

Calfee's labor and employment attorneys represent publicly and privately held corporations, partnerships, and sole proprietorships, including unionized and non-union employers, and public-sector entities. Besides day-to-day employment counseling, we handle administrative complaints and litigation concerning state and federal discrimination laws, National Labor Relations Act, Family & Medical Leave Act, Fair Labor Standards Act, and state workers' compensation systems. Additionally, our lawyers provide aggressive, cost-effective defense of claims of wrongful discharge and violations of individual employment rights and excel in enforcing post-employment agreements, such as non-compete and confidentiality agreements.

In the union setting, our lawyers represent management in grievances, arbitrations, and collective bargaining negotiations. Calfee attorneys also provide labor and employment advice to clients in the context of mergers, acquisitions and other corporate transactions, including the potential effects of union agreements, severance programs, and state and federal plant closing/mass layoff laws.

With the continuing challenges presented by the increasing number and complexities of laws affecting the workplace, Calfee's labor and employment attorneys provide timely guidance and counsel to employers on all employment issues. We are committed to addressing workplace-related concerns and disputes that often arise on a moment's notice. Working with human resources professionals, our practitioners assist clients in avoiding potential liabilities and in maintaining working environments committed to the mutual respect and appreciation of individual contributions.

Representative Experience

Employment Counseling

- > Employment at-will
- > Personnel policies and employee handbooks
- > Employment agreements
- > Discipline, discharge and other personnel actions
- > Mergers, acquisitions, divestitures
- > Workforce restructurings, downsizings, force reductions

- > Post-employment covenants
- > Hiring of foreign professional workers
- > Employment law compliance training

Workplace Discrimination

- > Title VII and state discrimination laws
- > Age Discrimination in Employment Act
- > Americans with Disabilities Act
- > Sexual and other workplace harassment

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800 Superior Avenue
Cleveland, Ohio 44114-2688
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21 East State Street
Columbus, Ohio 43215-4243
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614.621.0010 **Fax**

www.calfee.com

- > EEOC and state agency proceedings
- > Discrimination and “wrongful discharge” litigation
- > Affirmative action plans, programs and compliance

Labor Management

- > Union avoidance and defense
- > Employee relations counseling
- > Collective bargaining agreement negotiation
- > Proceedings before the National Labor Relations Board
- > Grievance counseling and arbitration
- > Strike contingency planning/security operations
- > Strike injunction litigation
- > Ohio Public Employers’ Collective Bargaining Act
- > Union decertification/deauthorization

Employment Laws

- > Fair Labor Standards Act (wage/hour)
- > Family and Medical Leave Act
- > “Whistleblower” Acts
- > Federal mass layoff/plant closing laws (WARN Act)
- > Trade secret laws
- > Fair Credit Reporting Act
- > Older Workers Benefit Protection Act
- > Drug testing
- > Immigration Reform & Control Act

Representative Projects

Labor and Employment Relations

- > Represented employers in lengthy strikes that resulted in union returning to work with contract terms less favorable than employer’s final pre-strike offers. In each case, employer successfully maintained operations during the strike.
- > Prepared employee handbooks and individual employment agreements preserving employment at-will and other important rights of the employer.
- > Prepared employment agreements covering highly compensated executives involving complex compensation schemes and change in control provisions.
- > Prepared separation agreements by which employees were terminated from employment with release of all claims against the employer, while assuring compliance with the requirements of the Older Workers Benefit Protection Act.
- > Represented employer in unfair labor practice investigation and hearings regarding subcontracting of work, resulting in total victory when court of appeals denied enforcement of National Labor Relations Board order.
- > Counseled clients acquiring the assets of unionized corporations concerning their rights to avoid labor agreements and unilaterally establish initial terms and conditions of employment, including decertifying or withdrawing recognition from incumbent unions.

- > Conducted numerous in-house training seminars for management concerning compliance with all state and federal labor statutes and regulations, union avoidance, sexual harassment, Family & Medical Leave Act, and general employment practices and procedures.
- > Prepared non-compete and non-disclosure agreements, assignments of proprietary rights, and various policies designed to protect trade secrets and safeguard confidential business information.

Discrimination and Workplace-related Litigation

- > Obtained dismissals:
 - At trial of case alleging violation of whistleblower law, wrongful discharge in violation of public policy, and related state-law claims.
 - At trial of case alleging breach of contract, wrongful termination, and defamation.
 - Of case alleging same-sex sexual harassment.
 - Of race discrimination case brought by probationary employee discharged for poor performance.
 - Of age discrimination case brought by employee terminated from employment as part of management restructuring.
 - Of case alleging disability discrimination.
 - Of case alleging age, sex, and disability discrimination arising out of employer's decision to award promotion.
- > Obtained enforcement of non-competition agreement against former employee who had accepted employment with competitor, resulting in order barring employee from working for competitor for a two-year period.

Arbitrations

- > Defended employers in numerous cases in which employer discharged union employee, resulting in findings that employer discharged employee for just cause.
- > Represented employers in arbitrations upholding the terminations of employees guilty of engaging in wildcat or unauthorized strikes.
- > Represented employers in cases where union claimed the employer impermissibly had assigned bargaining unit work to supervisors or other non-bargaining unit employees.

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Additional Internet Resources

- > Bureau of Labor Statistics
<http://stats.bls.gov>
- > Congressional Record
www.gpoaccess.gov/crecord/index.html
- > Department of Justice
www.usdoj.gov
- > Department of Labor
www.dol.gov
- > Equal Employment Opportunity Commission
www.eeoc.gov
- > Federal Mediation and Conciliation Service
www.fmcs.gov/internet
- > Federal Register
www.gpoaccess.gov/fr/index.html
- > Federal Register Table of Contents
www.access.gpo.gov/su_docs/fedreg/frcont04.html
- > National Labor Relations Board
www.nlr.gov/nlr/home/default.asp
- > National Mediation Board
www.nmb.gov
- > U.S. Federal Government Agencies Directory
www.lib.lsu.edu/gov/fedgov.html
- > U.S. House of Representatives
www.house.gov
- > U.S. Senate
www.senate.gov
- > White House
www.whitehouse.gov