



## LABOR & EMPLOYMENT LAW

Our Labor & Employment Law Group represents employers by actively counseling management and human resource professionals on a wide range of issues related to the workplace. We also regularly represent employers in the defense of employment claims filed with the Equal Employment Opportunity Commission and equivalent state and local fair employment practices agencies and in federal and state courts.

### Client Counseling

Managing a workforce presents employers with an array of challenges. Whether companies are dealing with the ramifications of long-standing employment laws (think: Fair Labor Standards Act) or are attempting to comply with recent amendments to those laws (think: Americans with Disabilities Act Amendments Act), or are navigating

requirements under newer laws (think: Affordable Care Act), employers need competent advice and guidance to make the best decisions for their employees and companies. We pride ourselves in staying ahead of the curve with respect to the myriad employment laws and regulations that affect employers on a daily basis. Our goal is to understand our clients' businesses and the employment law issues impacting their industries and to provide advice on the best path forward. We frequently counsel employers with respect to issues such as interviewing and hiring; employee discipline and termination; information disclosure; wage and hour matters; internal investigations; plant closings, reductions in force; union avoidance; compliance with federal, state, and local laws and regulations; the impact and enforceability of restrictive covenants (non-competition agreements); and litigation avoidance strategies.

## Litigation

The firm's labor and employment law attorneys work closely with business owners, management and human resource professionals to identify, evaluate and minimize the legal risks associated with contemplated employment decisions in advance of litigation. When litigation is necessary, we represent employers before state and federal courts through trial and any appeals. We are conscious of the ever-growing costs of litigation, and we endeavor to resolve employment law disputes efficiently and cost-effectively through appropriate trial and settlement strategies.

## Administrative Proceedings

We represent employers before the Equal Employment Opportunity Commission (EEOC); the Florida Commission on Human Relations (FCHR); other state and local fair employment practices agencies; the U.S. Department of Labor, Wage and Hour Division; the National Labor Relations Board (NLRB); and the Occupational Safety and Health Administration (OSHA). We defend employers with respect to Charges of Discrimination brought under Title VII of the Civil Rights Act, the Florida Civil Rights Act, the Americans with Disabilities Act, and other employment laws and regulations requiring the exhaustion of administrative remedies. We also represent employers in respect of agency investigations into compliance with the Fair Labor Standards Act, the Family and Medical Leave Act, and the National Labor Relations Act.

## Non-Competition Agreements

Florida law allows employers to require their employees to sign non-competition covenants provided that the employer has a legitimate business interest justifying the restrictions and ensures that the covenants are reasonable in time, area, and line of business. We regularly assist clients with drafting non-competition agreements. We also assist employers regarding the enforceability of their existing non-competition agreements and the non-competition agreements of employees they seek to hire. We represent companies in court when they seek to: (1) obtain injunctions that prohibit former employers from engaging in a business that is in competition with our client's business, and (2) recover damages based on the former employee's unlawful competition.

## Employment Agreements, Employee Handbooks, and More

Employers often need to set forth in writing the terms and conditions of the employment relationship with their current or new employees. The terms and conditions may include the employee's job duties, compensation (including bonuses and fringe benefits), and contemplated length of employment. In addition, employers often desire that the terms and conditions contemplate the protection of the company's confidential information and include a process by which an employee may be terminated without exposing the employer to potential liability for breach of contract. We frequently assist employers with drafting and negotiating employment agreements. As with non-competition agreements (discussed above), we also enforce employment agreements when employees have breached them and defend employers against claims for wrongful termination in violation of the agreements.

Additionally, we are experienced in the review, preparation, and administration of employee handbooks, personnel policies, drug and alcohol testing programs, arbitration agreements, and separation agreements. We also counsel employers regarding the implementation of reductions-in-force, and we work with companies on employment issues arising out of the sale or acquisition of a business.



Check out our [employment law blog](#) which helps corporations piece together employment law solutions!

*For questions or more information, please contact [Rachel D. Gebaide](#), Chair of the firm's Labor & Employment Law Group.*