Employment

M&R’s Labor & Employment Practice Group prides itself on the innovative and client-focused approach it takes to the representation of employers in a range of industries – advertising and digital media, financial services, health care, hospitality, insurance, luxury goods, retail and apparel and technology, among them. Whether embroiled in litigation or handling transactional matters, we advance strategies completely aligned with our clients’ stated objectives and business goals.

Much of the guidance the firm furnishes employers is aimed at minimizing the risk of potential lawsuits. That begins with the creation of policies, practices and procedures that serve to limit litigation and otherwise minimize exposure. But when disputes do arise, our labor and employment litigators stand ready to zealously represent client interests, be it in state or federal court, at arbitration or mediation, or in the administrative setting. Indeed, we maintain a proven track record of success defending employers in an array of cases involving wage and hour issues; benefits and compensation; disability, harassment and discrimination; employee hiring, discipline and termination; employment contracts; privacy rights; whistleblower claims; unfair competition and trade secrets; and union organization and collective bargaining.

Beyond the courtroom, our labor and employment lawyers routinely perform workplace audits and compliance reviews, create handbooks and operations manuals, conduct training sessions, and help employers structure their organizations so as to optimize operations. No doubt about it, with M&R’s Labor & Employment Practice Group in their corner, employer clients are well represented.

REPRESENTATIVE MATTERS

**Labor Arbitrations; Strikes; Collective Bargaining:** Represented hospitals’ nursing homes and long-term care facilities in Northern and Southern California in connection with labor arbitrations, strikes, collective bargaining negotiations and matters brought before the National Labor Relations Board.

**Misappropriation of Trade Secrets:** By way of summary judgment, defeated a wrongful termination case filed against the owner of a small insurance brokerage by two former employees. Thereafter, obtained a $500,000 jury verdict on the defendant’s cross complaint, which alleged that the former employees misappropriated trade secrets (client lists).

**Retaliation and Age Discrimination:** Favorably resolved two separate age discrimination and retaliation lawsuits filed against a well-known medical group by employees that were terminated for cause – one for poor performance and the other for stealing. After threatening a cross-complaint against one of the plaintiffs who mishandled sensitive documents and absconded with company property, both cases settled for mere pennies on the dollar at mediation.

**Unfair Competition:** Obtained a dismissal of a $50 million lawsuit filed against a Southern California hospital by hundreds of nurses who alleged the facility failed to pay overtime wages.

**Wage and Hour Audits:** Conducted wage and hour audits for restaurant clients, which audits included an analysis of potential unpaid overtime, meal and rest break liability, pay stub violations and related issues.

**Wage and Hour Class Action:** Represented property managers in a $1 million class action lawsuit alleging plaintiffs were misclassified as exempt employees and entitled to overtime wages, meal penalties and related damages. Successfully established that plaintiffs were bound by an arbitration agreement.

**Whistleblower Defense:** Substantially limited the exposure of a national meat packing company in a whistleblowing case brought by a human resources director who alleged that her employer hired illegal immigrants. After conducting a tactical investigation and proving that it was the director who knowingly hired the illegal workforce, the case was settled for one-tenth of what the damages would have been had it gone to trial.

**Whistleblower Litigation:** Successfully defended an environmental consultant in an employment retaliation and discrimination lawsuit and a Qui Tam whistleblower case involving a related criminal investigation.
AREAS OF EXPERTISE

Administrative Agencies
The firm routinely represents management in workplace investigations and audits before the gamut of state and federal agencies.

Employee Benefits & Compensation
We create, implement and maintain employee benefit plans and counsel employers in connection with an array of compensation issues to ensure full compliance with all pertinent state and federal regulations. More specifically, the firm offers sophisticated legal strategies regarding qualified retirement plans, incentive plans, equity-based compensation, employee stock ownership plans and welfare packages.

Employment Practice Liability Insurance
Employment Practice Liability Insurance (EPL) provides coverage to employers against discrimination, wrongful termination, harassment and other employment-related claims. Our lawyers routinely work with employers to ensure they obtain appropriate EPL coverage, and when insurance companies refuse to pay claims, the firm stands ready to litigate.

