

Labor and Employment Practices

Please see our Labor and Employment Counseling page as well.

Employers today must manage employees within a complex and ever-changing labyrinth of laws and regulations. We help guide our clients through this precarious legal landscape, and work closely with our clients on proactive approaches to employment and labor relations that resolve workplace issues before they become problems. We measure our success not only by the large battles we fight and win, but by the battles we have helped clients avoid with positive results.

The Labor and Employment Practices Group provides support to employers in the area of traditional union-management labor relations as well as human resource counseling and employment litigation services. Our representation is nationwide and cross-border, and is for a clientele drawn from most industry groups, including the transportation, health care and biotech, manufacturing, chemical, environmental services, automotive, consumer products, retail, computer technology, financial services, nonprofit and insurance industries. Our attorneys often serve as outside general labor and employment counsel to both domestic and foreign-based business organizations. Our clients include Fortune 50 companies, well known regional businesses, and emerging local companies.

Matters for which we routinely represent our clients arise in almost every subject area, including:

Employment Litigation, Arbitration and Administrative Proceedings

- Judicial, arbitration, and administrative claims made under federal labor and employment laws, including the Family and Medical Leave Act (FMLA), Title VII of the Civil Rights Act (discrimination and harassment), the Americans With Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Equal Pay Act (EPA), the Employee Retirement Income Security Act (ERISA), individual

and collective actions under the Fair Labor Standards Act (FLSA), the Sarbanes-Oxley Act, the Occupational Safety & Health Act (OSHA), and federal prevailing rate laws, such as "Davis-Bacon";

- Class and collective actions, including hybrid federal/state actions, under minimum wage and overtime laws, antidiscrimination laws, common law and statutory privacy requirements and other employment laws and regulations;
- Claims made under various state labor and employment laws, including state antidiscrimination laws, state whistleblower protection laws, and state wage payment and wage & hour laws - including prevailing wage laws and workers' compensation retaliation claims;
- Common law wrongful discharge claims, defamation and privacy-based actions, negligent hiring, retention and training, and other types of employment related-lawsuits, both on an individual and class-action basis;
- Claims before various federal and state administrative agencies, such as OSHA, Department of Labor (DOL), and the Equal Employment Opportunity Commission (EEOC); and
- Antitrust and RICO actions arising out of labor and other workplace-related disputes.

Employer-Employee Relations

- Negotiating and drafting executive employment contracts, severance agreements and retirement incentive plans;
- Drafting and implementing plans for reductions in force (RIFs), relocations and closings, including guidance under federal and state employee and community notification laws, such as the Worker Adjustment and Retraining Notification Act (WARN);
- ERISA drafting, planning and counseling;
- Harassment and other discipline/discharge training to minimize litigation exposure;
- Strategies and training to remain non union;
- OFCCP, federal and state affirmative action compliance and audits;
- Supervisory/management training;
- Counseling on human resources issues, including the development of strategies, planning and organization, employee attitude surveys, hiring and selection systems, workplace/human resources audits, and the development of employee handbook, drug testing, and other internal employment policy documents; and,
- Immigration counseling and assistance relating to employment of foreign nationals.

Union-Management Labor Relations, Union Labor Practices

- National Labor Relations Board and court representation related to unfair labor practice charges and election proceedings;
- Picketing, lockouts, demonstrations, handbilling and strikes;
- Merger, acquisition, plant relocation and layoff issues in a unionized environment;
- Union organizational attempts and campaigns;

- Collective bargaining, negotiation, contract administration, grievances and arbitration;
- Government compliance and affirmative action; and
- Multi-employer pension plans and litigation arising out of such plans, including defending trustees against fiduciary obligation litigation.

Employer Protection Strategies, Unfair Competition

- Drafting and enforcing employment agreements, non-compete and trade secret agreements;
- Litigating and securing injunctions caused by breach of non-compete, trade secret and employment agreements;
- Developing and implementing strategies to protect employers against corporate raiding, protection of trade secrets, and unfair competition employment practices; and
- Technology policies, electronic surveillance, and privacy issues.

Cross-Border/International Employment Law Services

- Providing assistance and consultation to domestic and foreign-based multinational business organizations in recognizing and complying with employment, labor and data protection law requirements of nations in which they do or seek to do business;
- Preparation of employment agreements for inbound executives and outbound expatriates;
- Counseling on employment law aspects of mergers and acquisitions that cross borders;
- Counseling on compliance with the European Union Data Protection Directive, including development of contracts, internal policies and procedures, training and other materials required to remain compliant; and
- Coordination and development of global employment policies and project management on the implementation of those policies.

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