

Transition Strategies, LLC

Succeed in ways you never thought possible.

Summer 2021 E-NEWSLETTER

Dear Clients and Friends



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The post-pandemic job market has been referred to as "the great resignation." A record 4 million people quit their jobs in April alone, according to the most available Labor Department statistics. People are leaving their jobs in search of more money, flexibility and happiness - generally, rethinking what work means to them, how they are valued, and how they spend their time.

We see the job market as a game of "musical chairs," as players compete for new seats that open up . Our clients confirm that they are seeing a lot of good job opportunities. This is a great time to explore your opportunities and to strategize, then use, your leverage to either play-to-stay, or to move on. We are here to help you make good choices and to succeed!

Sincerely,

A handwritten signature in black ink, appearing to read "Robin". The signature is fluid and cursive, written in a professional style.

At Transition Strategies, we help people play powerfully in the world of work. It is easier to be strong if you have someone to lean on. Call us or visit our website if you have any questions about a legal matter.

Case Law Update

- On July 1, 2021, the NFL fined the Washington Football Team \$10 million for fostering a toxic work environment. The claim, brought by 40 ex-employees, accused the organization of fostering a culture rampant with sexual harassment, bullying and intimidation.
- A case before the D.C. Circuit could create a new test for job transfer bias claims. Mary Chambers claimed that she was denied a job transfer due to her gender. However, her case was not allowed to proceed based upon a ruling that the failed transfer did not harm her career. The court will now address the issue as to whether or not a plaintiff has to suffer monetary harm to proceed with a claim of a discriminatory job transfer.
- In follow-up to an article in one of our earlier newsletters on what constitutes a violation of the Computer Fraud and Abuse Act (CFAA): On June 3, 2021, in [Van Buren v. US](#), the US Supreme Court held that "an individual 'exceeds authorized access' when he accesses a computer with authorization but then obtains information located in particular areas of the computer - such as files, folders or databases - that are off-limits to him." As a result, accessing of authorized areas for improper purposes was held to no longer creates a CFAA violation. Be sure to read the entire case to get all the details.



Trending: Executive Order to Ban or Limit Noncompetition Agreements

On July 9, 2021, President Biden signed an executive order calling upon the Federal Trade Commission to write a rule to "curtail the unfair use of non-compete clauses and other clauses or agreements that may unfairly limit worker mobility." You can read the [executive order](#) here.



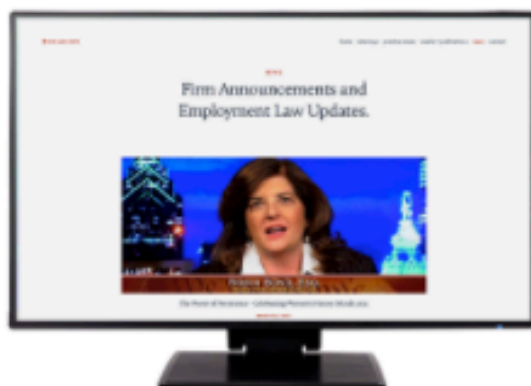
The FTC has reported that approximately 30% to 40% of US workers are asked to sign a non-compete after accepting employment, often on the first day of work after they have already left another job and now feel they have no choice but to sign.

We routinely advise clients to ask prospective new employers if they will be asked to sign any type of confidentiality agreement, and if so, to please provide it along with all the other offer documents. You can then be informed before you make a job change - and ask for revisions or carve-outs while you have the leverage to do so (which is before you sign!)

Pay Equity and the Pandemic

A [Glassdoor survey](#) recently reported that 73% of women have not asked for a pay raise during the COVID-19 pandemic, compared to 58% of men. Pay equity has been a long-standing issue, and we coach all of our clients to know their value, and then negotiate for pay commensurate with the value they bring to any role. The Glassdoor survey reported that 33% of women accepted a first salary offer without any negotiation - as did 29% of men. As set forth in detail in Robin's book, [How to Negotiate a Killer Job Offer](#), this trend can lead to a person earning \$1 million less over their working lifetime as compared to someone who does negotiate. Let us help you become more empowered to begin a productive dialogue about your compensation.

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