

Robert

Of Counsel

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For more than 29 years, Bob Nichols has represented employers in litigation, administrative investigations, and other actions related to employment including the defense of claims of alleged discrimination, retaliation, harassment, wrongful discharge, and occupational safety and health violations.

Bob frequently represents employers in matters pending with government agencies, including the Equal Employment Opportunity Commission (EEOC), Occupational Safety and Health Administration (OSHA), state Occupational Safety and Health (OSH) agencies, National Labor Relations Board (NLRB), and a variety of other federal and state agencies.

Additionally, Bob also advises companies on union matters and other employment issues associated with mergers and acquisitions. He also provides day-to-day legal advice to employers concerning executive compensation, employment-related documents, occupational safety and health, and all aspects of the employment relationship.

Industries

[Energy](#)

[Healthcare](#)

Practices

[Employee Benefits & ERISA](#)

[Environment, Lands and](#)

[Resources](#)

[Healthcare & Life Sciences](#)

[Incident Prevention & Response](#)

[Labor & Employment](#)

[Litigation](#)

[Environmental Litigation](#)

[Environmental Litigation &](#)

[Enforcement Defense](#)

Credentials

Education

- Baylor Law School, J.D., 1984, *with distinction*
- Virginia Polytechnic Institute and State University, B.A., 1984, *with distinction*

Bar Admissions

- Texas

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The Legal 500 United States

- Labor-Management Relations, 2018

BTI Consulting Group

- *BTI Client Service All-Stars*, 2018

BL Rankings

- *Best Lawyers*, Labor Law – Management, 2023 – 2025

Lawdragon Inc.

- *Lawdragon 500 Leading Corporate Employment Lawyers*, Employment Litigation, 2024

Thomson Reuters

- *Texas Super Lawyers*, 2004, 2008 – 2012
- *Super Lawyers*, Corporate Counsel Edition, 2009

Baylor Law School

- *Baylor Law Review*, Lead Articles Editor, 1986 – 1987

Resources

The COVID-19 Vaccine: Now Is Time for Employers to Plan for Whether They Can, and Should, Require Employees to Be Vaccinated

Update

Virus Mitigation Steps for Employers Amid OSHA Ramp-Up

Article

Latest CDC Mask/Testing Guidance Requires Employers to Evaluate Workplace Rules

Update

Marijuana and Workplace Safety: Managing the Risk of Occupational Accidents as Cannabis Use Increases and Legal Prohibitions Are Relaxed

Video

Growing Regulation of Pay Information by States and Municipalities

Video

Unintended Consequences: Legal Compliance Concerns With Long-Term Remote Work Arrangements

Video

Remote Work As An ADA Accommodation

Video

What to Expect From a More Aggressive OSHA in the Next 12 Months

Video

Bonuses Tied to Low Injury Rates: Will They Be Unacceptable to Biden's OSHA

Video

How To Enhance Your Company's Efforts To Recruit A More Diverse Workforce Without Creating Risk of a Successful Legal Challenge

Video

Employment Background Check Class-Action Litigation: Avoiding the Seemingly Minor Mistakes Fueling a Costly Wave of New Lawsuits

Video

The COVID-19 Vaccine: An In-Depth Discussion Exploring Emerging Legal Issues for Consideration by Employers

Video

EEOC Says Employers May Mandate COVID-19 Vaccinations – Subject to Limitations

Update

Texas Governor Lifts Mask Mandate, but Employers Must Still Comply with the Occupational Safety and Health Act

Update

Signaling More Aggressive Enforcement Going Forward, OSHA Issues “Stronger” COVID-19 Guidance For Workplaces

Update

EEOC Issues Guidance Confirming Vaccine Incentives are Lawful, Among Other Updates

Update

OSHA Issues COVID-19 Emergency Temporary Standard Requiring Employee Vaccination or Weekly Testing

Update

New Federal Guidance Broadly Construes President's Executive Order Requiring Vaccination and Other COVID-19 Mitigation Measures for Many Federal Contractors

Update

President Biden and OSHA Launch New Effort to Protect Workers from Heat Hazards, Indoors and Outdoors

Update

Biden's Plan to Combat COVID-19: Significance of Vaccination/Testing Requirements for Employers

Update

OSHA's Revised COVID-19 Guidance Adopts CDC's Latest Recommendation on Masks for Vaccinated Employees, Advocates for Vaccination, and Suggests Periodic Testing for Unvaccinated Employees

Update

OSHA's Revised COVID-19 Guidance Highlights Employer Duties for Unvaccinated and At-Risk Workers

Update

Employer Considerations in Light of Updated CDC Recommendations for Fully Vaccinated People

Update

Biden's Selection of Doug Parker as OSHA Head Signals Aggressive Safety and Health Enforcement and Close Collaboration with Organized Labor

Update

Federal Court of Appeals Allows OSHA's Vaccination/Testing Rule for Employers with 100+ Employees to Go Forward

Update

The 411 on 420: Can Employers Still Test for Marijuana?

Article

FTC Pursues Crackdown on Employee Noncompetes

Update

NLRB Finds Employer's Use of Confidentiality and Non-Disparagement Provisions in Separation Agreements Violated Federal Law

Update

Proliferation of Laws Providing Employment Protections for Marijuana Users Complicate Businesses' Efforts to Maintain Occupational and Public Safety

Article

NLRB Revises Test for Evaluating Workplace Policies

Update

Publications & Speeches

- "Proliferation of Laws Providing Employment Protections for Marijuana Users Complicate Businesses' Efforts to Maintain Occupational and Public Safety," *Texas Lawyer*, May 18, 2022.
- "The 411 on 420: Can Employers Still Test for Marijuana?" *IndustryWeek*, April 14, 2022.
- "Cos. Should Brace For Workers' Vaccine Safety Concerns," *Law360*, September 2020.
- "State Legislatures, Local Governments and Courts Attack Employer Use of Salary History," *Texas Lawyer*, April 23, 2018.
- "Criminal Prosecutions over No-Poaching Arrangements Are Coming," *Society for Human Resource Management*, April 5, 2018.
- "End of an era? Growing list of laws is ending the use of comp history in hiring," *Westlaw*, January 2018.
- "The case for uniform ban-the-box laws," *Strategic HR Review*, December 2017.
- "New Laws Complicate Employee Marijuana Use Rules," *Today's General Counsel*, August 2017.
- "A Growing Number of State and Local Governments Ban Salary History Inquiries to Prospective Employees," *Bloomberg Law*, August 2017.
- "OSHA Sharpens Focus on Businesses' Obligations to Contingent Workers," *Society for Human Resource Management*, December 2015.

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- "Review of case laws provides insight into jurisdiction of federal agencies," *Offshore*, November 2015.
- "OSHA vs. PHMSA: The Tangled Web of Jurisdiction Over Midstream Operations," *North American Oil & Gas Pipelines*, July 2015.
- "Producers can use CVS case as guidance when engaging in workforce reductions," *Oil & Gas Journal*, February 2015.
- "Effects Bargaining: Understanding the Impact on the Sale of Businesses," *Inside Counsel*, October 27, 2014.
- "Drafting Effective Separation Agreements to Withstand EEOC Scrutiny," *State Bar of Texas Corporate Counsel Section*, Fall 2014.
- "Attorney-Client Privilege in OSHA Compliance Self-Audits," *Corporate Counsel*, August 2014.
- "National Labor Relations Board Increases its Focus on Issues Impacting Nonunionized Employers," *State Bar of Texas Corporate Counsel*, July 2013.
- "EEOC V. US Steel Gives New Hope To Employers," *Law360*, March 2013.