

## Publications

### We are delivering unique perspectives.

We strive to deliver the latest news and provide unique perspectives on pertinent legal topics both in New Jersey and Nationwide.

#### [FTC Issues Final Rule Banning Most Non-Competes In The Employer/Employee Context](#)

Following an Open Commission Meeting on April 23, 2024, the FTC issued a Final Rule rendering most non-compete agreements in the employer/employee context unenforceable. The Final Rule applies nationwide, to all employers that are organized for-profit.

April 23, 2024

#### [The Saiber Construction Law Column: March 2024](#)

Many construction companies, landscaping businesses and even homeowners hire “day laborers” – people, often immigrants, employed on a temporary basis. These workers are often found outside home improvement stores, through temporary agencies or at designated locations in a town. While it is not illegal per se to hire day laborers and there could be benefits to hiring them, contractors should consider the serious potential risks of hiring day laborers, particularly if those who hire day laborers are paying these workers in cash.

April 17, 2024

#### [Take 10 Minutes to Think About These Estate Planning Essentials](#)

In a recent article by *New Jersey Law Journal's* 2024 Trusts & Estates and Wealth Management Special Section, Mary Joan Kennedy discusses why it is important for every adult to periodically take 10 minutes to address their estate planning essentials.

April 15, 2024

#### [Trending Law Blog: Appellate Division Upholds Termination of Employee Based on Her Facebook Posts](#)

In a recent article by Trending Law Blog, Rob Nussbaum discusses a decision issued by the New Jersey Appellate Division that upheld the termination of employment of a woman based on public posts and comments she made on Facebook during the protests of police violence following the murder of George Floyd.

April 9, 2024

[New Jersey Cannabis Counsel: New Jersey Appellate Panel Confirms Towns Right to Regulate Cannabis Licenses](#)

In a post by New Jersey Cannabis Counsel, Justin Calta and Michael Grohs highlight a recent decision by the New Jersey Appellate Division that affirmed a trial court's ruling which allowed a town to deny a retail cannabis business to operate, determining that the municipality has the discretion to decide the necessary requirements for any cannabis retail businesses, and which cannabis retail businesses it chooses to support.

April 2, 2024

[New Jersey Bill Aims to Broaden Standard for Harassment Claims & Require Written Workplace Policies and Employee Training](#)

On January 9, 2024, a new bill was introduced to the Assembly Labor Committee in the New Jersey Legislature (Bill A2443) that may have the effect of lowering the standard for a claim of unlawful harassment. The Bill's stated purpose is "to affirm that the right to be free from discrimination in employment, housing, business relationships, and places of public accommodation ... based on any characteristic protected by the 'Law Against Discrimination.'" However, the Bill broadens the scope of workplace misconduct that may be considered "severe or pervasive". More specifically, the Bill provides, in part, that a single incident may be sufficiently "severe and pervasive", there is no requirement for physical contact, and offensive language, sexual in nature or otherwise, may be sufficient to support a claim for unlawful harassment.

March 29, 2024

[With Updated Interpretation in Zexas Ruling, The Times They Are A-Changin'](#)

In 1964, Bob Dylan told us:

*Come writers and critics  
Who prophesize with your pen  
And keep your eyes wide  
The chance won't come again  
And don't speak too soon  
For the wheel's still in spin  
And there's no tellin' who  
That it's namin'  
For the loser now  
Will be later to win  
For the times they are a-changin'*

March 26, 2024

[Trending Law Blog: The Supreme Court Addresses When Public Officials Can Block Social Media Followers](#)

In a recent post by Trending Law Blog, Rob Nussbaum discusses two recent cases decided by the Supreme Court of the United States which each involved the constitutionality of public officials blocking social media followers and delete their comments.

March 18, 2024

[The Saiber Construction Law Column: February 2024](#)

In the April 2023 OnSite issue, the Saiber Construction Law Column discussed a 2022 case in which the Supreme Court of Maryland held that a party who hires an independent contractor is generally not liable to an employee of that contractor for injuries caused by the contractor's negligence in performing the work for which it was hired. A similar issue was recently addressed by the United States District Court for the District of New Jersey.

March 8, 2024

[New Jersey Senate Passes Bill to Bar Discrimination Based on Height and Weight](#)

*If Signed into Law, New Jersey Will Become the Second State to Ban Discrimination Based on Height & Weight, Behind Michigan*

February 16, 2024