



## Labor & Employment

### Overview

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Our Labor and Employment attorneys provide advice and representation to employers in all areas of labor and employment law, including litigation involving ERISA, employment discrimination, employment-at-will, wrongful discharge, workplace harassment, whistleblower, work-related tort claims, wage and hour laws, and FMLA and labor relations matters. We play key roles in business mergers and acquisitions by analyzing collective bargaining agreements, employment contracts, non-competition and confidentiality agreements, and wage and benefit programs. We also advise employers about plant closings and reduction in force laws.

We represent a wide range of business enterprises, including financial institutions, manufacturers, distributors, retailers, energy producers, health care providers, employee-placement agencies, and companies in the construction, communication, high-tech, transportation, and maritime industries.

### **COST-EFFECTIVE LITIGATION**

Our employment attorneys provide aggressive and cost-effective representation for employers in all types of employment-related litigation. Our lawyers have successfully defended against claims for unlawful harassment and discrimination, wage-and-hour violations, ERISA violations, defamation, breach of contract, employee benefits, whistleblower, and wrongful discharge. Our attorneys also have substantial experience defending class action and multiple plaintiff litigation involving discrimination and wage-and-hour claims. Tucker Ellis also helps companies protect their intellectual property and confidential business information, including representation in non-compete and trade secret temporary restraining order and preliminary injunction hearings. We represent employers in administrative proceedings, trials before state and federal courts, mediations, arbitrations, and appeals. Our goal is to conclude the matter as quickly as practicable, on the most favorable terms to our clients as possible.

### **UNDERSTANDING OUR CLIENTS' BUSINESSES**

Each employer is unique. Our lawyers pride themselves on understanding our clients' businesses while effectively providing solutions for employment-related problems. We help our clients in preparing a variety of employment-related documents and policies, including employment applications, employee handbooks, leave of absence policies, disciplinary forms, mediation and arbitration agreements, confidentiality and trade secret agreements, and merit

review systems. Our attorneys train human resources and management personnel on early detection and prevention of potential employee problems. We also have advised employers about plant closings and reduction in force laws. We advise our clients in complying with dozens of state and federal employment laws and regulations. Our goal is to maximize the productivity of our clients' workforce while minimizing employee-related costs and risks.

At Tucker Ellis, we realize that conducting business today is more complicated than ever. When it comes to your workforce, our lawyers provide innovative and practical solutions and representation so that you can focus on what you do best – running your business effectively.

## **LABOR MANAGEMENT RELATIONS**

We have a strong background in traditional labor law, having advised numerous public and private employers regarding union organizing efforts and union election campaigns on behalf of employers.

We have significant collective bargaining experience and have defended employers in hundreds of grievance hearings, arbitrations, and unfair labor practice proceedings before SERB and the National Labor Relations Board (NLRB).

## **MERGERS AND ACQUISITIONS**

Our employment attorneys have played key roles in business mergers and acquisitions by analyzing collective bargaining agreements, employment contracts, non-competition and confidentiality agreements, and wage and benefit programs.

## **AREAS OF EMPHASIS**

- Employment Harassment and Discrimination on Basis of:
  - » Race
  - » Religion
  - » Sex
  - » Age
  - » Disability
  - » National origin
  - » Ancestry
  - » Veteran status
  - » Marital status
  - » Sexual orientation
- Work-Related Claims
  - » Misappropriation of trade secrets
  - » Interference with contracts

- » Non-compete agreements
- » Promissory estoppel
- » Unlawful competition
- » Wrongful discharge
- » Retaliation
- » Whistleblower
- » Defamation
- Wage and Hour
  - » Class action and multiple plaintiff claims
  - » Compliance with exempt vs. non-exempt regulations
  - » Department of Labor audits
  - » Overtime issues and compliance
- Employment Contracts
  - » Protection of trade secrets
  - » Covenants not to compete
  - » Employment-at-will
  - » Implied contracts
  - » Executive contracts
- Employee Leaves
  - » Military leave
  - » Family and medical leave
  - » Disability leave
  - » Workers' compensation
  - » Pregnancy leave
  - » Jury/Witness duty
- Traditional Labor Law
  - » Public and private sector
  - » Collective bargaining negotiations
  - » NLRB and SERB proceedings
  - » Grievance arbitrations
- Employee Privacy
  - » Drug-testing programs
  - » Background checks
  - » Compliance with FCRA
  - » E-mail/Internet monitoring
- Employee Safety
  - » OSHA compliance
  - » Injury and illness prevention programs
  - » Violence in the workplace

- Employee Performance Management
  - » Employee misconduct
  - » Handbook preparation
  - » Creation of policies and procedures
  - » Record retention
  - » Documentation
- Reductions in Force and Plant Closings
  - » Compliance with WARN
  - » Litigation prevention
- ERISA
  - » Litigation
  - » Plan design, amendment, termination, and administration
  - » Fiduciary duty obligations
- Mergers / Acquisitions
  - » Due diligence analysis of collective bargaining agreements, employment contracts, non-competition and confidentiality agreements, and wage and benefit programs