massachusetts Lawyers Weekly's "NLRB prompts review of severance agreements"

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Attorneys who represent employers are developing strategies to respond to a recent National Labor Relations Board ruling restricting the use of confidentiality and non-disparagement clauses in severance agreements. *Massachusetts Lawyers Weekly* highlighted Tim Van Dyck's ideas in its March 16 article "NLRB prompts review of severance agreements."

> Tim offered a number of suggestions, including limiting the non-disparagement requirement to matters involving past employment; adding temporal limitations; having the clauses apply only to the direct employer as opposed to its parents, subsidiaries and affiliates; and making the covenants mutual to both the employee and employer. In addition, he noted that the scope of a confidentiality provision could also carve out from its scope the existence of the severance agreement and underlying facts relating to the terms and conditions of the employee's employment. He did, however, acknowledged that the steps he has outlined are less than "fail safe," stating "I think it's risk mitigation at this point."

Continue reading "NLRB prompts review of severance agreements" on the *Massachusetts Lawyers Weekly* website (subscription required).

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