



## EMPLOYMENT LITIGATION AND COUNSELING

Employment litigation contributes the greatest volume of cases filed in the Federal Court System. Conner & Winters attorneys have extensive experience representing management in all aspects of employment litigation and advising management how to best avoid such litigation.

### Litigation

Employment cases often begin as administrative complaints filed with the Department of Labor, EEOC, or comparable state agencies. Our employment lawyers maintain a working knowledge of the regulations and procedure manuals promulgated by the various state and federal agencies charged with investigating and determining alleged violations of various employment laws. By assisting our clients with internal investigations, compilation of relevant documents, and preparation of written responses (normally called "Position Statements") that present factual arguments backed by legal authority refuting the allegations, many potential cases are favorably resolved without ever reaching the courts.

Because of the breadth of regulations and laws at the local, state and federal level underlying employment litigation, our employment lawyers devote the majority of their practice to assisting employers in this complex area of the law. While most cases contain allegations of violation of statutes such as those dealing with race, religion, gender, age, disability, or other protected status, cases also routinely involve claims alleged under other lesser understood statutes, regulations and common law principles such as those protecting rights of privacy and free association. Our employment lawyers use their in-depth knowledge spanning the entire field of employment law to assist clients in identifying and presenting the full range of defenses available to employers facing these complex cases.

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### RELATED PRACTICES

Alternative Dispute Resolution  
Employee Concern Resolution and Whistleblower Defense  
Labor and Employment  
Labor Union Matters

## Employment Litigation and Counseling

### Day-to-Day Counseling

Our employment attorneys also provide day-to-day consultation with clients covering an array of issues such as:

- Disability accommodation
- FMLA leave requests
- Employee discipline
- Termination issues
- Staff reductions, including compliance with the federal Worker Adjustment and Retraining Notification Act (WARN) and parallel state laws

Our clients also confidently seek our legal advice on compliance issues unique to their respective industries. The Firm's transportation clients call upon our knowledge and experience in interpreting DOT Hours of Service Regulations, driver qualification requirements, and laws relating to the use of independent contractors. Our airline clients depend upon our advice related to FAA regulations governing training, record keeping, and drug testing of employees in safety sensitive positions. The Firm's many clients engaged in the provision of medical services seek our advice with regard to HIPAA compliance and employee licensure. We also counsel clients engaged in government contract work to assure compliance with applicable regulations as well as legislation such as the Service Contract Act and the Davis Bacon Act.

### Employment Documentation

Our attorneys assist clients in the preparation of offer letters, employment agreements, and separation agreements and releases. Rather than utilizing a "cookie cutter" approach to drafting, we work closely with the client to craft a document that is clearly understood and tailored to achieve each client's goals.

Employers are increasingly desirous of avoiding court litigation through the use of alternative dispute resolution programs. While these programs can be of great benefit to the employer, they must be carefully drafted to comply with the requirements imposed by applicable statutory and common law. These requirements will vary from state to state and in some instances from one federal appeals circuit to another. Consequently, our clients rely upon us to not only draft initial programs but to keep them abreast of changes in the laws that will require amendments to the programs.

While most employers publish employee handbooks to inform employees of applicable policies and procedures, the number of truly good handbooks is very small. Many resort to legal jargon, present inconsistent policies, misinterpret the law, or fail to account for different requirements in various legal jurisdictions where the handbook will be used. In preparing or revising a client's employee handbook, we first begin by understanding the client's guiding principles on subjects as diverse as employee discipline, overtime, benefits, leave, wages, job security and advancement. We then assist the client to reduce those principles to policy

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statements using clear positive language.

### **Publications & Events**

Federal Court in Texas Strikes Down Recent Labor Department Rule Increasing Minimum Salary Level for Exempt Employees

11.21.2024

Texas Judge Bars Implementation of FTC's Final Rule Banning Non-Competes

08.21.2024

Preparing for the September 4th Effective Date of the New FTC Rule Banning Non-Competes

08.05.2024

Randie Thompson Quoted in Bloomberg Law About Health Plan Prescription Drug Lawsuit

*Bloomberg Law*, 08.02.2024

FTC Issues Final Rule Prohibiting Non-Compete Clauses

05.28.2024

EEOC Issues Final Rule Limiting Employers' Ability to Request Documentation from Employees Seeking Certain Accommodations

05.14.2024

New HIPAA Privacy Rule Requires Action by Certain Group Health Plans

05.13.2024

New Federal Rule Extends Overtime Pay to Millions of Workers

04.23.2024

Employers Must Examine the Scope of Their Confidentiality and Non-Disclosure Provisions Post NLRB Decision

05.25.2023

Employment Law Alert: Practical Advice for Employers Considering Mandatory Vaccination Policies in the Workplace

08.11.2021

Nuclear Employer Alert: NRC Board Grants TVA Executive's Motion to Aside Immediate Effectiveness of Staff Order in Discrimination Case

11.04.2020

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Employment Law for Ministries: Whistleblowing and Ministries

10.14.2020

Nuclear Employer Alert: NRC Hearing Requested in TVA Discrimination Case

09.25.2020

Nuclear Employer Alert: What This Week's NLRB Ruling on Investigation Confidentiality Means for Nuclear Employers

12.19.2019

NUCLEAR EMPLOYER ALERT: NRC CITES ADDITIONAL VOGTLE RETALIATION VIOLATIONS

11.22.2019

### **News**

Conner & Winters Elevates Langley, Mizell and White to Partner

01.23.2024

30th Edition of Best Lawyers® Recognizes 67 Attorneys from Conner & Winters

08.18.2023