EMPLOYMENT AND LABOR RELATIONS

Responsiveness is the hallmark of our practice. We understand that the employer-employee dynamic is critical to the success of a business and, with more than 25 employment attorneys—many of whom spent decades honing their skills at management-side law firms and corporate in-house employment departments—we stand ready to enhance and/or protect your business with effective, business-oriented legal counsel.

Our approach is simple: we learn our clients’ businesses to identify and resolve issues before they become problems, preventing the loss of time and money associated with extensive legal proceedings. When the worst happens, we have achieved tremendous success on behalf of our clients by obtaining early dismissals of lawsuits before trial. We routinely represent businesses of all sizes—from Fortune 500 companies to startup entities—in all aspects of the employment relationship. From pre-employment screening, including those that occur under the Fair Credit and Reporting Act, through hiring and discipline to termination, from training to counseling, from internal complaints to administrative complaints and full-blown litigation, Taylor English responds to client needs while always keeping in mind the business interests that are our clients’ highest priorities.

We recognize that, at times, clients will benefit from alternative billing arrangements in those circumstances, and have successfully partnered with clients to implement flat fees for certain projects, including training, audits, handbook preparation, and certain agency proceedings and litigation situations.

DIVERSITY, EQUITY AND INCLUSION IN THE WORKPLACE

At Taylor English, we believe that great companies are rooted in innovative cultures. Through partnerships with various businesses over the years on diversity, equity and inclusion initiatives, we’ve developed a workplace culture framework that drives change and develops industry leaders.

Any successful diversity, equity and inclusion effort must be seated in the concept of valuing individual contributors. Every employee—regardless of their title—seeks respect and recognition. By creating pathways for advancement, businesses can retain quality team members while reaping the benefits that come from different perspectives and backgrounds. Additionally, companies that encourage a sense of belonging and inclusivity are more likely to see an increase in business, revenue and profits. Taylor English can help bridge disconnects between management and employees by facilitating intentional plans to foster cultural change.

While a grass roots approach to change sounds ideal, it is incumbent upon leadership to spark transformation. For most companies, that begins with a statement from the highest ranking management member followed by an intentional strategic action plan. A company’s approach may include training and an evolution within leadership to support long-term business needs. Complementing efforts can encompass employee surveys and subsequent planning, building task forces and engaging HR as it relates to recruiting, hiring, promotion and pay practices.

Having a proactive approach to workplace culture not only enriches your company, it can also lower the risk for litigation. Our team is able to guide clients on practical measures that instill trust in employees and enhance an organization’s overall value. For companies looking to develop diversity, equity and inclusion practices that empower teams and encourage collaboration, Taylor English is the partner of choice.
EMPLEYEE BENEFITS AND EXECUTIVE COMPENSATION

Our practice advises Fortune 500-level executives in employment agreements, while companies of all sizes rely on us for counsel in designing and implementing complex benefit plans. When the government audits benefit plan compliance, we assist our clients in persuading the regulators that no violations have occurred, and where there are violations, we work with the client and the regulators to achieve the most cost-effective, least administrative burdensome resolution. We also counsel clients on how to adjust to the changing landscape of health care benefit regulation, including compliance with the Affordable Care Act.

EMPLOYMENT ADVICE AND COUNSEL

Our attorneys represent clients of all sizes and industries in a variety of human resources issues facing companies, including:

- Advice and counseling,
- Management and employee training,
- Internal investigation of discrimination, harassment, retaliation and other issues and claims,
- Wage and hour issues and claims,
- Handbook/policy drafting, review and implementation,
- Internal and governmental compliance audits, and
- Non-compete, non-solicitation, and other restrictive covenants.

EMPLOYMENT LITIGATION AND CLASS ACTIONS

When required, our team provides aggressive defense of discrimination claims and actions brought under wage and hour laws such as the Fair Labor Standard Act or under the Fair Credit Reporting Act. Class and collective employment actions, including hybrid lawsuits involving both opt-out and opt-in claims, raise the stakes exponentially for employers. They are inherently more complicated in virtually every phase of litigation, including any settlement. As a result, class and collective employment actions require particular expertise and experience to successfully defend. Our attorneys have been on the front lines of this kind of litigation in federal and state courts and arbitrations across the country, for a wide variety of industries and business sectors. We have a proven track record of managing the burden of electronic discovery that class/collective action plaintiffs often attempt to exploit, and we work with our clients to avoid class and collective actions altogether through pre-litigation waivers of these procedural mechanisms.

