



LABOR & EMPLOYMENT PRACTICE



PRACTICE AREA AT A GLANCE

Over 75 lawyers

15 offices coast to coast

Represent unionized and
non-unionized employers

Represent public and private entities

Clients range from Fortune 500
corporations to start-up companies



BUILDING A PRODUCTIVE WORKPLACE



Fox Rothschild LLP
ATTORNEYS AT LAW

Let Our Experience Be Your Guide®

1 REPRESENTED MULTIPLE

restaurant owners in wage & hour class/collective actions in federal court

2 WHISTLEBLOWER CLAIM DISMISSED

in trial victory that defeated a \$6M claim against Pennsylvania public employer

3 SHIP PURCHASE AGREEMENT in Michigan structured to prevent transfer of seller's union agreement

4 STRUCTURED SUCCESSFUL MAJOR REDUCTION IN FORCE for manufacturer with senior workforce without encountering any discrimination challenges

5 DISCRIMINATION CHARGES mitigated for federal contractor after OFCCP compliance audit in Indiana

6 NEGOTIATED DEVELOPER'S RIGHT to use non-union labor to build out tenant space during time Building Trades were still completing construction of office tower

7 CLASS CERTIFICATION DENIED in wage and hour cases against California employers

8 FLSA penalties successfully reduced for international corporation as a result of re-classifying employees

9 REPRESENTED EMPLOYER in litigation over claim for benefits

10 ATTAINED H, L, AND O VISAS, among other immigration services, on behalf of leading technology company

11 UNION DECERTIFIED after acquisition of distribution company by Fortune 500 food and beverage manufacturer

12 OBTAINED summary judgment dismissing plaintiff's claim of age and sex discrimination

13 REPRESENTED HEALTH PLAN and its administrator in claim for unpaid benefits

14 REPRESENTED PLAN in wrongful death claim by estate of deceased participant

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15 SUCCESSFULLY HANDLED arbitration of employment dispute concerning allegations of sexual harassment

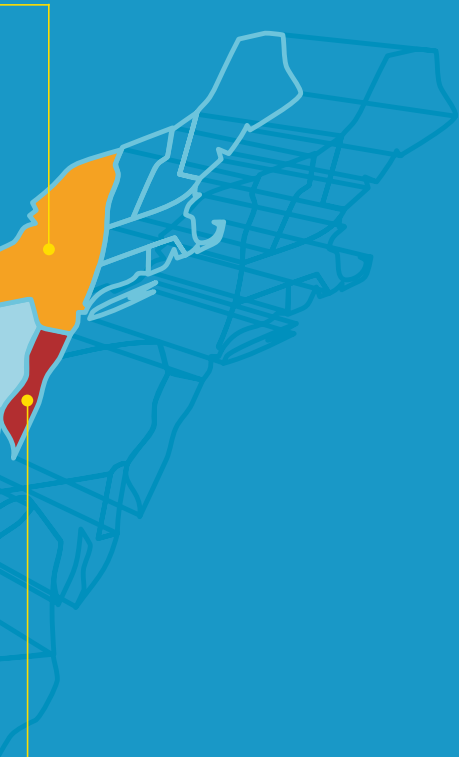
16 SUCCESSFULLY LITIGATED a motion to compel arbitration in federal court and subsequent motion to confirm arbitration award

17 OSHA PENALTIES REDUCED for Delaware manufacturers

18 UNION PICKETING ENJOINED in strike involving 15,000 casino employees

RELIGIOUS DISCRIMINATION suit ended with court-directed verdict in favor of major bank and its CEO

**WHEN YOU ARE FACED
CANNOT BE RESOLVED,
WORK SIDE BY SIDE V
YOUR BUSINESS INT**



“MOST LABOR AND EMPLOYMENT PROBLEMS CAN BE SOLVED WHEN CAREFUL RESEARCH IS COMBINED WITH PROPER TIMING AND CREATIVITY. WE ASSIST CLIENTS IN MANAGING RATHER THAN REACTING TO LABOR AND EMPLOYMENT ISSUES.”

