LABOR & EMPLOYMENT

Musick Peeler's Labor & Employment Group has earned a national reputation for expertise in judicial and administrative proceedings and in the legislative forum. The Group's outstanding status is based upon the skills of its attorneys and their effective advocacy of clients' interests. This advocacy includes the representation of clients in judicial and administrative litigation where Musick Peeler's attorneys have had a number of landmark legal victories that have significantly benefited employers in all industries. The Labor & Employment Group has also successfully advanced the interests of its clients in the legislative forum by working with employer trade associations and lobbyists to obtain key legislative solutions to problems that could not be addressed as well, or as cost-effectively, through litigation.

Musick Peeler's labor attorneys are directly responsible for numerous important changes to the California Labor Code and the Wage Orders issued by the Industrial Welfare Commission. These modifications, to the state overtime and exemption rules, flexible scheduling options, and unemployment insurance laws, have benefited the firm's management clients and the community as a whole.

The Labor & Employment Group represents employers and trade associations in virtually all legal areas concerning the formation, maintenance and termination of employment and collective bargaining relationships. The Group's attorneys represent clients, engaged in litigation, before various courts and administrative agencies in matters regarding employment discrimination, employee benefits, wrongful discharge, and wage and hour issues. Musick Peeler's labor and employment attorneys have defended numerous wage and hour class actions, representative actions, state and federal government enforcement actions. The Group's attorneys are experienced in all aspects of the defense of multi-party actions at the trial court and appellate court levels.

The Group's litigators also represent employers in all facets of union and management relations, including initial union organizing campaigns, contract negotiations and administration, and decertification petitions.

To avoid expensive legal disputes and litigation, the Labor & Employment Group regularly counsels clients regarding personnel and business decisions, including compensation systems, leaves of absence, and employee benefit plans. The Group's attorneys advise clients about the impact on their labor union contracts of mass layoffs, mergers and acquisitions, relocations and business closings. They respond quickly to situations involving union strikes, pickets, and other urgent circumstances.

Services

In conjunction with our Tax & Employee Benefits Group and with the assistance of attorneys in Musick Peeler's other legal disciplines, the Labor & Employment Group renders numerous services to its clients including:

- Advising employers about employment law and employee relations, including hiring, employment contracts, compensation, discipline, termination matters and workers' compensation issues
- Representing employers in all facets of union/management transactions, including union organizing campaigns, grievance, arbitration and dispute resolution procedures, negotiations, contract administration and decertification proceedings
- Counseling clients regarding strike prevention and strike planning issues

- Defending class actions and government enforcement actions, primarily involving wage and hour issues including overtime pay, exempt status, travel time, meal periods, rest periods and wage statements.
- Defending employment discrimination and fair employment practice cases
- Assisting employers in the design, drafting, modification and implementation of personnel polices, employee handbooks, and 'policies and procedures' manuals
- Guiding employers through all aspects of wage and hour compliance, and the defense of government wage and hour audits
- Preparing employment contracts and executive compensation plans and formulating bonus, commission, incentive pay, vacation, paid time-off and severance pay programs
- Advising clients regarding the legal and practical issues related to drug and alcohol testing, lie detector examinations, and honesty tests
- Informing employers regarding privacy issues in the work place, employer responsibilities relating to the content of, and access to, personnel files, and the legal ramifications of employee investigations
- Representing employers in wrongful discharge litigation, as well as cases involving breach of contract and related claims
- Advising employers concerning the use of, and issues associated with, arbitration agreements for non-union employees
- Facilitating compliance with Occupational Safety and Health Act (OSHA) rules, and defending OSHA audits and claims
- Addressing obligations to employees with workers' compensation claims
- Representing employers in employee benefit matters including health and welfare benefit trusts, reporting and disclosure, COBRA, and disability insurance issues, as well as ERISA litigation
- Advising employers about labor issues relating to layoffs, sales, mergers and acquisitions, relocations, reorganizations and business closings
- Counseling employers concerning affirmative action obligations and legal requirements that result from government contracts
- Representing employers in immigration matters
- Performing personnel policy and practice audits
- Advising employers about issues related to leaves of absence, including family and medical leaves, workers' compensation leaves, alcohol and drug rehabilitation leaves, and leaves necessitated by pregnancy-related disabilities
- Formulating legislation, regulations, and representation of employers in potential landmark cases of benefit to clients and the employer community
- Keeping clients abreast of developments in labor law
- Conducting in-house seminars for clients on various employment law issues

Clients

Musick Peeler's broad spectrum of clients includes numerous private and public sector employers for profit and nonprofit institutions, and union and non-union organizations. The firm represents clients in many diverse industries including manufacturing, construction, health care, education, retail sales, energy, motor vehicle, motion picture, theatre, service, transportation, financial, computer, agricultural, temporary staffing, communications, childcare, and hospitality enterprises. Musick Peeler also represents numerous employers in the legal, medical, engineering, architectural, nursing, and accounting professions. In addition to the California Chamber of Commerce, the Labor & Employment Group represents trade associations in the manufacturing, construction, retail sales, health care, financial, hospitality, hotel, restaurant, real estate,

temporary staffing, theater, and motion picture industries.

Education & Prevention of Legal Disputes

In addition to counseling and assisting its clients, the Labor & Employment Group emphasizes education to avoid expensive legal disputes. The Group provides clients with written information on recent legal developments that affect employer-employee relations. Members of the Group have published, and continue to publish, numerous articles on labor and employment topics.

The Group's attorneys are frequently invited to lecture on labor and employee benefit issues at seminars throughout the country. These programs acquaint employers with ways to fulfill their obligations under state and federal law, modus operandi to avoid litigation and other legal disputes, and plans to protect their own interests as well as those of their employees.

For supervisors and management representatives, the Group presents in-house programs, which address many diverse topics including wage and hour, employment discrimination, wrongful discharge, union organizing, sexual harassment, safety, employee privacy, and other subjects that affect labor relations.

Attorneys in the Labor & Employment Group maintain an active leadership role in the disciplines of labor and employment law. They are committed to their clients' interests and to achieving favorable results for their clients both inside and outside the courts and administrative tribunals.