EMPLOYMENT POLICY DEVELOPMENT AND IMPLEMENTATION

We have found that well-thought out policies, formed with the advice of counsel, are an effective way to avoid employment claims. Our attorneys assist clients in writing employee policies and handbooks that communicate company values and expectations for conduct, lay out best practices for managers and line employees and provide standards and procedures that ensure fairness and transparency. With the National Labor Relations Board’s increased focus on illegal handbook policies, we also assist clients in ensuring that their handbook policies do not run afoul of new Board prohibitions.
ERISA LITIGATION

Our first priority is to provide you with the legal counsel that will keep your retirement plan compliant with the highly technical Employee Retirement Income Security Act of 1974 (ERISA). Nonetheless, ERISA is fraught with the potential for litigation, and our attorneys have successfully defended plans, fiduciaries, sponsors, boards and trustees in the trial courts, as well as in administrative proceedings before the Pension Benefit Guaranty Corporation, the US Department of Labor and other agencies. This complex area of the law prompts high-value claims, including class actions, in a broad array of issues that include breach of fiduciary duty, valuation, fees, stock drops, age discrimination, as well as claims that grow out of fund terminations, multi-employer funds and mergers. In all these matters, experience often is the deciding factor in obtaining successful resolutions in this challenging area of the law. Our ERISA litigation team is led by attorneys with decades of deep experience in ERISA, including setting up and administering all types of benefit plans for public and private companies, as well as private equity funds.

IMMIGRATION

Taylor English represents multinational companies and provides advice on immigration options available for employers to sponsor foreign nationals to work in the United States. Our immigration practice encompasses both business and family-sponsored immigrant petitions (green card applications) including EB1, EB2, EB3, NIW, F2A, F2B, F3, F4 as well as various nonimmigrant visa programs including B1/B2, E1/E2, F1/F2, H1B/H3/H4, I, J1/J2, K, L1/L2, L Blanket, M, O, P, Q, R, TN/TD, etc. Taylor English also advises on naturalization, work and travel permit, and immigration matters in Japan, Brazil and other countries. Our attorneys also evaluate business plans of new investors to assess the employer’s financial ability to sponsor foreign nationals for immigrant and nonimmigrant petitions.

We have a depth of experience in the following areas:

- F1, J1 student visas and OPT/CPT employment authorization;
- ESTA and B1/B2 temporary visitor visa applications;
- J1 and H3 training visa petitions;
- E1/E2/E3, H1B, L1, O, P, Q, R, TN temporary work visa petitions;
- K visa and family sponsored immigrant visa applications;
- PERM (Alien Labor Certification Applications);
- I-140 petitions (EB1-1 Extraordinary ability, EB1-2 Outstanding Researcher, EB1-3 Multinational Executive/Manager, EB-2 National Interest Waiver, EB-2, EB-3);
- I-485 Applications for Permanent Resident Status;
- Naturalization;
- Employment authorization, travel permits (advance parole, re-entry permit);
- Outbound immigration (Japan, Brazil, etc.);
- Internal and governmental compliance audits; 
- Advice and counseling on I-9 and E Verify; and
- Management and immigration training.
INTERNAL INVESTIGATIONS

Employment claims are sensitive and we work with our clients to quietly address problems, often resolving them before they become formal claims. Our fact-finding team allows employers to obtain a realistic assessment of the veracity of claims while reports remain protected by the attorney-client privilege. Our resources allow us to respond quickly, and we can assemble investigative teams within 24 hours or less, if necessary.

NON-TRADITIONAL STAFFING ARRANGEMENTS

Businesses increasingly require a flexible workforce. This includes contingent workers, part-time employees, independent contractors, on-call employees, temporary help and employees hired through contract companies. We are familiar with the laws and protections for all of these classes of workers and advise employers on compliance with labor and tax laws.

RESTRICTIVE COVENANTS

We represent companies, compensation committees and individual executives with respect to the design, preparation and negotiation of employment agreements, retention or bonus arrangements, change in control and severance arrangements, and nonqualified deferred compensation plans that contain post-employment restrictive covenants.

We have also secured successful enforcement of restrictive covenants on behalf of employers threatened with the unexpected departure of key personnel, thus preventing the compromise of trade secret and other confidential information and/or unfair competition. We are mindful that enforcement of restrictive covenants often requires quick action and we can develop a legal strategy and marshal a litigation team expeditiously to protect employer interests.

UNIONS AND TRADITIONAL LABOR

With an activist National Labor Relations Board, more employers are exposed to National Labor Relations Act violations and attempts by unions to organize their workforce. Our expert traditional labor attorneys have vast experience in defending against unfair labor practices charges and in assisting employers in defeating unionization attempts. Given the decreased time from election petition to election proceedings, we can assist employers in developing pre-packaged union campaign material so that if a union petition is filed, the employer is prepared to immediately launch its campaign to convince employees that electing a union to represent them is not in their best interests.

