FLASTER GREENBERG
Attorneys at Law | A Professional Corporation

Labor and Employment Law

The workplace gives rise to a variety of legal issues, ranging from routine matters relating to pay and overtime, to the highly complex and even emotional claims, such as lawsuits alleging sexual harassment or retaliation. Further complicating the employment law landscape is a virtual maze of overlapping statutes, regulations, and court decisions that change across federal, state, and local jurisdictions.

At Flaster Greenberg, we help our clients cut through the labor and employment law thicket. Drawing on extensive experience, we guide employers and employees through these workplace challenges, always striving to find practical, workable solutions that fully meet our clients' goals. Our labor and employment attorneys advise large corporations and small businesses on all aspects of employment law and litigation, from creating strategies to avoid lawsuits, to forming and negotiating employment contracts and severance agreements. We help establish employee benefit packages and cost-saving compensation strategies. We also routinely advise clients on the complex interrelationship between federal and state disability laws and workplace leave issues, offer effective strategies to avoid discrimination lawsuits, and suggest avenues to mitigate the prospect of retaliation claims.

When employment cases move into the courts, which is sometimes inevitable or even desired, Flaster Greenberg arms our clients with a wealth of trial experience and skill. We fight aggressively for our clients in courts every day, and strive to protect our clients' rights, achieve success, and bring fair, final, and cost-effective resolution to employment disputes. Our clients have enjoyed significant victories in trial and appellate courts throughout the region.

Scroll down to read more about what types of matters our labor and employment attorneys specialize in.

Employee Benefits

Flaster Greenberg provides a full range of services relating to the compensation of employees and employee benefits including basic bonus plans, cafeteria plans, employee stock ownership plans, and complex 401(k)s and phantom stock plans along with a specialization in Employee Retirement Income Security Act, IRS audits, and benefit plan compliance. Read more here.

Attorneys

Susie Cirilli
Allen P. Fineberg
Adam E. Gersh
J. Philip Kirchner
Steven S. Poulathas

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Employer and Employee Relations

Our labor and employment attorneys advise clients with respect to a variety of short-term and long-term human resource issues. We frequently counsel clients in areas that include:

- Family and medical leave including compliance with the Family and Medical Leave Act, the Americans with Disabilities Act, and other laws regarding medical leave, family leave and "family responsibilities discrimination"
- Overtime pay, white collar exemptions, permissible pay deductions and other wage and hour issues
- Development of workplace policies and employee handbooks
- Formulation and implementation of union avoidance strategies
- Conferences, seminars and workshops for management and supervisory employees on a variety of topics that include administration of discipline, sexual harassment, and other aspects of employment law
- Compliance with federal and state drug testing regulations

Employment Discrimination

We are experienced and up to date on the latest developments in federal and state laws prohibiting discrimination, including Title VII of the Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Genetic Information Nondiscrimination Act and state equivalents. We have achieved substantial victories for our clients on all aspects of equal employment opportunity law, including claims of reverse discrimination. We also frequently represent clients in dealing with government agencies that administer these laws. We counsel employers concerning compliance issues and are experienced litigating disputes in state and federal courts.

Executive Compensation

We are experienced in working with employers—from emerging growth companies to large established corporations—that need to develop creative compensation arrangements to recruit and retain key talent. We also regularly represent executives in negotiating their compensation packages and severance agreements. We look for ways to use components such as stock grants and options, restricted stock, phantom stock, stock appreciation rights, incentive-pay plans, deferred compensation plans, golden parachutes, restrictive covenants, and post-employment consulting contracts to achieve clients' business goals.

Labor Relations

We regularly assist clients in the development of union avoidance strategies, including decertification proceedings, as well as other traditional labor relations matters such as strikes and labor disputes. For clients who already have represented employees, we help negotiate favorable contracts and administer their collective bargaining agreements in order to comply with legal obligations, while controlling and improving the workforce. When necessary, we defend unfair labor practice charges, grievances, and arbitrations. We regularly represent our clients before the National Labor Relations Board.

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Non-Competition and Related Obligations

In an economy where intense competition is the guiding principle, employers have a legitimate interest in protecting their customer relationships, intellectual property, employees, goodwill, and other business assets. It is a popular misconception that courts are reluctant to enforce agreements that protect such interests, and which restrict unfair competition by former employees. In fact, when restrictive covenants and other agreements between employers and employees are skillfully crafted to protect legitimate business interests, the courts will enforce these agreements to protect vital client interests. And when such cases go to court, we have decades of experience in successfully litigating temporary restraining orders, preliminary injunctions, damages, and all aspects of restrictive covenant disputes.

Wage & Hour and Compensation

Federal and state wage and hour laws (laws governing minimum wages, overtime pay, training time, vacation pay, wage deductions, payment terms and similar matters) are so complex that they are often misunderstood or ignored by employers—to their great peril. Failure to comply with these laws can lead to serious consequences, including class-action lawsuits and huge monetary damages awards. We provide practical advice to comply with the applicable laws and help resolve problems quickly if they arise.

Wrongful Discharge, Retaliation and Breach of Employment Contract Litigation

We have handled a wide range of suits in federal and state courts arising from alleged wrongful discharge and/or breach of employment agreements. Although we recognize that litigation is often the least desirable way of resolving a dispute, it is sometimes unavoidable in order to obtain justice. We bring decades of experience and skill to the courtroom to enforce the rights of our clients.

To learn more about our labor and employment attorneys, please expand the menu below.