

Workers' compensation including:

- Representation of employers in workers' compensation proceedings
- Consultation with employers, workers' compensation carriers and insurance
- Counsel on strategy to resolve workers' compensation claims

Employee leaves which may include:

- Family and Medical Leave Act (FMLA) leave
- Paid leave mandated by local ordinances
- Requirements of non-statutory leaves under Americans with Disabilities Act (ADA)

Safety

- OSHA Complaints
- Responding to OSHA investigations

Plant closure, including:

- Compliance with WARN (Worker Adjustment and Retraining Notification)
- Provision of COBRA

Due diligence which could include:

- Sale of business
- Sale of assets
- Union contract and recognition
- Responsibility for employee claims

Constitutional claims

- Avoidance of violations of Section 1983 and constitutional rights by public employers for discrimination or violations of free speech

Public employers

– the firm is often involved in administrative agency affecting public employees, such as teachers, police, firefighters and other civil servants. The firm advises school districts on issues of tenure and due process affecting professional educators and also provides:

- Police and fire negotiations
- Act 111 arbitration
- Compliance with Loudermill procedures
- Compliance with civil service procedures and hearings

Tucker Arensberg has a large group of labor and employment attorneys with many years of experience that assists employers and businesses of all sizes. Call us at 412-566-1212 and let us match you with the professional to best meet your needs.

Comprehensive Labor & Employment Capabilities

for both unionized and non-unionized employers



Tucker Arensberg is a full-service law firm that has helped clients reach their goals since 1900.

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All businesses have something in common – they all have employees. There are a variety of regulations that impact employees from ADA, FLSA, Title VII, and FMLA to name just a few. Making sense out of the alphabet soup of labor and employment laws is complicated regardless of the size of your business and whether you are unionized or not.

Tucker Arnsberg's Labor & Employment group has a diverse client base of private and public employers ranging from private corporations and health care institutions to school districts and municipalities. The range of services performed for employers is broad. The firm advises employers on:

Problems regarding underperforming employees which consists of:

- Progressive discipline
- Supervisor training
- Evaluation procedures

Employee discharges including assessing litigation risk and procedure(s) for discharge

Unemployment compensation which includes:

- Required notice under Pennsylvania law
- Answering the questionnaire
- Presenting the employer's case
- Good reason and admissible evidence

- Letter confirming discharge, COBRA, unemployment compensation
- Negotiation of severance with full release of claims
- Compliance with Older Workers Benefit Protection Act (OWBPA) where required

Wage and hour issues, including:

- Employees who are entitled to overtime pay at time and one-half
- Exemption of administrative, executive and professional employees
- How employers inadvertently lose the exemption
- How to calculate overtime pay
- Special provisions for younger workers – restricted hours, safety rules
- Assistance with Department of Labor investigations
- Child labor (restrictions on hours and equipment)

Investigation of workplace misconduct, including allegations of hostile work environment, sexual harassment and discrimination

Employee policies and handbooks

- Updates for compliance with changing laws
- Work rules
- Compliance with local regulations on minimum pay and paid time off

Advice on NLRB procedures and protected “concerted activity” under the National Labor Relations Act.

Representation of employers in employment discrimination litigation which can include:

- Allegations of age, sex or race discrimination
- Response to administrative complaint before Equal Employment Opportunity Commission (EEOC) and Pennsylvania Human Relations Commission
- Seeking and obtaining summary judgment before trial

The firm's lawyers have successfully tried jury cases with respect to employment law matters, and, in particular, employment discrimination and wrongful discharge cases.

Representation of employers with unionized workplace which may include:

- Negotiation of collective bargaining agreements
- Assistance with grievance administration and interpretation of collective bargaining agreement
- Representation in labor arbitration and injunction hearings
- Representation in National Labor Relations Board (NLRB) and the Pennsylvania Labor Relations Board proceedings
- Representation and assistance with work stoppages and picketing

Employees at-will – compliance with laws and regulations affecting wages and benefits including:

- Pennsylvania Wage Payment and Collection Law
- Payment for earned unused vacation and personal days at resignation or termination
- References and inquiries from potential employers

Employment Agreements

- Preparation
- Litigation over terms

Non-Competition and Non-Disclosure Agreements

- Preparation and interpretation
- Litigation of same

Accommodation of disability or religious principles in the workplace which may include:

- Adaptation of workplace policies to avoid discrimination claims

Employee benefits including:

- Annuity plans
- Cafeteria plan
- Compliance with Affordable Care Act (ACA)
- Retirement Plans, Pension-related issues
- ERISA
- Employer withdrawal liability
- Flexible spending accounts
- Health Insurance/COBRA
- Severance plans
- Taft Hartley benefit funds

Employee training, including:

- Supervisor-training to prevent violations of law
- Employees – inappropriate workplace conduct