– Stan Goodman and Jim Matthews
Co-Chairs of the Labor & Employment Practice

Maximizing managerial flexibility while maintaining a high-quality workforce is a benchmark that all successful businesses must achieve. As we move into a more integrated and global business world riddled with political and economic complications, both union and non-union entities will continue to challenge management's ability to maximize productivity and quality. Fox Rothschild recognizes the importance of tailored labor and employment services that meet the needs of all unionized and non-unionized, private or public employers, regardless of industry.

NON-UNION EMPLOYERS

Fox Rothschild understands that, however decreasing in membership, unions may represent a significant challenge to efficient and flexible management in an increasingly competitive global economy.

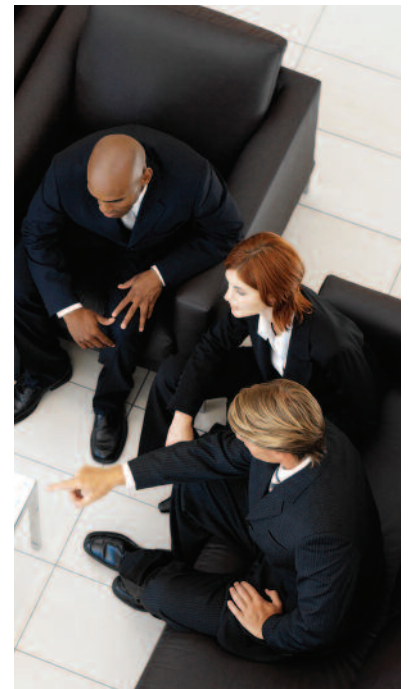
MAINTAINING NON-UNION STATUS IN THE LONG RUN REQUIRES A FOUR-PART PROGRAM:

- 1) competitive salaries and benefits
- 2) positive employee communications
- 3) trained supervision
- 4) a meaningful employee complaint procedure

Fox Rothschild has developed a wide range of comprehensive “pro-employee” programs that help maintain non-union status and eliminate or reduce the root causes leading to workplace conflict and employment litigation. Such programs include:

- labor relations audits
- evaluation of salaries, benefits, and working conditions
- establishment of forward-looking policies and programs to establish a positive work environment
- introduction of employee-friendly communications and participation programs to obtain employee input and identify problem areas
- implementation of complaint resolution procedures, ranging from informal “open-door” policies to mediation and binding ADR procedures
- training supervisors to improve communications, maximize fair treatment, and handle problems before they escalate

**WITH A DISPUTE THAT
IT'S OUR PRIVILEGE TO
WITH YOU TO PROTECT
INTERESTS AND GOALS.**



UNION EMPLOYERS

Fox Rothschild's vast experience with union employers, gathered over years of dealing with tough labor relations issues and tougher unions, translates into the premier management representation available when a fundamental restructuring is essential or labor conflict appears inevitable. We routinely negotiate hundreds of labor agreements, most without labor discord, and many for an extended term. Where labor disputes are unavoidable, we manage them to achieve a successful outcome with minimum disruption.

COMMON QUESTIONS ABOUT FOX ROTHSCHILD'S UNION NEGOTIATION CAPABILITIES

What is your experience?

Fox Rothschild has handled complex negotiations requiring major revamping of the labor-management relationship due to pressing financial concerns, hotly contested multimillion-dollar interest arbitrations, illegal strikes, and other major labor confrontations. We have successfully handled "make it or break it" union negotiations for major employers and multi-employer associations in the hotel and casino, printing, health care, construction, government, real estate, transportation and distribution, media, education, insurance, manufacturing, financial, and retail/wholesale industries.

How would you describe a successful negotiation?

Fox Rothschild applies the following approach to achieve successful labor negotiations:

- 1) define key labor objectives
- 2) plan for critical contingencies
- 3) assist our clients at the negotiating table to achieve their objectives
- 4) stay the course

A typical Fox Rothschild success story involves the firm's renegotiation of out-of-date labor contracts that threaten the viability of our client. The result is an agreement that is restructured commensurate with 21st-century economic realities, without a labor dispute and without employee dislocations.

