



Labor & Employment

Jackson Kelly's Labor and Employment practice area has been dedicated to representing the interests of management in all aspects of labor and employment matters for more than 60 years. The attorneys in this practice area provide a broad range of legal services, including defense-oriented litigation, advice, training, and other assistance, to employers of all sizes.

These Labor and Employment attorneys regularly defend employers in state and federal courts and administrative forums, in an array of employment disputes, including:

- Claims of age, race, religious, gender, and disability discrimination
- Workers' compensation discrimination
- Sexual and racial harassment
- Wrongful and retaliatory discharge, particularly involving safety-related issues
- Wage and hour, ERISA, COBRA, and WARN Act violations
- Family and Medical Leave Act (FMLA) and reasonable accommodation claims
- Unemployment compensation controversies
- Breach of employment contract and noncompetition covenants
- Defamation and invasion of privacy

Labor law requires a nuanced understanding of the law and its interplay between federal and state agencies. Our attorneys routinely represent management in labor matters ranging from union organizing campaigns, representation elections, collective bargaining negotiations, and unfair labor practice charges to strikes, picketing, boycotts, grievances, and arbitration. These attorneys advise employers on compliance with evolving NLRB policy applicable to all workforces, including social media and confidentiality policies and issues.

A crucial aspect of the Labor and Employment practice area is advising employers in order to avoid and prevent issues in the workplace. Jackson Kelly's Labor and Employment practice area attorneys frequently consult with clients on many topics, including:

- Employee discipline and discharge
- Handbook and personnel policy reviews
- Employee misconduct and complaint investigations
- Wage and hour issues
- Employee leave questions and interaction between Family and Medical Leave Act (FMLA), disabilities laws, workers' compensation laws, and disability benefit policies and plans

- Reduction in force (RIF) and Worker Adjustment and Retraining Notification (WARN) Act issues
- Drug and alcohol testing
- Employee monitoring and privacy questions
- Drafting and enforcing non-compete and non-solicitation agreements

Another aspect of the Firm's practice revolves around training. Attorneys in the practice area tailor each training presentation to meet the specific needs of the employer. Jackson Kelly attorneys regularly present on topics including:

- Anti-harassment and bullying, including sexual harassment
- Employee discipline and discharge
- The importance of documentation of Human Resource issues
- Privacy in the workplace
- Wage and hour law compliance
- The overlap between FMLA, disabilities law, workers' compensation laws, and policies and benefit plans
- "Dos and don'ts" of union campaigns
- Handling unemployment compensation claims
- Physical examinations and inquiries
- Substance abuse testing and policies
- Reasonable accommodation
- Interviewing and selection of job applicants
- Violence in the workplace
- Joint employment