Labor and Employment

Law Practice Group

Since 1893
Employers today are faced with a myriad of federal, state and local laws and regulations that govern the workplace. In order to comply with these laws and regulations, employers must dedicate a great deal of resources to labor and employment law issues. In this regard, Arnstein & Lehr offers experienced professionals in all areas of employment and labor law who provide practical, client-focused and cost-effective advice to our clients.

Our attorneys have extensive experience in client counseling and litigation before administrative agencies and state and federal courts in all areas of labor and employment law, including:

- Affirmative Action and Governmental Contractor Issues
- Asset and Trade Secret Protection
- Class and Collective Actions
- Disability Issues
- Drug/Alcohol and Employment Testing
- Employee Benefits
- Employee Classification Issues
- Employment Discrimination
- Employment-Related Immigration
- Human Resource Administration and Training
- Harassment and Retaliation Claims
- Labor Relations/Union Avoidance
- Wage and Hour Law
- Workplace Safety and Health Issues
- Wrongful Discharge and Whistleblower Claims

Providing practical, client-focused and cost-effective advice to our clients
The Labor and Employment Practice Group applies its more than a century of experience to analyze and resolve employment and labor-related issues, while remaining mindful of emerging developments that may affect a client’s needs and interests. We work closely with businesses and individuals as they contend with complex regulations, evolving statutes and legislation and increased government scrutiny. We also take a highly proactive approach to helping companies head off problems before they arise and counsel our clients regularly on how to implement and enforce protective policies and procedures to avoid liability.

**LITIGATION SERVICES**

While always looking for ways to proactively and cost-effectively avoid protracted litigation on behalf of our clients, Arnstein & Lehr’s attorneys are always prepared to aggressively litigate any labor and employment-related matter. Our attorneys have extensive experience in all facets of employment and labor litigation, including individual and class action matters involving Title VII, Title IX, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), the Employee Retirement Income Security Act (ERISA), the Worker Adjustment and Restraining Notification Act (WARN), whistleblower claims, retaliation, wrongful discharge, breach of contract, unfair labor practices, as well as matters involving the enforcement of restrictive covenants.

**LABOR RELATIONS AND UNION AVOIDANCE**

Arnstein & Lehr represents and advises public and private employers in all phases of labor relations under federal and state laws. This representation includes defense of unfair labor practices and representation proceedings before the National Labor Relations Board and state boards, legal advice in union-free campaigns and decertification campaigns, defense of agency enforcement actions in federal courts, contract negotiations and arbitrations, Section 301 lawsuits and hybrid actions, strike management, and federal and state injunctive relief. Our labor attorneys play a critical role in due diligence and strategic advice in business mergers and acquisitions.
WAGE AND HOUR COMPLIANCE

Wage and hour issues are some of the most complex and potentially costly risks for employers in today's regulatory environment. Arnstein & Lehr frequently counsels employers in developing wage and hour compensation policies, classifying employees as exempt or non-exempt, determining whether workers should be classified as employees or independent contractors, as well as structuring and administering compensation, bonus and commission plans. We regularly assist our clients through audits and investigations by federal and state agencies such as the U.S. Department of Labor and the Internal Revenue Service. Finally, our litigators also routinely defend employers in wage and hour and employee misclassification litigation, including class and collective actions.

OFCCP COMPLIANCE, AFFIRMATIVE ACTION, AND PREVAILING WAGE MATTERS

Arnstein & Lehr has extensive experience dealing with the Office of Federal Contract Compliance (OFCCP), and developing affirmative action plans for employers, including federal and local government contractors. Our attorneys also counsel and represent employers in federal and local prevailing wage matters, including compliance audits and hearings.

BUSINESS IMMIGRATION

Under the watchful eye of the U.S. government, businesses must take appropriate measures to ensure proper employee authorization and verification. Arnstein & Lehr protects its corporate clients by reviewing I-9 forms, preparing the necessary documents for audits and developing an effective strategy to comply with all worksite enforcement actions. For those employers seeking worker status for a specific period of time and purpose, our lawyers provide exceptional support in all non-immigrant visa categories. We also assist companies in obtaining immigrant visas authorizing unlimited employment with U.S. residence for foreign nationals. Where necessary, we also litigate immigration matters in administrative and federal court proceedings.
WORKPLACE SAFETY COMPLIANCE

Arnstein & Lehr counsels clients regarding hazardous substances and exposures in the workplace, compliance with employee and community “right to know” legislation, and compliance with OSHA standards and related record-keeping requirements. Our attorneys regularly represent clients in connection with OSHA and The National Institute for Occupational Safety and Health (NIOSHA) inspections and audits. We also frequently assist clients in developing and implementing workplace safety rules, committees and programs.