How is this success achieved?

- Professional advice that helps the employer accurately identify essential labor objectives to achieve its business plan
- One year of planning that galvanizes the non-union workforce, minimizes the likelihood of business disruption, and demonstrates the employer's resolve
- Credibility, personal relationships, and significant experience that lead the union to conclude that a negotiated result is its best option

Do you have experience with union negotiations in a mergers and acquisitions setting?

Fox Rothschild's Labor & Employment attorneys have assisted venture capitalists, investment bankers, and corporate acquisition executives in every aspect of the deal: strategic planning, labor and employment issue analysis, and labor and employee relations assistance prior to and subsequent to closing the deal. Additionally, as a result of our union negotiation experience, we have developed contacts with labor unions throughout the country, which enables us to advise investors very early in the process on how to best structure a deal for a unionized company. This includes such items as making major modifications to existing collective bargaining agreements, eliminating costly work rules, and avoiding relationships with difficult and militant unions.

WE HAVE EXTENSIVE EXPERIENCE AND PROVIDE COUNSEL ON EMPLOYEE MATTERS SUCH AS:

- affirmative action plans
- anti-harassment policies and training
- benefits
- COBRA
- contract administration
- discrimination in employment
- drug testing
- employment agreements, handbooks, and policies
- ERISA
- e-workplace issues, including bloggings, electronic surveillance, and privacy rights
- family and medical leave
- immigration
- invasion of privacy
- labor and union issues
- labor crisis management
- mergers, acquisitions, relocations, and shutdowns
- OSHA compliance
- overtime
- promotions
- reductions in force
- restrictive covenants, including non-competes, no-solicitation provisions, and post-employment covenants
- retaliation
- Sarbanes-Oxley suits
- termination
- testing
- trade secrets
- union negotiations
- wage and hour issues
- workplace security





EMPLOYMENT LITIGATION

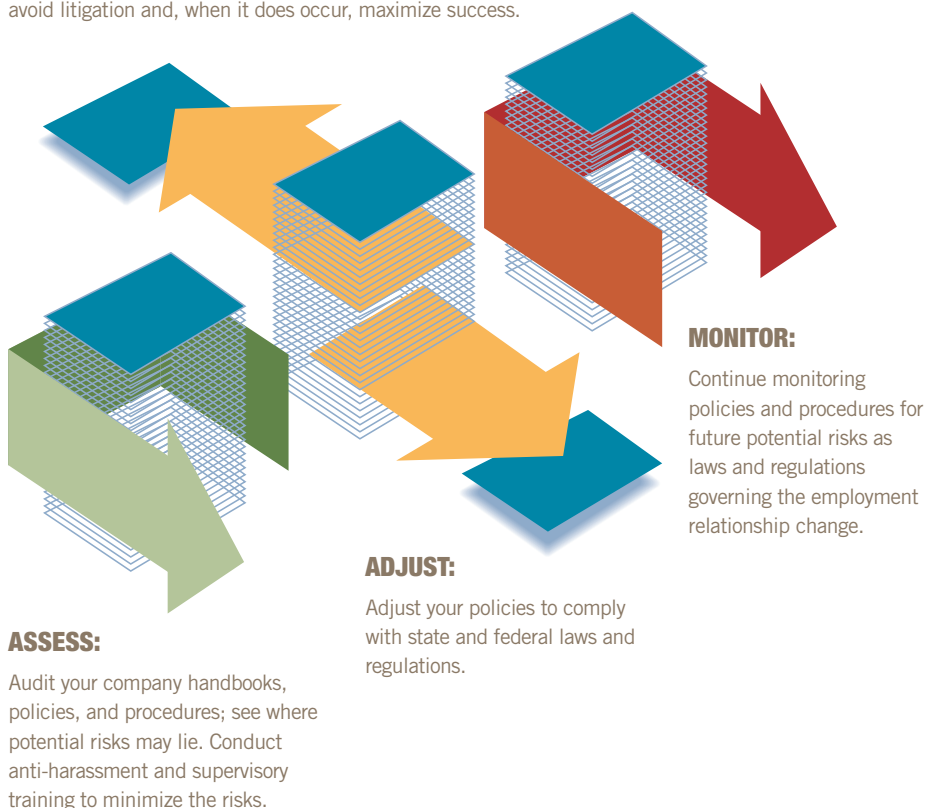
Fox Rothschild has established a reputation among employers and insurers for successfully handling employment litigation in an aggressive, dynamic, yet cost-effective manner. Fox Rothschild appears coast to coast in state and federal courts to defend and promote management interests in:

