

Departments

Employment Law

The firm's Employment Law Department focuses on servicing clients in both the private and public sectors with sophisticated and cost-effective representation in employment law counseling, compliance issues, and related disputes and litigation, with a primary focus on management.

Our employment attorneys provide representation in state and federal courts, before administrative agencies including the Equal Employment Opportunity Commission (EEOC) and the New Jersey Division on Civil Rights (DCR), and in arbitration proceedings. The firm's employment litigation experience encompasses the defense of a wide variety of claims, including those related to discrimination, sexual and other types of harassment, unlawful retaliation, whistleblower, wrongful discharge, contract issues, workplace torts, and wage and hour disputes. Our attorneys also handle disputes involving issues under employment and employment-related agreements, including the enforceability of restrictive covenants, non-compete and non-solicitation provisions.

A significant part of the firm's employment practice involves counseling with regard to employment practices, compliance issues and risk management. Day-to-day work on behalf of clients encompasses advising on employment policies including hiring and discharge, issues in the workplace and worker classification matters. Our attorneys assist with the negotiation and drafting of employment contracts, employee handbooks, restrictive covenants, and non-compete, severance and other agreements.

In addition, members of the group conduct human resources audits, perform investigations, and develop management and employee training programs covering all aspects of employment-related issues, including anti-harassment policies and the use of social media and other electronic communications.

The practice also encompasses comprehensive representation in matters related to employee benefits and executive compensation, including the drafting, negotiation and implementation of employment and separation agreements, equity and equity-based compensation arrangements, and all types of incentive and deferred compensation arrangements.

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Attorneys in this practice area have significant experience litigating and providing practical advice on employment and benefits issues at both the federal and state levels, including those arising under:

- New Jersey Law Against Discrimination (NJLAD)
- Conscientious Employee Protection Act (CEPA)
- Title VII of the Civil Rights Act of 1964
- Federal and New Jersey Family Leave Acts (FMLA and NJFLA)
- Americans With Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Employee Retirement Income Security Act (ERISA)
- Fair Labor Standards Act (FLSA)
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- New Jersey Wage and Hour Laws and Regulations
- Federal Worker Adjustment and Retraining Notification Act (WARN) and Millville Dallas Airmotive Plant Job Loss Notification Act (NJ WARN)

REPRESENTATIVE MATTERS

Results may vary depending on your particular facts and legal circumstances.

- Ongoing employment counseling to two medical device companies on issues concerning employees' hiring, firing or promotions; drafting policies and securing enforcement concerning confidentiality and restrictive covenants; defense of claims filed by employees with OSHA and the Workers Compensation Division; assisting human resources teams in conducting internal investigations in response to an employee claim of alleged harassment.
- Retained by a New Jersey municipal entity to modify its employee handbook and various employment practices; provide ongoing guidance regarding personnel issues related to both non-unionized employees and the municipal police department.
- Representation of a global pharmaceutical company as lead outside counsel in a compliance investigation of a company subsidiary's sales team to assess compliance with relevant fraud, abuse, and antitrust/anticompetition laws.
- Representation of a public entity in defense of asserted claims of race and gender discrimination under Title VII of the Civil Rights Act of 1964 and the New Jersey Law Against Discrimination. The firm obtained summary judgment, which was not appealed.
- Representation of a public entity as defendant in a case alleging retaliation and retaliatory harassment, both in violation of the New Jersey Conscientious Employee Protection Act (CEPA). After extensive discovery and depositions, the firm filed a motion for summary judgment which was

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granted. Plaintiff filed a motion to reconsider, which was denied.

- Representation of a 55,000-member industry advocacy association that includes providing guidance on issues and claims involving pregnancy-related accommodations and leave, leave requests related to the COVID-19 pandemic, applications for Pandemic Unemployment Assistance, and compliance with the Families First Coronavirus Response Act (FFCRA).
- Ongoing employment counsel to a rapidly expanding land surveying company with more than 150 employees. The firm provides guidance regarding employees' medical leave, temporary disability claims, and during the COVID-19 pandemic, compliance issues related to leave under FFCRA.
- Representation as primary employment counsel for a global manufacturer with facilities located worldwide. Guidance regarding the handling of medical leave and disability accommodations requests, furloughs and temporary plant closings; on compliance with the federal Family and Medical Leave Act (FMLA) and state-based family leave laws; on extended leave when absence under the ADA is warranted; advising on and drafting specific policies to ensure compliance with FFCRA during the COVID-19 pandemic.
- Representation of a large orthopedic surgical group in connection with the redemption of ownership interests of several retiring physician members and post-closing employment agreements. Structured the transaction and counseled client in connection with a multitude of corporate, employment, tax, financial and compliance issues, as well as the negotiation and preparation of a new shareholders' agreement for the group.
- Representation of a construction and remodeling firm on various leave requests made by employees, including pregnancy/maternity leave; issues concerning the interplay between FMLA and New Jersey Family Leave Act (NJFLA), as well as New Jersey's income replacement options available under the Temporary Disability Act (TDI) and the New Jersey Family Leave Insurance (FLI). During the COVID-19 pandemic we have provided additional counseling regarding compliance with FFCRA and expanded FLI.
- Representation of an international pharmaceutical packaging corporation in connection with both employment litigation and employment counseling involving NJLAD, FFCRA, NJFLA, and other statutes.
- Representation of plaintiff against a New Jersey public entity as defendant in a years-long litigation alleging violations of the New Jersey Law Against Discrimination, New Jersey Conscientious Employee Protection Act, the New Jersey Civil Rights Act, and Section 1983. This matter was settled on the eve of trial for \$1.3 million, notwithstanding a settlement demand well in excess of that amount.