

## → Labor and Employment

Labor and employment laws affect the entire legal relationship between employers and employees, beginning with the initial hiring process and expanding into every facet of daily operations, including job descriptions, wages, promotions, reviews, terminations, benefits, mergers and acquisitions, as well as the successful resolution of disputes pertaining to unfair labor practices and discrimination. Because the laws that apply to the labor and employment relationship are found at all levels of government—federal, state, county and even city—making sense of these oftentimes conflicting requirements is more of a challenge than ever for today's employers.

On many occasions, employers seek to "do the right thing" and yet don't realize they might be in violation of the law. Knowing what to do and when is a core competency of Sheppard Mullin's Labor and Employment attorneys. With one of the largest and most prestigious Labor and Employment practices in the country, Sheppard Mullin advises employers of all sizes—ranging from Fortune 100 companies to high tech and traditional business start-ups—in all aspects of employment counseling and litigation. The strength and depth of our practice is rooted in our ability to provide truly full service labor and employment law counseling.

Many of our multinational clients view our Labor and Employment practice as an extension of their in-house legal department, while our emerging and middle market clients rely upon the true depth of our expertise and the outstanding service we are able to provide daily. As a result, our attorneys are consistently relied upon for both cutting edge advice and practical solutions.

### **Advice and Counseling**

Our attorneys provide day-to-day counseling to employers on a variety of human resource matters, such as exempt/non-exempt classification, sexual harassment, stock options, leave of absence and employee hiring, discipline and termination. As part of the firm's counseling function, we regularly draft critical employment policies and agreements, a sampling of which includes:

- Executive employment agreements
- Employee handbooks
- Sexual harassment policies
- Independent contractor agreements
- Internet/e-mail usage policies
- Separation agreements
- Equity compensation
- Employee arbitration agreements

In addition, we advise clients on preventative action and issues pertaining to disability and access accommodation, drug and alcohol testing, OSHA, reductions in force and workplace violence, among others. We provide ongoing consultation on all policy and benefit matters through informal conferences, formalized

programs and frequent written updates on the latest legal developments. We also assist in merger, acquisition and sale transactions by conducting labor and employment audits prior to the sale of an existing business, as well as advice and guidance on prospective legal obligations under existing collective bargaining agreements, potential or existing employee lawsuits and issues of liability relating to plant closings or mass layoffs.

Our attorneys consistently focus on working with clients to prevent problems before they occur. As labor laws and regulations are increasing in number and becoming more complicated every year, we strive to keep clients informed on how these laws ultimately affect their business practices.

## Disputes and Litigation

When a dispute cannot be resolved informally, Sheppard Mullin is prepared to litigate to protect our clients' interests. Our Labor and Employment attorneys regularly appear before state and federal courts. From high stakes "bet the company" litigation to single plaintiff sexual harassment cases to administrative hearings before the Labor Commissioner, our litigators have the substantive expertise necessary to help our clients to position themselves in the best possible way. Our Labor and Employment practice is proud to boast that it offers some of the best trial lawyers of today, representing clients in the myriad of labor related disputes, including those pertaining to:

- Affirmative action
- Disability access and accommodation
- Employee benefits and ERISA
- Employee privacy and defamation
- OSHA
- Stock options
- Harassment and discrimination
- Public works and prevailing wage law
- Whistle blower actions
- Unfair competition and trade secrets
- Unfair labor practice charges
- Wage and hour
- Workplace privacy and workplace violence
- Wrongful termination and reductions in force

Our Labor and Employment attorneys are skilled in defending and defeating class actions. Managing and resolving class actions requires experience and creativity. Our proactive approach to class claims has enabled us to prevail before trial can ensue.

Since the certification of a class action can cause disputes that reach into the millions of dollars—as well as negative press—we work with clients to identify the best possible strategy under the circumstances. Whether this strategy is to settle out of court or to wage a full out court battle, the absolute importance of identifying potential solutions quickly is imperative in the successful defense of these claims.

Sheppard Mullin has also represented clients in a vast array of labor related appellate matters. Our creative and forceful approach to advocating a client's rights, coupled with our deep and broad knowledge and "in the trenches" expertise in labor and employment law have consistently provided an edge in the appellate courts. Persuading judges at the highest levels, including the U.S. Supreme Court, is a true talent. Our attorneys are also regularly retained to prepare *amicus* briefs on important labor and employment issues.

As an alternative to costly court or jury trials, we regularly consider Alternative Dispute Resolution ("ADR") strategies for every case and advise clients on those options. Where appropriate, we encourage clients to pursue arbitration, mediation, negotiation or other ADR strategies. Our Labor and Employment attorneys understand ADR and have substantial expertise effectively using all forms of ADR.

## **Union Management and Relations**

Preventative and proactive policies and procedures are oftentimes the more constructive way management can avoid a union insurgence. Sheppard Mullin's Labor and Employment attorneys assist clients with the day-to-day decisions that affect the stability and atmosphere of a workplace, and we have been extremely successful in keeping many organizations union free through positive and ongoing management training programs. We regularly assist 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.

Our attorneys represent clients before the National Labor Relations Board ("NRLB"), 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. The firm has represented clients in lawsuits against labor unions, taking a number of significant cases through successful jury trials. Our attorneys also represent employers in dealing with employees represented by labor unions. In addition, we advise, counsel and negotiate collective bargaining agreements, as well as advocate our client's position in grievance arbitrations.

## **A History of Expertise and Service**

Sheppard Mullin attorneys have provided superior service to thousands of large and small employers on the full range of labor and employment matters since 1937. Our goal is to provide cost effective expertise, and we work with our clients on decisions surrounding staffing, scope of work, budgeting and deadlines in order to meet and exceed their expectations of what they might require from counsel.

Sheppard Mullin's diversified client base is a true strength. Our clients include international corporations and local businesses, charitable institutions, trusts and estates, as well as individuals.

Our diverse industry expertise allows us to fully understand our clients' practical business concerns. We strive to keep our clients informed on how new labor and employment laws affect both business and organizational procedures. By regularly providing educational advice and training programs on such diverse human resource issues ranging from sexual harassment and employee privacy to diversity training and personnel policies, we are able to assist our client in mitigating problems before they can occur.