

## Labor & Employment

We pride ourselves on strong client relationships that are built on trust, honesty and effective communication. We are responsive and proactive, helping employers avoid legal liabilities before they emerge. Our Firm represents employers in all industries, regardless of size, from start-ups and non-profits to *Fortune* 500 companies. We provide prompt and effective advice to help employers comply with their legal obligations in a manner that allows them to accomplish their goals while creating a healthy and compliant work environment. We ensure that our clients minimize their risk of legal exposure and position themselves to successfully defend labor and employment litigation that may arise. Should litigation become necessary, we have a team of experienced trial attorneys who have successfully defended numerous cases in federal, state and local courts.



Our team also has extensive experience defending employers before government agencies such as the United States Equal Employment Opportunity Commission, New York State Division of Human Rights, New York State Public Employment Relations Board, National Labor Relations Board, Occupational Safety and Health Administration, Office of Federal Contract Compliance Programs, New York State Workers' Compensation Board, New York State Industrial Board of Appeals, New York State Unemployment Insurance Appeal Board and federal and state Departments of Labor. We also have substantial experience representing unionized private and public sector employers in labor relations, including collective bargaining, grievance and arbitration procedures, Section 75 hearings and unfair labor practice charges.

Additionally, we understand the importance of protecting an employer's customer/client/patient relationships, trade secrets and other intellectual property and confidential information. Our team regularly drafts company policies, employment contracts, non-compete agreements, non-solicitation agreements, anti-poaching provisions, non-disclosures and other restrictive covenants. When needed, we vigorously pursue and defend claims in federal and state courts to protect these interests and have obtained favorable results for clients, including issuance of preliminary injunctions and temporary restraining orders, monetary settlements and awards.

### Labor & Employment Litigation

Attorneys in our Labor & Employment Practice handle numerous types of litigated and administrative matters for employers. These have included claims of discrimination, harassment and/or retaliation under various federal and state laws, including but not limited to:

- Age Discrimination in Employment Act
- Title VII of the Civil Rights Act
- Family and Medical Leave Act

- Americans with Disabilities Act
- Fair Labor Standards Act
- New York State Human Rights Law
- New York State Civil Rights Law
- New York State Labor Law
- Worker Adjustment and Retraining Notification Act (WARN)
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Fair Housing Act

## **Restrictive Covenants & Trade Secrets**

Employers invest substantial time and resources into developing their products, services, customer base and reputation. It is critical for companies to protect these investments and any related confidential and proprietary information. The first layer of defense is drafting legally binding contracts with restrictive covenants such as non-disclosures, non-solicitations and non-competes to be signed by certain employees, vendors and contractors. It is critical that these documents be drafted by attorneys who regularly practice in this area, such as the attorneys at our Firm. Too often we have seen clients use outdated documents, or materials obtained online or from a general practitioner, that are poorly written and fail to accomplish the intended purpose. By selecting our Firm, you are hiring dedicated professionals who regularly prepare these documents.

Unfortunately, there are times when employers must take legal action against former employees, vendors and contractors who misappropriate confidential information and trade secrets, improperly solicit customers, violate a non-compete or breach other contractual obligations. Employers also sometimes inadvertently hire employees who may be subject to various restrictive covenants, which may expose them to litigation by the former employer. Our attorneys have extensive experience prosecuting and defending such claims with great success. Members of our Firm have litigated numerous cases involving:

- Breach of Restrictive Covenants, including noncompetition and non-solicitation provisions
- Faithless Servant / Breach of Duty of Loyalty
- Unfair Competition
- Trade Secret Theft
- Breach of Employment Contract
- Fraud
- Breach of Confidentiality Agreements
- Tortious Interference with Contractual Relations
- Civil Racketeering
- Conversion

## **Administrative Practice**

Our labor and employment attorneys have defended numerous employers before administrative entities such as the:

- United States Equal Employment Opportunity Commission
- New York State Division of Human Rights
- Occupation Safety and Health Administration
- United States Department of Labor
- New York State Workers' Compensation Board
- New York State Department of Labor
- New York State Public Employment Relations Board

Members of the Labor & Employment Practice have assisted employers with audits brought by a vast array of governmental and quasi-governmental entities such as the:

- Department of Homeland Security
- Office of Federal Contract Compliance Programs
- New York State Insurance Fund
- New York State Department of Labor
- United States Department of Labor

## **Labor Relations**

Our labor and employment attorneys represent employers before the National Labor Relations Board and the New York State Public Employment Relations Board in all aspects of labor relations matters handled by those agencies.

In addition, members of the Labor & Employment Practice handle all aspects of labor relations for organized employers including, but not limited to:

- Collective Bargaining
- Grievance Proceedings
- Arbitration Proceedings
- Unfair Labor Practice Charges
- Union Avoidance Campaigns and Related Matters

## **Human Resources Policies**

We regularly provide advice and training to employers and Human Resource personnel on a variety of labor and employment law matters. Members of the Labor & Employment Practice have reviewed and drafted hundreds of labor and employment policies for employers including:

- Reasonable Accommodation

- Sexual Harassment and other forms of workplace discrimination and harassment
- Electronic Communications
- Family and Medical Leave Act Policies
- At-Will Employment
- Wage and Hour Issues
- Time and Attendance

Hancock Estabrook's labor and employment attorneys provide comprehensive in-house training programs for employers in the areas of:

- Prevention of Sexual Harassment and other forms of discrimination and harassment
- Interviewing and Hiring
- Family and Medical Leave Act
- Affordable Care Act
- The Reasonable Accommodation Process
- Religious Accommodations
- Privacy Issues
- Record Keeping & Retention
- Wage and Hour Issues
- Discipline and Discharge
- Supervising Individuals with Disabilities
- Conducting Internal Investigations

### **Contractual Agreements & Documents**

The attorneys of the Labor & Employment Practice are frequently called upon to draft, interpret or enforce numerous types of contractual documents including, but not limited to:

- Employment Contracts
- Restrictive Covenants, including noncompetition and non-solicitation provisions
- Confidentiality Agreements
- Arbitration and other Alternative Dispute Agreements
- Termination/Separation Agreements