WHISTLEBLOWER LITIGATION

Whistleblower claims have increased in recent years, following incentives and protections against retaliation created by the Dodd-Frank Act and False Claims Act. We defend civil and criminal claims, and assist clients in prevention by setting up compliance and education programs for managers and employees.
WORKER CLASSIFICATION, COMPENSATION AND LITIGATION

Flexible and non-traditional arrangements sometimes create confusion about the workers’ status, particularly with independent contractors. The Affordable Care Act has brought a renewed focus on compliance in this area. Misunderstandings can lead to government enforcement actions, fines and civil claims. We advise clients on how to set up compliant engaging workers, and represent them if they are the target of government enforcement actions or private claims.

WORKPLACE SAFETY AND OSHA COUNSELING AND LITIGATION

Both large and small businesses must comply with a myriad of strict legal rules related to workplace safety, as required under the U.S. Occupational Safety and Health Act of 1970 and its implementing regulations. Our experienced attorneys understand U.S. OSHA’s complex web of rules and what is legally required when operating a safe and healthy workplace. Whether under the obligations of the “general duty clause,” specific employee injury/illness record keeping and reporting rules, employee hazard communication requirements or the vast array of other workplace safety standards, employers need must operate their businesses in compliance and protected against potential OSHA legal exposure. Our attorneys have the necessary knowledge, skills and network to assist. We counsel businesses on OSHA compliance, inspection and enforcement, and help defend them when confronted with potential OSHA liability.

PRACTICE HIGHLIGHTS

Summary judgment for large media company granted. Obtained summary judgment in favor of a major media company in a case regarding claims of discrimination. District Court Judge overruled Plaintiff’s objections and granted Defendant’s motion for Summary Judgment on all of Plaintiff’s claims.

Summary judgement awarded in same-sex sexual harassment, retaliation and intentional infliction of emotional distress suit. Successfully defended our client, a large fast food chain restaurant, against plaintiff who claimed same-sex sexual harassment, retaliation and intentional infliction of emotional distress. Obtained favorable ruling on summary judgement for our client.

Antron Williams v. Pilgrim’s Pride. On behalf of Pilgrim’s Pride, moved for summary judgment as to all allegations and claims asserted. On June 5, 2015, U.S. Magistrate Judge Patricia Barksdale issued a Report and Recommendation recommending that the Motion for Summary Judgment be granted in its entirety and Judgment to be entered in favor of Pilgrim’s Pride. On July 14, 2015, U.S. District Judge Timothy Corrigan issued an Order Adopting the Report and Recommendation and granting Summary Judgment as to Pilgrim’s Pride, thereby concluding the case in Pilgrim’s Pride’s favor. Plaintiff alleged that he was racially discriminated against in connection with his termination from Pilgrim’s Pride. Plaintiff also alleged that he was terminated in violation of the Florida Whistleblower Act. Pilgrim’s Pride vehemently denied the Plaintiff’s allegations.

Beth Adams v. BSI Management Systems. Defended BSI, the world’s first national standards body, and one of the world’s largest independent certification bodies for management systems, with over 90,000 registered sites across the globe, in a wage/hour lawsuit (alleged misclassification) filed by a former employee, seeking more than $100,000 in alleged unpaid overtime and related damages and fees. At the completion of discovery, we successfully moved for summary judgment on our client’s behalf, obtaining an
award of costs against the plaintiff. We successfully defended the judgment on appeal, resulting in a further award of costs for our client. *Beth Adams v. BSI Management Systems, 1:11-cv-02914-ODE (U.S.D.C., N.D. Ga.)*

**Summary Judgment awarded in age discrimination suit.** Represented global insurance company in age discrimination lawsuit following reduction-in-force. After extensive discovery, we successfully moved for summary judgment on behalf of the employer. This resulted in a judgment in the company’s favor, as well as an award of costs against the plaintiff.

*Harwell v. Zyxax, Inc.* Represented chemical manufacturing company in pregnancy discrimination lawsuit filed by terminated employee. Following extensive discovery, filed a successful motion for summary judgment on all plaintiff’s claims. The court entered judgment in favor of the company, and ordered plaintiff to pay costs to the company.

*Hastings v. Shiloh Services, Inc.* Represented transportation company in race discrimination lawsuit filed in state court in South Georgia. Removed the case to federal court, and instituted discovery. After plaintiff failed to appear for his deposition, we demanded that plaintiff pay travel and other costs associated with his failure to appear. Faced with the likelihood of paying costs to the company, the plaintiff dismissed his lawsuit.


**Dismissal of former employee suit against manufacturing company executives and management.** Successfully defended manufacturing company executives and management employees in lawsuit brought by former employee for wrongful termination, intentional infliction of emotional distress, and other tort claims. Obtained dismissal of all claims.

**Pre-trial resolution of discrimination litigation.** Achieved favorable confidential settlement at mediation on behalf of healthcare provider resolving litigation concerning race and national origin discrimination and retaliation claims in the Northern District of Georgia.