

Employment disputes can disrupt productivity, corporate growth, and, in the worst cases, employee morale. That's why the labor and employment attorneys at Odin, Feldman & Pittleman work closely with business clients to craft proactive plans that prevent and discourage disruption in the workplace and improve employee relations, thereby allowing the organization to remain focused on its primary goal: driving the business forward.

We counsel business clients in all aspects of labor and employment law, from employee benefits and retirement plans to executive compensation and employment agreements. We represent Virginia employers—large and small—to deliver personnel advice, provide counseling and training for senior leaders and implement labor relations strategies that maintain a union-free workplace.

Negotiation sometimes falls short of resolution, leaving litigation as the best and only remaining option. In such cases, when going to court becomes unavoidable, our labor and employment litigators leverage their depth of experience, knowledge of the law and successful track record of defending business clients against employee claims to design an aggressive courtroom strategy.

AREAS OF CONCENTRATION

We advise clients in Virginia, Maryland, Washington, D.C., and throughout the United States on the following:

Labor and Employment Litigation.

As state and federal regulation of the workplace proliferates, the number of employment-related disputes and claims tends to follow suit, making employment litigation seem inevitable for employers today. In other cases, employers are forced to litigate in order to protect themselves, including against unfair competition. When litigation is unavoidable, we work closely with our clients to maximize advantages, manage cases effectively, and implement the appropriate and most effective method for accomplishing the employer's goals. This approach enables us to pursue strategies to advance your interests while also effectively managing the costs of litigation.

Our labor and employment attorneys bring an exemplary record of accomplishment and successful defense of clients in a wide variety of labor and employment matters. We regularly represent clients in federal courts and federal administrative agencies nationwide. We bring a special expertise to matters pending in state and federal courts throughout Virginia, Maryland, and the District of Columbia.

Our experience includes the defense of employers in cases brought under the following:

- Civil Rights Act of 1964 – Title VII claims of discrimination based on race, color, sex, religion, and national origin, including harassment claims
- Age Discrimination in Employment Act (ADEA)
- Pregnancy Discrimination Act

LABOR & EMPLOYMENT

- Americans With Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA) and wage and hour laws
- Family and Medical Leave Act (FMLA)
- Employee Retirement Income and Security Act (ERISA)
- National Labor Relations Act (NLRA)
- Service Contract Act (SCA)
- Virginia, Maryland, and Washington, D.C. and other state statutes and local ordinances

We also aggressively advocate for employers in litigation and administrative claims involving:

- Wrongful discharge actions
- Breach of contract claims
- Enforcement of restrictive covenants through injunctive relief and damages
- Confidentiality agreements and trade secret litigation
- Grievance arbitrations under collective bargaining agreements
- Libel, slander and defamation
- Conversion of corporate property
- Defense against claims of intentional infliction of emotional distress and assault and battery
- Unemployment compensation
- Employment law claims against government contractors

Our experience in labor and employment mediation, arbitration, and administrative litigation includes matters before the following:

- Equal Employment Opportunity Commission (EEOC) and local Human Rights Commissions (deferral agencies)
- National Labor Relations Board (NLRB)
- U.S. Department of Labor (DOL)
- Office of Federal Contract Compliance Programs (OFCCP)
- Maryland Division of Labor, Licensing and Regulation
- District of Columbia Office of Human Rights
- Fairfax County Office of Human Rights and Equity Programs
- Virginia Employment Commission

LABOR & EMPLOYMENT

Labor Relations.

We have extensive experience in handling labor relations matters under the National Labor Relations Act, having assisted employers in all stages of the labor relations process, including:

- Management training in strategies for obtaining or maintaining a union-free environment
- Development and management of campaigns to defeat union organizing drives, including National Labor Relations Board (NLRB) certification elections
- Development and management of campaigns to decertify unions in NLRB decertification elections
- Representation of employers with unfair labor practice charges before the NLRB
- Collective bargaining negotiations and drafting of agreements
- Representation of employers in grievance and arbitration matters arising under collective bargaining agreements

Employment Law Counseling, Training and Investigations.

Our labor and employment attorneys regularly counsel employers on employment actions and personnel policies at each phase of the employment relationship from recruiting to interviewing and hiring to streamlining the workforce and termination. By teaming with our clients' human resources and operations executives, we suggest strategies for risk management and enhanced worker productivity.

Our attorneys routinely advise and train managers and supervisors in the following:

- Collective bargaining and grievance adjustment
- Maintaining a union-free workplace
- Addressing substance abuse in the workplace
- Overtime compensation methods and proper classification of exempt employees
- Documenting employment actions
- Interviews and employment applications
- Managing and counseling "problem" employees
- Preventing workplace violence
- Properly classifying independent contractors
- Telecommuting
- Understanding Equal Employment Opportunity laws and avoiding discrimination claims
- Understanding FMLA leave and accommodations for medical conditions

LABOR & EMPLOYMENT

Employee Benefits and Retirement Plans.

We work closely with clients to understand their business goals so that our counsel reflects and considers their corporate direction. We understand the regulations affecting employee benefits, including the tax code, employment laws, and prevailing wage laws. This allows us to deliver employee benefits and retirement plans to our clients, including:

- Qualified deferred compensation plans, including defined benefit, defined contribution and profit sharing, 401(k) plans, and Employee Stock Ownership Plans (ESOPs)
- 409A Non-qualified deferred compensation plans
- Phantom stock, stock appreciation rights and stock option plans and agreements
- Section 403(b) and Section 457 Plans for governmental and not-for-profit organizations
- Flexible benefit/cafeteria/wrap plans

We have extensive experience in working through the IRS and U.S. Department of Labor qualified plan correction programs for clients with operational or plan document failures. We also defend 401(k) plans, employers, and plan administrators in suits brought under ERISA and in pension claims before the U.S. Department of Labor.

Employment Agreements.

We regularly draft, review and litigate disputes involving agreements arising from the employment relationship, including:

- Executive Compensation Agreements
- Employment Agreements
- Non-Compete Agreements
- Restrictive Covenant Agreements
- Non-Disclosure Agreements
- Severance Agreements

Policy Development and Compliance Support.

We routinely review and prepare employee handbooks, audit employer workplace policies, and participate in corporate due diligence efforts.



LABOR & EMPLOYMENT

Representative Matters

- Successfully defended national employer against Teamster organizing drive, winning NLRB representation election in Harrisonburg, Virginia.
- Successfully defended large government contractor against union organizing drive at government facility in Arlington, Virginia, including dismissal union unfair labor practice charges and overruling of objections to NLRB election results.
- Negotiated collective bargaining agreement for employer, ending participation in union health & welfare fund.
- Won summary judgment for employer in race discrimination case arising out of construction project at Washington Nationals baseball stadium and alleging hostile work environment, discrimination and retaliation. Defended DC area restaurant against overtime compensation and other wage-hour claims, including winning denial of motion for notice of collective action under the Fair Labor Standards Act.
- Won summary judgment in FLSA overtime case in United States District Court for the Eastern District of Virginia based on motor carrier exemption.