

## LABOR UNION MANAGEMENT RELATIONS

Preventative and proactive policies and procedures are oftentimes the more constructive way management can avoid a union insurgence. Sheppard, Mullin, Richter & Hampton LLP assists clients with the day-to-day decisions that affect the stability and atmosphere of a workplace, and our attorneys have been extremely successful in keeping many organizations union free through positive and ongoing management training programs.

Sheppard Mullin regularly assists employers in resisting unwelcome labor union organizing drives. Our attorneys have developed a solid reputation for an aggressive, practical and tactically sound approach to organizing drives and labor disputes in a broad variety of industries.

The firm represents clients before the National Labor Relations Board ("NLRB"), defending and prosecuting unfair labor practice charges. We counsel clients through labor disputes such as strikes and picketing, including how to set up separate gate systems, obtaining temporary restraining orders and injunctions and basic strike preparations. We have represented clients in lawsuits against labor unions, taking a number of significant cases through successful jury trials.

Sheppard Mullin also represents employers in dealing with employees represented by labor unions. We advise, counsel and often negotiate collective bargaining agreements, as well as represent management in grievance arbitrations and related cases.

### **Union Avoidance**

The presence of a potential union organization is a frightening possibility to many employers. Avoiding the threat of unionization can oftentimes minimize employer cost and additional burden. Sheppard Mullin understands how unions organize employees, as well as what motivates employees to turn to unions. Our experience working with clients to implement preventative measures within the framework of the law while, at the same time, addressing employee concerns and fostering a positive work environment has proven successful time and again.

As the business world continues to be change, labor related matters don't always run smoothly. Sheppard Mullin strives to consistently provide an effective course of action geared towards recovering and maintaining constructive employee relations. We work with employers to determine their organization's vulnerability to unions, provide legal advice aimed at limiting that vulnerability and devise policies and practices that produce an optimistic and dynamic workplace, thus evading union organizing activities altogether.

### **Union Organizing Drives**

Our attorneys assist employers who face the union organizing drive. We understand the NLRB's myriad of rules and regulations affecting the employer's response to such union activity, and we assist the employers or the employer's consultant in explaining to the employees the reasons why the union is not the correct choice for them. In addition, we successfully represent employers at representational hearings to ensure that the proper group of employees is entitled to vote in any union election.

### **Collective Bargaining**

Expertise in collective bargaining is a Sheppard Mullin strength. Our ability to reach a positive end result, coupled with our people skills and understanding of the law make us a concrete choice for representation throughout the collective bargaining process. Whether our attorneys act as chief spokesperson at the bargaining table, counsel to the bargaining committee or an advisor to our client, we provide practical solutions to an oftentimes, difficult process.

We guide clients through the onset of negotiations to fruitfully completing a collective bargaining agreement. In more complicated collective bargaining negotiations, we advise managers and human resource professionals through what

can be an arduous process. Our attorneys are also skilled at helping clients respond to various types of pressures that a union can impose such as corporate campaigns, adverse publicity, involvement of national, state and local politicians, hand billing, picketing and strikes.

As collective bargaining is about determining conditions of employment, the result of this process is meant to be a collective agreement. Sheppard Mullin attorneys strive to never lose site of the end result: healthy labor relations and a fair agreement that both parties understand.

### **Strikes, Picketing and Boycotts**

Employers faced with a strike or picketing must act promptly and legally. Sheppard Mullin attorneys thoroughly understand the challenges, rules and regulations pertaining to strikes, picketing and boycotts. Our attorneys have successfully pursued injunctive proceedings in both state and federal courts for the prevention of mass picketing, violence or illegal work stoppage, as well as resolving conflicts once these endeavors have commenced.

### **Union Arbitrations**

The vast majority of collective bargaining agreements mandate that management and labor proceed to arbitration if they are unable to resolve a grievance at an initial meeting or during the mediation stage of the dispute resolution process. Sheppard Mullin frequently represents employers in arbitrations in which the union has alleged that the employer's disciplinary actions run afoul of the collective bargaining agreement or that management has not complied with a specific provision of the contract.

In light of the fact that an arbitrator's award often sets a precedent for future disputes with a union and its members, our attorneys make an extra effort to ensure that a client's present and *future* interests are taken into consideration when making the decision to take a grievance to arbitration.

### **Prevailing Wage Compliance and Disputes**

Sheppard Mullin has decades of experience assisting clients in complying with prevailing wage requirements on public works construction projects. We have effectively handled matters that span the gamut of challenges, including compliance with federal, state and local laws and regulations, as well as the resolution of disputes arising there under. We have litigated numerous matters before the Secretary of Labor, Labor Standards Administration, the California Labor Commissioner and state and federal courts involving the California State Prevailing Wage Law, the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, the Fitzgerald Act and related laws and regulations.

We also represent organizations in administrative and judicial matters involving the determination of prevailing rates and the appropriate application of benefit payment.

### **Unfair Labor Practice Charges**

Sheppard Mullin regularly resolves unfair labor practice charges. We have vigorously and successfully defended employers against unfair labor practice charges from the early investigation stages through trial and subsequent appeals. Additionally, our attorneys have represented employers in successfully pursuing unfair labor practice charges against unions for union conduct in violation of the NLRA.

Our attorneys are adept at working with NLRB agents and representatives during investigations and in drafting position statements, which often result in the dismissal of the charge at hand without going through trial. In the event the NLRB issues a complaint on a charge, our thorough knowledge of the NLRA and interpretive case law, as well as our decades of practice in representing our clients before the NLRB and in the administrative arena make us highly effective advocates, counselors and trial counsel.