



Labor & Employment

Overview

- More than 75 attorneys in 14 offices
- Represent *Fortune* 500 companies
- Practice before NLRB, PERB, and PERC
- Cost-effective trainings
- Deep school district experience

In a climate of increasingly complex workplace regulations, employers need strategies that result in productive and cost-effective business outcomes. From labor relations and discrimination claims to employee benefits, Fox Rothschild offers timely, creative, and aggressive advice and solutions that resolve – and even prevent – disputes and costly litigation.

Recent Matters

- developed a strategic plan to manage and resolve unfair labor practice charges and grievances pending for arbitration in a major plant closing affecting more than 400 employees
- achieved a court-directed verdict in favor of a major bank and its CEO, ending a religious discrimination lawsuit
- developed and drafted a series of transition/separation agreements for a chemical distributor that avoided costly litigation and enabled the client to utilize the services of a key executive to transition her responsibilities
- responded to a broad-based effort by the U.S. Department of Labor to attack the independent contractor status individuals in the home improvement industry
- assisted a client in paper recycling and reprocessing to handle employee disenfranchisement with their union, resulting in the decertification of the union
- orchestrated a detailed and aggressive response to a multi-location strike by unionized employees at a number of construction sites
- achieved a unanimous jury verdict rejecting a sexual harassment/hostile work environment claim against national restaurant chain in New Jersey state court
- achieved a directed verdict in Pennsylvania federal court in favor of a construction contractor in a multi-count sex discrimination case
- achieved summary judgment in California state court in favor of a hotel/hospitality provider for alleged failure to hire based on race and national origin
- achieved summary judgment in Pennsylvania federal court in favor of a pharmaceutical company in a case involving reverse sex and age discrimination and harassment
- achieved a jury verdict in Florida federal court in favor of a financial services company, where an HR executive claimed that she had been fired in retaliation for complaining about unlawful activities

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"Most labor and employment problems can be solved when careful research is combined with proper timing and creativity. We assist clients in managing rather than reacting to labor and employment issues."

**Stanley Goodman
and James Matthews**
*Co-Chairs of the Labor &
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- secured an injunction in New York federal court for a major supermarket chain enjoining slowdowns and work stoppages, demonstrating that these job actions were not permissible safety-related walkouts
- achieved a jury verdict in New York federal court in favor of a major security brokerage firm charged with race discrimination for a discharge involving employee insubordination
- achieved dispositive summary judgment motions granted in favor of defendant companies in New Jersey Federal District Court under faltering business exception in major multi-location WARN litigation
- responded to OSHA investigations and citations in the material fabrication industry in connection with workplace fatalities, resulting in significant penalty reductions and abatement flexibility

Services

- formulate long- and short-term labor strategies and employment objectives
- develop personnel policies and disciplinary procedures
- evaluate, draft, enforce, and defend against non-disclosure and non-compete agreements
- assist in labor and employment strategies involved in mergers, acquisitions, relocations, sales, and similar corporate restructuring
- conduct workplace harassment investigations and other investigations of alleged employee misconduct
- conduct wage and hour (overtime eligibility) audits
- design and implement union avoidance programs
- handle union negotiations and labor crisis management
- provide advice regarding reductions in force, severance packages, and release agreements
- negotiate collective bargaining agreements
- provide counsel and training in effective supervision, sexual harassment, employment discrimination, and other areas of the law
- draft affirmative action plans
- handle corporate immigration matters
- assess OSHA requirements
- litigate state and federal wrongful discharge claims

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- conduct grievance and arbitration proceedings
- advise on employment issues related to corporate restructuring, mergers, and acquisitions
- design and advise on employee benefit plans, including but not limited to health and welfare plans, pension plans, stock option plans, and Taft-Hartley funds
- prepare employment agreements, handbooks, and policies
- handle labor and employment litigation, including:
 - pension and benefit fund litigation
 - class action litigation
 - discrimination claims, including sexual harassment
 - public sector disciplinary proceedings
 - “interest” arbitration
 - alternative dispute resolution mechanisms
- develop and implement comprehensive training and counseling programs to:
 - educate management as to the new legal landscape
 - audit employers for compliance with federal and state labor laws
 - meet Supreme Court standards to eliminate or minimize damages in sexual, racial, ethnic, and other workplace harassment actions
 - teach supervisors how to evaluate, promote, discipline and discharge in accord with statutory, contractual, and common law requirements
 - use valid EEO criteria for hiring, promotions, salaries, and terminations
 - reasonably accommodate employees and applicants with disabilities and implement policies to comply with federal and state family leave requirements
 - implement affirmative action and diversity programs
 - comply with state and federal criteria for overtime, record keeping, wage payments, and deductions
 - maintain I-9 documentation under IRCA
 - follow OSHA and state health and safety standards
 - maintain a pro-employee working environment, which minimizes the risk of a successful union organization drive

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