- employment discrimination
- EEO retaliation
- sexual & other harassment issues
- reasonable accommodation
- FMLA & state leave laws
- wrongful termination
- employment agreements
- restrictive covenants
- affirmative action complaints
- IRCA compliance
- OSHA violations
- constructive discharges
- public policy claims
- employment torts
- wage & overtime actions (meal & rest periods in California)
- labor injunctions
- unfair labor practices
- union contract actions
- class actions
- whistleblower claims
- Sarbanes-Oxley litigation

The images portrayed in this brochure do not depict actual Fox Rothschild clients.

STEPS TO SUCCESSFUL LITIGATION AVOIDANCE

The best way to avoid litigation is to make good employment decisions. In the sophisticated and ever-evolving landscape of employment law, Fox Rothschild attorneys work closely with in-house risk management and human resource professionals to review and structure management decisions to avoid litigation and, when it does occur, maximize success.



If litigation occurs, our attorneys have extensive experience litigating on behalf of management in the full range of labor and employment issues before all state and federal courts, as well as before the National Labor Relations Board, state civil rights agencies, and the Equal Employment Opportunity Commission.

SERVICES FOR UNIONIZED AND NON-UNIONIZED EMPLOYERS

TRAINING

Courts have unequivocally emphasized the importance of conducting effective training for employers to defend against, and avoid punitive damages in, the expansive array of legal claims that their employees may bring against them. As such, Fox Rothschild works with employers to design and conduct training that educates supervisors about the various laws that affect the workplace and their obligations under such laws, and that provides guidance to employees about appropriate workplace conduct and the avenues available to make internal complaints regarding issues of concern.

Our attorneys conduct high-quality training throughout the country and internationally on a wide range of labor and employment topics for both employees and managers. For employees we provide, among other topics, harassment and diversity awareness. For managers, we provide harassment and discrimination awareness, diversity, interviewing and hiring, family/medical leave administration, effective employee relations, wage and hour compliance, electronic workplace, and union avoidance.

IMMIGRATION

Immigration is a rapidly changing, politically charged area that demands diverse experience and talents, as well as creativity and flexibility. Fox Rothschild provides leading-edge representation to a range of clients, from individuals to employers in business, health care, and academia recruiting foreign-born leaders, staff, and professionals; to investors and entrepreneurs seeking to relocate to the U.S.; and to family members seeking unification and naturalization.

EMPLOYEE BENEFITS AND COMPENSATION PLANNING

Welfare, retirement, and executive compensation programs play increasingly important roles in any successful business. At Fox Rothschild, we have extensive experience in designing and implementing comprehensive plans that benefit you, your company, and your employees. With a diverse clientele and a management-focused perspective, our attorneys develop and implement targeted compensation and benefits solutions with a consultative, results-oriented approach.

A QUICK LOOK AT FOX ROTHSCHILD

- More than 450 lawyers
- Recognized nationally as one of the top 200 U.S. law firms
- 15 offices coast to coast
- Established more than 100 years ago

ABOUT FOX ROTHSCHILD LLP

Fox Rothschild LLP (www.foxrothschild.com) is a full-service law firm built to serve business leaders. Over the past 100 years, we have grown to more than 450 lawyers in 15 offices coast to coast. Our clients come to us because we understand their issues, their priorities and the way they think. We help clients manage risk and make informed decisions by offering practical advice.



Fox Rothschild LLP

ATTORNEYS AT LAW

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