

Employment Counseling

Wiley attorneys serve as valued legal advisors to businesses and individuals on matters concerning every aspect of the employment relationship. Our emphasis is on litigation prevention. We believe that interactive training and counseling on potential problems before they arise is far more productive than litigating them afterward. By working collaboratively with our clients, we are able to develop and implement effective policies, procedures, and practices that both mitigate risk to the company and support an effective business culture. Our attorneys are always on call to provide clear, practical, and expert advice on any employment matter, before the company takes action.

Our attorneys advise clients on overarching strategic matters, such as workplace policies and handbooks, independent contractor relationships, and large-scale reorganizations, but we are also adept at guiding clients through the day-to-day issues that arise out of the employment relationship. Human resources professionals are often presented with difficult situations involving the administration of employee leave, responding to complaints of harassment, the imposition of discipline, and termination decisions. Our attorneys are available to provide an independent examination of the applicable law, an assessment of the company's options, and advice on a course of action.

Our group capabilities include:

- Employment Agreements
- Executive Compensation Structuring
- Government Contractor Issues
- Policies and Procedures Development
- Workplace and Trade Legislation
- Workplace Privacy Issues

When necessary, our team has access to key attorneys in other practice groups that can provide critical and specifically needed support, such as government contracts counseling for matters involving complaints that may impact the company's ability to compete for future contracts. We also draw on our unique position in Washington, DC to provide up-to-date information regarding changes in the law or agency policy, as well as in-depth analysis of how proposed legislation or rulemakings will impact employers and their workforce. Through thought leadership, we are able to keep our clients in the know as they plan for the future.

Recent Achievements

- Guided numerous clients through the COVID-19 pandemic crisis by providing up-to-date information on changes in the law and agency guidance, developing policies and best practices for handling business shutdowns and reopenings, and responding to emergencies involving workplace exposure and imposition of mandatory quarantines. We have also created numerous resources for employers related to the COVID-19 crisis, including a reopening guide.
- Drafted a handbook, policies, and employment agreements for a government contractor with trade secret concerns such that the company has protected those trade secrets on multiple levels as well as set expectations for the workforce with regard to trade secrets and confidential information.
- Assisted a small business that offers app-based technology solutions to its customers with compliance issues related to California's AB5 legislation and reclassification of workers as employees, rather than independent contractors.

Employer Toolkit

We have found that many smaller employers are missing key resources to set themselves up for success with their employees, including handbooks, comprehensive policies and procedures, and agreements, as well as an employment attorney that they can reach out to for on-the-spot counseling. This role, which has always been critical to reducing potential liability in employment matters, has become more and more important during the pandemic. Our employment group is seeking to fill this gap by offering a set of "front-end" pre-dispute services to existing firm clients or for our association clients to offer to their members. This service can be included in existing retainer agreements or in a separate retainer-type arrangement. Read more information on Wiley's Employer Toolkit [here](#).