

Employment, Labor & Benefits

Employment relationships are among the most regulated in the nation, and ensuring compliance with the many laws and regulations impacting the workplace can be quite challenging. Mintz Levin helps clients navigate through this complex legal environment, delivering practical advice and counsel to enable you to make smart decisions and minimize risks.

Our attorneys have the experience to help management and HR deal with issues that arise throughout the employment life cycle, from hiring through termination. Our broad-based experience with employment matters makes our legal team an exceptional resource for employment questions and conflicts.

Whether you need to address a medical leave issue before it becomes a major problem, respond to a harassment complaint, or implement proactive measures to prevent future wage-payment mistakes, we can work closely with your management and HR teams to plan a successful strategy, implement best practices, and avoid costly landmines.

Some of the areas in which we regularly assist our clients include the following:

- Assessing and mitigating risks, including those relating to wage/hour and discrimination laws
- Drafting policies and procedures relating to discrimination and harassment, leaves of absence, drug and alcohol testing, medical examinations, workplace conduct, progressive discipline, dispute resolution, and other aspects of the employment relationship
- Providing advice on recruiting, hiring, promotion, discipline, and termination
- Drafting critical employment documents, such as application forms, offer letters, and confidentiality, noncompete, employment, and separation agreements
- Litigating and advising on noncompete restrictions and trade secret protections
- Conducting labor and employment due diligence for mergers, acquisitions, and other transactions
- Responding to state and local government agency inquiries and investigations, including those involving the Department of Labor, Equal Employment Opportunity Commission, Occupational Safety and Health Administration, National Labor Relations Board, and others
- Training for staff, including harassment and discrimination prevention, wage and hour compliance, performance management, and Family and Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA) leave management



Quick Facts

- 30+ employment attorneys
- Nationwide practice
- Comprehensive knowledge of state and federal employment law and regulations
- Alternative fee arrangements
 - Fixed fees
 - Project-based fees

Clients We Serve

- Companies nationwide
- All industries, including health care, life sciences, financial services, retail, manufacturing, and staffing
- Nonprofits, including trade associations, schools, universities, and hospitals

Representative Experience

- Prepared training and train-the-trainer program for a publicly traded, global provider of translation services for its recruiting, HR, and management staff on how to meet affirmative action obligations
- Negotiated settlement and settlement agreement of significant discrimination and harassment claims against a major construction company with operations throughout the United States
- Resolved for nuisance value a lawsuit brought in state court alleging discrimination and retaliation based on alleged disability and "perceived disability" claims
- Represented acquirer in a public company–public company acquisition; drafted and negotiated representations, warranties, covenants, and executive employment and severance agreements
- Represented and advised global life insurance specialist's management regarding complex employment matters
- Advised hedge fund regarding relocated employees and confidentiality, trade secret, and other personnel issues
- Provided ongoing employment counseling on personnel matters, including drafting of retention agreements for a Massachusetts quasi-public authority
- After a bench trial, obtained six-figure money judgment for an ex-employer suing to enforce a noncompete agreement that former employees said was extinguished by a merger
- Successfully negotiated settlement on behalf of a publicly traded medical device company and two sales executives in a noncompete action brought by the sales executives' former employer, a Fortune 100 medical device company
- Won denial of motion for injunctive relief against key employees of an investment banking group who left to work for a direct competitor
- Counseled a multinational corporation after discovery that personnel data had been digitally misappropriated by personnel with respect to employment and data breach issues and compliance issues going forward

Training Programs, Seminars & Workshops

- Dispute Resolution: Policy Design & Implementation
- Diversity & Other Assessments
- HR Basics
- Professionalism in the Workplace (Nonharassment & Nondiscrimination Training)
- Wage-Hour & Other Employment Best Practices

Areas of Focus

- Compensation and benefits
- Discrimination
- Employee handbooks
- Employment agreements
- Furloughs
- Harassment
- Interviewing and hiring
- Investigations (internal and government agency)
- Job applications, including Fair Credit Reporting Act requirements
- Layoffs
- Leaves (family and medical, ADA, and other)
- Noncompete and trade secret protections
- Personnel policies
- Separation agreements
- Terminations (individual and group)
- Training programs (manager, "train the trainer," and employee)
- Wage and hour regulations

Connect

David Barmak

Chair, Employment, Labor & Benefits Practice
202.585.3507 • DBarmak@mintz.com

www.mintz.com