



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### Danielle Lederman Quoted in “How employers can tweak their severance agreements after the NLRB’s crackdown” in the Boston Business Journal

MARCH 13, 2023

Confidentiality and nondisparagement agreements have long been standard in severance agreements, but a recent ruling by the National Labor Relations Board (NLRB) is putting significant restrictions on this practice. Danielle Lederman spoke with the *Boston Business Journal* about ways employers can adapt:

Danielle stated that while the NLRB may end up issuing additional guidance for companies, it is not required to do so, which means business owners will have to decide how much risk they want to take on in their severance agreements. “There are no guarantees at this point,” she said. “But the NLRB decision does imply that more narrowly tailored confidentiality and nondisparagement clauses could pass muster and could still be enforceable.”

Noting that the NLRB under President Joe Biden has more forcefully pushed for the rights of workers, Danielle added that it’s likely the NLRB rulings will continue and could include whether company policies violate the NLRA. She stated:

“I think this is probably the first big swing back to the pre-Trump era, but I think we can expect that the NLRB will continue to aggressively enforce workers’ rights and likely beyond severance agreements.”

Continue reading “[How employers can tweak their severance agreements after the NLRB’s crackdown](#)” on the *Boston Business Journal* website (subscription needed).