Executive Employment Agreements
We draft and negotiate executive employment agreements on behalf of public and private employers. In doing so, our lawyers evaluate related tax implications, and are always mindful how compensation and benefit terms may be perceived by shareholders.

Harassment & Discrimination
M&R handles workplace investigations, provides harassment training, and drafts industry-specific anti-harassment and discrimination policies and procedures. We understand the complexities of sexual harassment and discrimination laws and the need to conduct prompt, thorough and fair investigations when allegations are made. Likewise, the firm has extensive experience aggressively defending against claims of harassment and discrimination, with a record of success that is unparalleled.

Hiring, Discipline & Termination
We counsel employers through all phases of the employment relationship, working to ensure optimal hiring procedures, appropriate disciplinary actions, and lawful employee termination, whether due to poor performance, misconduct or company layoffs.

Labor Relations
The firm represents unionized and non-union clients across a range of industries. We negotiate collective bargaining agreements and act on behalf of employers in contract administration, grievance handling and arbitration, all the while taking a proactive approach so that businesses can avoid disputes with their employees, unions and the government. When disputes have arisen, M&R lawyers have had great success arguing before the National Labor Relations Board (NLRB).

Mergers, Acquisitions & Reduction in Force
A host of labor and employment issues arise in the course of mergers, acquisitions and corporate downsizing. Indeed, these types of business restructurings can be jeopardized if employee compensation, benefits, severance packages, pension plans, executive compensation and stock benefit plans, and successorship issues are mishandled. For this reason, our labor and employment attorneys provide advice and counsel to corporate clients throughout M&A transactions and in the event of a reduction in force. When necessary, we assist in creating benefit agreements and early retirement programs.
Trade Secrets & Unfair Competition

Protecting confidential business information and trade secrets is critical to a company’s success. An increasingly mobile workforce, with employees frequently changing jobs, can make the preservation of proprietary information a challenge. With this in mind, our labor and employment lawyers are adept at drafting employment agreements that contain non-competition and confidentiality covenants. And when confidential or proprietary information is unlawfully taken, the firm acts aggressively on behalf of clients to obtain appropriate injunctive relief and to otherwise pursue wrongdoers.

Wage & Hour

The firm implements cost-effective, innovative defense strategies to address wage and hour claims, and has an impressive record of successfully litigating related cases – those involving meal and rest breaks, unpaid wages, overtime, exempt misclassification and Private Attorney General Act (PAGA) claims – under both state and federal law.

Wage & Hour Class Action

We are renowned for our work in high stakes class action employment litigation, having obtained extraordinary results for clients facing catastrophic exposure. In so doing, our attorneys have implemented cutting edge defense strategies that have resulted in new law in California as well as clarification of the state’s unfair competition codes and the Fair Labor Standards Act.

Whistleblower Defense

With whistleblower claims on the rise, the firm is oftentimes called upon to craft strategies to mitigate client risks under a variety of whistleblower statutes, including the False Claims Act (FCA), the Sarbanes-Oxley Act (SOX), and the Dodd-Frank or Dodd-Frank Commodity Futures Trading Commission (CFTC). M&R works with businesses to implement policies and procedures for employee reporting of internal violations.

Workplace Audits & Compliance Reviews

Our labor and employment lawyers identify potential sources of liability by reviewing and auditing employer workplace policies. In addition, the firm conducts comprehensive compliance reviews to ensure employers are abiding by all applicable local, state and federal employment laws and regulations.

Workplace Safety & Health

Workplace safety and health is of paramount importance, and has a significant impact on employee relations. That being said, we understand the nuances of the Federal Occupational Safety and Health Administration (OSHA) in addition to various other state safety and health regulations. The firm routinely develops safety manuals and training protocols on behalf of employers, and also advises on record keeping requirements. Likewise, we work to ensure that clients are in compliance with specific industry standards that mitigate the risk of workplace injury and illness and potential lawsuits.