FENNEMORE.



Labor & Employment

Our attorneys practicing in the labor and employment relations area advise and defend management in virtually all aspects of the employment relationship.

At Fennemore, we proudly represent employers. From large mining, utility, and gaming companies to small service and professional firms, our clients benefit from our significant experience in working with corporate counsel, human resources professionals, and management to develop programs designed to improve and define employment relationships, reduce the likelihood that disputes will arise, and defend management when claims do arise.

LEADERSHIP



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WHAT WE DO

Our team takes a proactive and practical approach when representing our clients in labor and employment relations matters in court, before various administrative agencies, as well as when

advising on day-to-day personnel matters. Our team possesses a wealth of experience serving a diverse range of clients, from sole proprietors to large corporations.

COUNSELING, COMPLIANCE & WORKFORCE TRAINING

Our team regularly advises employers on Title VII, § 1981, Equal Pay Act (EPA), Fair Labor Standards Act (FLSA), Worker Adjustment and Retraining Notification Act (WARN), Family and Medical Leave Act (FMLA), Pregnancy Discrimination Act (PDA), Fair Credit Reporting Act (FCRA), National Labor Relations Act (NLRA), Pregnant Workers Fairness Act (PWFA), Americans with Disabilities Act (ADA), Consolidated Omnibus Budget Reconciliation Act (COBRA), Employee Retirement Income Security Act (ERISA), USERRA and Military Leave Laws, drug testing statutes, Medical Marijuana statutes, Unemployment Compensation, and state civil rights laws.

We proactively train management on how to prevent workplace problems and help create a productive workforce. Working closely with our clients, we develop cutting-edge employment policies, employee handbooks, and agreements. We guide employers in wage and hour audits and labor disputes. We help shut down class actions before they begin. We offer training and education on anti-discrimination and harassment, managing employee medical leaves, creating effective performance evaluations, and other personnel issues in order to minimize liability exposure. These, combined with providing proactive counsel on day-to-day employment issues, help avoid costly litigation. But when litigation is unavoidable, our team drives the litigation process with the goal of winning dispositive motions and obtaining defense verdicts. Because of our extensive courtroom experience, we are able to provide "trial-tested advice" when we counsel employers.

EMPLOYEE BENEFITS LAW

Our team has extensive experience counseling employers on all aspects of the design, implementation, and operation of qualified retirement, profit sharing, and executive compensation plans, including employee stock ownership plans and Section 401(k) savings plans. We routinely represent employers on qualified plan matters before the Internal Revenue Service, the Department of Labor, and the Pension Benefit Guaranty Corporation. We regularly advise clients concerning fiduciary and prohibited transaction issues, and the implications and liabilities involved with participation in multi-employer union pension plans. We also advise clients on the tax implications and laws governing the provision of medical benefits, disability coverage, ERISA, and life insurance, including employers' liability for health continuation coverage under COBRA.

EMPLOYMENT LITIGATION

Our attorneys have substantial experience in employment-related litigation involving allegations of breach of contract, wrongful termination, employment discrimination, harassment, retaliation, wage and hour violations, misappropriation of trade secrets and confidential information, restrictive covenants, unfair competition, unemployment compensation claims, class action lawsuits, and other employment-related torts. We have represented clients through all phases and all types of employment litigation, ranging from individual charges and single plaintiff cases to broad-scale class and collective actions.

With offices in Arizona, California, Colorado, Idaho, Nevada, Texas, and Washington, we represent our clients before federal and state courts and administrative agencies across the country, including the United States Department of Labor and the Equal Employment Opportunity Commission and related state agencies. We also defend employers in arbitrations arising out of arbitration clauses found in employment contracts we have helped our clients draft and adopt.

INTERNAL INVESTIGATIONS

We conduct or advise on independent, internal investigations for our clients when concerns are raised in the workplace, including workplace misconduct, discrimination, harassment, retaliation, policy violations, or other employment-related issues. These investigations are crucial for ensuring compliance with company policies and the law, maintaining a safe and fair workplace, and protecting the organization's reputation.

LABOR MANAGEMENT

Our team counsels unionized employers, employers undergoing union organizing, and employers faced with the prospect of a union organizing. We represent clients concerning union avoidance, strike management, and contract interpretation and administration. We also represent our clients in labor arbitrations, National Labor Relations Board proceedings, and in contested cases in state and federal courts.

RESTRICTIVE COVENANTS

Careful analysis and planning are the most important parts of creating effective and enforceable restrictive covenants. At Fennemore, we take the time to understand our clients' business and identify their trade secrets and confidential information. This understanding helps us draft tailored restrictive covenants that protect what is protectable while remaining narrow enough to resist challenges.

An enforceable restrictive covenant is only part of the equation. There are many things companies can do to prevent or limit theft of confidential information that don't require a restrictive covenant agreement. We help our clients implement policies and practices that protect information even in the absence of an enforceable restrictive covenant.

UNEMPLOYMENT COMPENSATION

Our unemployment compensation practice includes services relating to unemployment insurance, taxes, and benefits. We represent employers defending against claims for benefits by former employees. We also represent employers when the adverse party is the state's Department of Economic Security.