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Employment Law Practice—US Overview

An Overview

There are few thornier areas of law than employment. It involves broad, substantive issues ranging from hiring and pre-employment inquiries, compliance with a panoply of employment laws, discrimination and harassment, workplace investigations, terminations, mass layoffs and plant closings. It encompasses many facets of client representation: advising, negotiating, drafting and litigating. It arises everywhere, from the boardroom and factory, through regulatory agencies, and into court. It crosses political boundaries, touching international and interstate commerce, as well as immigration. Employment law lies at the very core of every business.

In the United States, small and large employers turn to us for representation in a wide range of employment matters. In addition, as a global law firm, White & Case is uniquely equipped to advise on employment issues on a global basis. With 36 offices located in financial and technology centers on five continents, we effectively assist clients with employment issues anywhere in the world. Our US employment lawyers also work very closely with our well-regarded Employee Benefits/Executive Compensation, Immigration, Intellectual Property, M&A and Securities practices.

The advice we give spans the scope of business—from start-up companies, through growth and expansion to, if necessary, plant

closings. We have significant experience with large, worldwide companies and have advised them on legal issues specific to their business and the locations of their offices. We also have deep experience advising start-up companies and small employers with their day-to-day employment practices. We are well-equipped to advise US companies, US affiliates of non-US companies and clients doing business around the world.

Many employment-related issues have the potential to cause serious public and investor relations problems if not handled properly. White & Case lawyers are sensitive to the need for speedy resolution and confidentiality in such matters and offer solid advice, well-based in the law and tempered by ample experience and good judgment, to help companies avoid such pitfalls.

Advice on Hiring, Compensating, Retaining and Dismissing Employees

Clients turn to White & Case for counsel on a wide range of employment issues—including:

- Hiring: Offer letters; employment agreements; background checks; drug and alcohol testing.
- Employment Handbooks: Advice regarding employment policies, such as discrimination and harassment, information systems and wage and hour policies.
- Compliance with Laws: Discrimination and harassment; employee leave; wage and hour; and other federal, state and local employment laws.
- Discrimination and Harassment: Advice regarding complaints and workplace investigations.
- Immigration: Visa petitions; applications for immigrant status; and Form I-9 audits.
- Individual Terminations: Advice regarding terminations, including preparation of separation and release agreements.
- International/Cross-Border: Advice regarding expatriate employees; secondments; establishing offices in new jurisdictions; global compliance and data privacy.
- Mass Layoffs, Plant Closings and Reductions-in-Force: Advice on compliance with federal and state WARN Acts; separation and release agreements (including compliance with OWBPA requirements); and retention packages.
- Mergers and Acquisitions: Employment due diligence for corporate transactions; and advice on integration including hiring, retention and termination.
- Outsourcing: Advice regarding transfer and/or termination of employees.
- Restrictive Covenants: Review and prepare noncompetition and confidentiality agreements, with heightened sensitivity to related intellectual property issues.

- Training Seminars: Provide training seminars for senior management, supervisors and staff employees on a broad range of topics, including discrimination and harassment prevention, conducting workplace investigations, family and medical leave and wage and hour laws.
- Wage and Hour: Overtime classifications; reclassification of exempt/non-exempt employees.

Resolve Disputes Quickly and Favorably

We handle cases of any size and complexity, from complaints filed with state agencies to class actions, multidistrict litigation and company-wide government investigations. Our lawyers have the skills and experience to handle employment disputes with discretion and achieve timely and favorable resolution of such matters. White & Case represents clients in lawsuits and disputes concerning all aspects of employment law, including:

- EEOC and State/Local Fair Employment Practices Agencies: Preparing position statements; participating in mediations; and representing clients in administrative proceedings.

- Federal and state courts throughout the US: Representing clients in employment lawsuits, including claims relating to: discrimination and harassment, retaliation, family and medical leave, overtime pay, commissions and deductions from wages; ERISA; whistleblower laws; restrictive covenants (including seeking injunctive relief where appropriate); defamation; common law and statutory tort; breach of contract and wrongful discharge.
- Arbitrations and mediations in all forums, including before the American Arbitration Association, the Financial Industry Regulatory Authority and JAMS panels.
- Class/Collective Actions: Federal and state wage and hour claims, and claims of discrimination and harassment.
- Department of Labor Audits: Representing clients in audits and compliance reviews with the US Department of Labor and state departments of labor.

Our focus is on obtaining the best possible result for our clients, as quickly as possible. We are typically able to resolve matters prior to trial, often on motion. When matters cannot be resolved without trial, we have a strong record of success in jury trials, bench trials, arbitrations and administrative proceedings.

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For more information about our Executive Compensation, Benefits, Employment and Labor practice, please visit our website
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