

# Employment Advice & Investigations

Our Labor & Employment attorneys strive to sustain productive client relationships that include benefits beyond simple legal counsel. We believe in providing proactive advice and counsel before a claim is ever made, preferably before any problems arise. We deliver practical, business-based human resources advice and counsel, as well as risk management analysis and advice on potential future problems and legal claims.

Our firm's transnational reach, anchored by offices across the United States, allows us to offer services to clients ranging from large, publicly held, multi-location corporations to small, family-owned companies. By actively helping services of in-house legal departments (C-Suite and Executive Boards) and human resources personnel with day-to-day employment issues, we are experienced in writing manuals and policies, assessing conflicting issues raised by various statutes such as the FMLA, ADA, and state workers' compensation rules and providing training on all aspects of employment law - both to management and non-management personnel. We pride ourselves on partnering with clients, helping to ensure that complex (or simple) employment issues are handled consistently and in compliance with varying local, state, and federal statutes and regulations.

## Matters

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- Conducted detailed pay equity analysis throughout the company for use with the Board of Directors of financial services company, redesigned multilayered compensation program with base, commissions, and bonuses for sales associates, and assisted in identifying and implementing remedies associated with all potential compensation issues identified.
- Gathered and analyzed real-time COVID-19 information throughout the pandemic for numerous employers (i.e., health care, technology, financial services, insurance, and entertainment industries), including national, state, and local legislation, executive orders, and mandates restricting work and access to workplaces, vaccination mandates (including limitations), and all types of litigation.
- Creatively collaborated with clients to problem-solve novel and constantly changing, pandemic-related issues to help ensure critical work continued in all locations.
- Advised home care company acquiring \$20+ multimillion companies in New York and Connecticut.
- Led investigation and presented closing press conference regarding mass sexual abuse issues at public institution, and drafted sweeping program changes following investigation, many of which have been adopted by schools across Texas.
- Oversaw nationwide reduction in force in the mining industry, including processes related to the selection of candidates, disparate impact testing, employee and Board communications, drafting of legal notices and agreements, and negotiations following separation announcements.
- Investigated multipronged and evolving series of internal complaints/counter-complaints between executives involving pay disparity, harassment, retaliation, espionage, and compliance with industry standards.

- Audited and updated onboarding practices, including all forms, policies, and procedures, for a national transportation company.
- Oversaw employment-related due diligence review of the potential purchase of a home health and hospice company with a multi-state footprint that resulted in the recommendation **not** to proceed due to potential material wage and hour exposure.
- Created nationwide compliance policies, procedures, notices, and training materials in the gaming industry regarding tip credit, tip pooling, off-the-clock work, paid time off, leaves of absence, termination of employment, state gaming law compliance, and other day-to-day issues impacting employees.
- Conducted a three-county corruption investigation for two top logistics companies operating in a joint venture, involving data breach and organized crime, and interfacing with law enforcement.
- Strategically assisted health care client in resolving thorny conflict between employees related to attire, abortion, religion, and freedom of speech.
- Designed employee ethics and compliance programs, including policies, hotline and investigation procedures, and training materials in the insurance industry.
- Created numerous coalitions of similarly situated companies seeking to prevent unfavorable legislation from being enacted in multiple states.
- Conducted cultural interviews of employees in legal and human resources departments, provided results to executive leadership and Board of Directors, and assisted with the identification and implementation of practices to improve the overall culture within teams and across the company.
- Investigated numerous issues for financial services companies, including sex discrimination, harassment by supervisors, racial harassment, fraud, rape, improper relationships with vendors, and theft of proprietary documents.
- Analyzed and collaborated with multiple franchise businesses to alter policies and practices to help prevent claims of joint employment.
- Investigated alleged rape claims arising out of insurance sales meeting, and advised employer regarding repercussions for accused.
- Prepared employment-related agreements for complex corporate transactions in numerous industries, including executive employment agreements, key employee agreements, restrictive covenant agreements, retention agreements, severance agreements, transition services agreements, and employee lease agreements.
- Led multinational and public investigation of 600+ employees in H1(b) visa scandal leading to federal prosecution, risk mitigation for public client, and overhaul of hiring system.
- Created national, personalized employee handbooks containing general insurance industry best practices.
- Represented and provided guidance to a client during audit of workers classified as independent contractors by the Colorado Department of Labor, with successful determination of proper classification.
- Handled financial services company's self-investigation and report of a potential False Claims Act issue to the United States Office of Personnel Management and United States Attorneys' Office and assisted the government in further investigations, provided documents and substantive responses as requested, and, ultimately, achieved a favorable result for client with the government.
- Provided guidance and review of timekeeping and payroll system to home health care provider to ensure compliance with wage and hour laws and advised on potential solutions and changes to the system.
- Prepared and assisted clients in strategically using employment-related agreements in pre-and post-bankruptcy restructurings, such as retention agreements, key employee incentive plans, key employee retention plans, severance agreements, and employment agreements.