ERISA AND EMPLOYEE BENEFITS

An important part of our client counseling is related to all aspects of employee benefits law. Attorneys frequently develop and draft pension, profit sharing, severance and other welfare benefits plans, as well as the corresponding summary plan descriptions and wrap documents. We also provide general consultation regarding such matters as plan administration, multi-employer withdrawal liability, COBRA, veteran’s reemployment rights, and other entitlements of terminated employees.

HUMAN RESOURCE ADVICE AND TRAINING

Our attorneys are often consulted by clients for advice on a broad range of personnel and human resource matters, such as lawful hiring and recruitment practices, performance appraisal programs, leave of absence policies, discipline and discharge policies, drug and alcohol testing, and alternative compensation systems. We also regularly draft and review employment policies, handbooks and agreements, as well as conduct preventative human resource audits to minimize liabilities. Our attorneys also provide on-site training for supervisors, managers and employees on all aspects of labor and employment law and personnel administration. We also provide strategic advice in downsizing, mass layoffs and reductions in force.
With a goal towards keeping our clients fully informed on the current labor and employment laws and trends, our attorneys frequently present lectures and seminars on labor and employment-related topics for clients, bar associations, chambers of commerce, and special industry and professional organizations. We also frequently author articles on a variety of workplace legal issues and participate in the development and drafting of labor and employment laws and regulations at both the state and federal level.

**Employment Law Toolkit**

**AND OTHER PUBLICATIONS**

We also make available to clients and others various labor and employment law publications. One such publication, entitled the “Employment Law Toolkit – How to Protect Your Business From Liability and Comply with State and Federal Employment Laws” is a comprehensive resource for businesses that not only highlights some of the major laws and regulations facing employers in today’s litigious environment, but it also offers practical suggestions on how to avoid liability and protect company assets. For a free copy of this Toolkit, or any other publication Arnstein & Lehr has to offer, please contact the firm’s Marketing Department at marketing@arnstein.com.

**General Counselor**

**EMPLOYMENT LAW BLOG**

Arnstein & Lehr is at the forefront of legal issues that arise within the industries we serve. We frequently write and post topical content on General Counselor, our employment blog published by attorneys who represent in-house counsel, business owners and executives in just about every industry. Keep up to date on the latest employment and labor law developments by visiting our blog at www.general-counselor.com.
REPRESENTATIVE INDUSTRIES

Below are just a sampling of the many industries we have provided legal representation to since opening our offices in 1893:

- Accounting
- Banking and Finance
- Communications
- Condominium Associations
- Construction
- Engineering
- Environmental
- Food, Beverage and Nutrition
- Government and Municipalities
- Health Care
- Higher Education
- Hotels and Resorts
- Information Technology
- Insurance
- Manufacturing
- Medical Devices
- Medical Professionals
- Not-For-Profit
- Property Management
- Real Estate
- Restaurants
- Retail
- Technology
- Transportation and Logistics

Please contact the following attorneys for your labor and employment needs:

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Serving our clients since 1893

Arnstein & Lehr is a full-service law firm that serves a diverse client base comprised of large corporations listed on the public stock exchanges, middle-market companies, nonprofit organizations, and emerging businesses. Clients include government, healthcare entities, financial institutions, trade associations, and a broad range of businesses in the retail, industrial, manufacturing, distribution, technology, and services sectors. The firm also counsels individuals as to their personal needs, including estate planning, probate matters, and the transfer of wealth and business interests from one generation to another. We practice in five main service groups: Business, Litigation, Local Government, Tax and Estate Planning, and Real Estate.

Rewarding our clients with innovative, insightful solutions

We proudly enjoy long-standing relationships with many of our clients, having counseled numerous businesses for decades. In at least one case, our client relationship with a major publicly held corporation spans more than a century.

In addition, we have vast experience and expertise in addressing our clients’ international concerns, bolstered in part by our membership in the International Lawyers Network (ILN), the largest member organization of law firms in the world.

Going beyond expectations

Arnstein & Lehr commits itself to providing quality, result-oriented legal services in a cost-effective manner. In today’s competitive economic climate, businesses and individuals must react to the ever changing complexities of legal and business environments while containing legal costs at the same time. That’s why we take pride in our ability to deliver legal services in a timely and efficient manner.

Our attorneys regularly give presentations and offer seminars on a broad range of topics. In addition, they publish practice-specific newsletters that help disseminate current legal developments of interest to our clients. Our attorneys also commit themselves to pro bono work, law reform, and professional service. Many are active contributors to legal and business publications and serve as speakers and faculty at numerous continuing legal education programs and seminars. In addition, many have achieved peer recognition by their election and appointment to leadership positions in a variety of civic, charitable, and professional organizations.

Our commitment to diversity

Arnstein & Lehr embraces diversity as essential to its mission and is committed to creating a workplace that reflects the increasingly diverse nature of the legal profession and the clients we serve. We strive to ensure that all employees are free from discrimination and harassment of any form while fostering an environment that is both inclusive and inherently fair.