

## Labor and Employment Counseling

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The web of labor and employment laws and regulations at the federal, state, and local level is always expanding and increasingly complex. Almost every action taken by any employer, public and private, sole proprietorship or large multinational corporation, implicates some aspect of labor and employment law.

Schuyler, Roche & Crisham's Labor and Employment group has decades of experience representing and counseling private companies and public sector employers in both unionized and non-unionized settings. And our attorneys routinely counsel employers concerning the full spectrum of labor and employment issues, from routine, everyday matters to the most complex and significant organizational decisions, including:

- Employment handbooks and personnel policies
- Employee hiring, discipline, and termination
- Reductions in force
- Wage and hour audits
- Human resources audits
- Affirmative action issues
- Representation during Field Audits by United States Department of Labor, Office of Contract Compliance Programs
- Substance abuse policies and testing
- Workplace security and violence
- Leave of absence and attendance issues
- Discrimination laws
- Disability, accommodation, and access
- Unemployment compensation
- Employment agreements and restrictive covenants
- Severance and termination agreements
- Insurance coverage
- Sexual harassment and other employee investigations
- Management and employee training
- Plant closings
- WARN Act
- Multi-Employer Pension Plan Amendments Act

Schuyler, Roche & Crisham attorneys also help clients draft agreements and policies that not only comply with current labor and employment laws and regulations, but effectively protect and promote organizational goals and values, including employment agreements, non-solicitation and non-competition agreements, separation agreements, employee handbooks, and other organization policies and manuals.

In addition, Schuyler, Roche & Crisham's attorneys provide educational advice and training programs to keep clients informed about how these ever-changing laws affect their operations and how they can manage compliance issues.

We also regularly consult with clients about policy and benefit matters through informal conferences, formal presentations and training programs, and regular written updates describing important legal developments.

And we assist in merger, acquisition, and disposition transactions by providing, among other things:

- Labor and employment audits prior to sale of an existing business
- Advice regarding obligations under existing collective bargaining agreements
- Counsel regarding potential or existing employee lawsuits
- Guidance regarding compliance issues and potential liability arising from plant closings or mass layoffs

## **Affirmative Action**

Schuyler, Roche & Crisham attorneys are experienced in advising clients who must comply with Executive Order 11246, which requires most federal contractors to take affirmative action to recruit, hire and promote women and minorities whenever those groups are "underutilized" in the employer's work force. Our attorneys draft and review clients' affirmative action plans ("AAP"), as the drafting and/or review of the AAP is critical to efficiently passing scrutiny by the Office of Federal Contract Compliance Programs ("OFCCP"), which administers and enforces the requirements of Executive Order 11246, as well as reducing litigation risks in Title VII cases. We also assist our clients in preparing for any audit, counseling managers who are to be interviewed, and assisting at all stages of any communication or negotiation with the OFCCP.

## **Hiring, Discipline and Termination**

Schuyler, Roche & Crisham attorneys advise clients on all phases of the employment lifecycle – from recruitment to termination. We assist clients in all aspects of the hiring process, including the preparation of offer letters, employment agreements, arbitration agreements, and confidentiality agreements. Schuyler, Roche & Crisham also counsels clients after employees have been hired, from devising customized performance evaluation forms, to implementing performance improvement plans, to advising clients on appropriate employee discipline. And we are also highly experienced in guiding clients through the termination of the employment relationship, whether the separation is voluntary, due to misconduct, poor performance, layoff, or retirement.

## **Handbooks and Personnel Manuals**

An employer's handbooks and manuals communicate critical information to employees. Drafted with care, an employer's handbooks and manuals also can provide the basis for a strong defense in employment law disputes. Schuyler, Roche & Crisham's attorneys have the skills and experience to ensure that their clients' handbooks and manuals are both current and effective.

## **Wage and Hour Regulations**

Federal and state wage/hour regulations involve every aspect of the employment relationship, including minimum wage law, exemptions, overtime, work hours, dress codes and uniforms, tools, reporting pay, holiday and vacation pay, pay upon termination, pay days, etc. Many of our Labor and Employment attorneys are experts in this area.

Schuyler, Roche & Crisham also remains current on all changes to the wage and hour laws and how they affect the daily operations of our clients' businesses. We have also resolved potential challenges at both the administrative level and in state and federal courts.

## **Harassment Investigation and Training**

Schuyler, Roche & Crisham regularly provides training to companies and their employees concerning sexual harassment and other forms of harassment which might expose a company to liability. Our attorneys understand have deep knowledge and experience in harassment law. They also understand that no one company is the same as another. Our attorneys regularly help clients devise policies that are tailored especially for each unique workforce, industry, and culture to prevent and address sexual and other harassment.

If an employee makes an allegation of sexual or other harassment, SRC attorneys also help employers to conduct a prompt, thorough, fair, and effective investigation. Our attorneys have substantial experience conducting legally mandated investigations and overseeing investigations done by outside consultants.

## **Employment Agreements and Executive Compensations**

Schuyler, Roche & Crisham attorneys have expertise in drafting all types of employment agreements, including:

- Independent contractor agreements
- Executive employment agreements
- Consulting services agreements
- Incentive and non-qualifying stock option agreements
- Confidentiality/non-disclosure agreements
- Employee privacy statements
- Mandatory arbitration agreements
- Non-solicitation and non-competition agreements.

Companies naturally want to attract and retain the best talent. Schuyler, Roche & Crisham attorneys regularly advise organizations so that they can establish incentive and compensation plans that will attract and retain critical executive talent. We advise clients so that they can establish compensation plans (including bonus and commission plans) that will protect and promote the client's goals, but also reward and promote productive employees. We help clients to create stock option plans and establish procedures for administering such plans. And, in doing so, Schuyler, Roche & Crisham attorneys at all times consider the current market standards of different industries, as well as any applicable tax, securities and intellectual property issues.

## **Employee Benefits**

Schuyler, Roche & Crisham attorneys have decades of experience representing and advising employers, plan sponsors, investment managers, plan fiduciaries, and plan trustees in connection with all aspects of qualified and nonqualified retirement plans and employee benefit matters under the Employee Retirement Income Security Act of 1974 ("ERISA") and the Internal Revenue Code of 1986.

## **Health and Safety Regulations**

Failure to comply with applicable federal and state health and safety rules and regulations can expose an organization and individual managers to substantial civil and criminal liability. All organizations therefore must understand the requirements of any applicable federal and state health and safety rules and regulations and to take action to comply with these rules and regulations.