

Labor & Employment

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LP's Labor & Employment Practice Group has the depth and experience to provide you with practical advice when you need it in today's fast-changing business world.

Our attorneys routinely advise employers about compliance with the full range of federal, state, and local labor and employment laws, and assist companies in implementing sound policies and practices to avoid problems in the future. When employment disputes arise, our attorneys aggressively litigate them in state and federal courts nationwide and before arbitrators and administrative agencies. We have experience handling virtually every type of labor and employment matter and the know-how to help you effectively resolve even the most complicated issues.

We know that employment matters often are about more than the damages being claimed. You have core values that you take seriously and that you expect your attorneys to defend. Working with our team of experienced labor and employment attorneys, our clients have the confidence to make the tough labor and employment decisions that keep their businesses moving forward.

For a one-page summary of LP's Labor & Employment Practice Group, [click here](#).

Prevention and Compliance Services

We draw on our extensive experience as employment law practitioners to help our clients understand their compliance obligations, conduct risk-benefit analyses, and carry out necessary employment actions. Over the years, we have learned that a 15 minute phone call can prevent thousands of dollars in litigation costs, and that employers can pay a price for taking the right action in the wrong way. We also know that counseling is not helpful unless it is timely, so we pride ourselves on being available whenever our clients need us, day or night.

Some of the most common situations in which our clients seek our input include:

- Performance and disciplinary counseling
- Termination decisions
- Layoffs
- Plant and office closings

- Leave of absence and accommodation requests
- Exempt and non-exempt wage and hour classifications
- Independent contractor vs. employee classifications
- Internal complaints of harassment, discrimination, and retaliation
- Responding to claims by whistleblowers
- Pre-employment screening and testing
- Post-accident response and responding to OSHA inquiries

Employment Litigation

We represent our clients in a diverse range of settings and at all stages of the litigation process, from pre-trial matters through trials and appeals. We appear on our clients' behalf before administrative agencies such as the Equal Employment Opportunity Commission, state and local fair-employment practices agencies, and state and federal Departments of Labor. We also appear in state and federal courts both in Illinois and around the country, and we represent our clients in arbitrations. We defend matters involving single plaintiffs as well as multi-plaintiff and class actions.

We regularly litigate equal employment, wage and hour, and whistleblower cases including those involving:

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act
- The Americans With Disabilities Act
- The Family & Medical Leave Act
- The Illinois Whistleblower Act
- The Sarbanes-Oxley Act and other federal whistleblower protections
- The Illinois Human Rights Act and other state and local discrimination laws
- The Fair Labor Standards Act and state wage and hour laws
- Employee Retirement Income Security Act (ERISA)

We also have represented clients in many other employment litigation matters, including cases involving trade secrets, restrictive covenants (including non-compete agreements and non-solicitation), and employment agreements.

Union Avoidance and Labor Relations

Our attorneys have dealt with unions in the trenches and have the knowledge and experience to effectively guide clients on labor issues in both union and non-union settings. We routinely assist our non-union clients in implementing policies and procedures to guard against unionization, including

training managers and front-line supervisors to recognize potential warning signs and create a workplace where employees are less likely to support a union. We also help clients who face picketing on how to establish procedures to keep their businesses going, and even obtain injunctions to stop certain types of unlawful activity.

Another important aspect of our labor practice is helping our non-union clients when they become involved in union organizing campaigns. Time is often of the essence in such situations, and we work rapidly to plan the client's campaign, advise on unit determination issues, handle unfair labor practices arising from the campaign, review employer campaign communications, ensure that any election is fair, and handle all post-election challenges.

For employers who already have a union, we are often called to assist with:

- Collective bargaining
- Ongoing contract administration and compliance
- Grievance handling and arbitrations
- Unfair labor practice (ULP) charges
- Petitions to the National Labor Relations Board
- Layoffs
- Plant closings and relocations
- Reorganizations and other business decisions
- Unit accretion and clarification issues
- Administrative hearings and court proceedings

Employment Contracts and Other Agreements

We have experience drafting and negotiating the full range of agreements that can arise in employment settings. In preparing such agreements, we can draw on the expertise of Levenfeld Pearlstein's tax and securities counsel when necessary to meet a client's needs.

We have represented large and small companies as well as senior executives in connection with agreements, including:

- Non-compete and non-solicit agreements
- Confidentiality and invention assignment agreements
- Employment agreements
- Offer letters
- Special bonus and compensation agreements and plans
- Retention agreements and plans
- Severance agreements and plans
- Independent contractor and consultant agreements
- Temporary staffing agreements

Corporate Transactions

We offer our clients representation with respect to labor and employment matters in corporate transactions. In some cases, we work alongside attorneys in our corporate group to handle all aspects of a transaction. Just as often, a client will ask us to partner with other outside counsel and handle only the labor and employment matters.

Our role in corporate transactions includes:

- Assisting with due diligence
- Reviewing labor and employment terms in transaction documents
- Negotiating contract terms to ensure they meet our clients' goals
- Planning and carrying out closing and post-closing integration steps
- Standardizing human resources policies and procedures in newly acquired entities
- Negotiating employment and retention agreements for key personnel
- Drafting non-competition, non-solicitation, and confidentiality agreements for employees who will be retained post-closing

In addition, we often assemble and coordinate international counsel to provide clients with representation across jurisdictions. We have handled employment matters in transactions involving almost every continent and over 50 countries.