

PRACTICE

# Labor & Employment

Year after year, Benesch's Labor & Employment Practice Group and its lawyers are recognized as leaders in their field, advising on all facets of labor and employment law and representing clients before regulators and in courts nationwide.

From counseling clients on daily employment issues to handling complex litigation, our labor and employment lawyers have the experience, skills and commitment to meet our clients' many and varied needs.

## Who We Represent

Our team represents public and private sector businesses and organizations across the country and has experience representing employers in virtually every type of lawsuit, in every kind of forum.

## Better In-House

Where other firms outsource traditional labor work, we do it ourselves with first-rate lawyers providing sophisticated and innovative, cost-effective solutions.

## National Insight

Our group has a strong national presence with trade associations and Congressional members and staff, providing us with timely insights concerning trends and developments.

## Who We Serve

- An American multinational corporation that designs, manufactures, markets and distributes vehicles and vehicle parts globally
- A large Midwest hospital system
- An American mass media holding company
- A global technology, infrastructure and financial services company
- A multinational power management company
- Global proprietary trading firms
- The largest retailer-owned cooperative in the world

## Numbers & Recognition

30+

Dedicated attorneys, including many from BigLaw

1/3

of our team does traditional labor work

Recognized Nationally

by Best Law Firms®



Recognized

by Chambers since 2015



50 States

Our attorneys have handled labor and employment matters nationwide



## Representative Matters

- ▶ Represented Materion Corporation in a collective action under the Fair Labor Standards Act and a Rule 23 class action based on state contract law. The plaintiff alleged that employees were not compensated for time spent donning and doffing protective equipment. Benesch limited class certification to the Elmore, Ohio, facility and secured a favorable \$1.5 million settlement for approximately 870 individuals.
- ▶ Obtained substantial relief for American Equipment Systems, LLC (AES) and its parent company, Rotunda Capital Partners, after a competitor poached two veteran AES employees subject to restrictive covenants, including the termination of one of the managers, who was subject to a noncompetition provision, an extension of certain non-solicitation provisions, and protection of trade secrets and other proprietary information.
- ▶ Represented Shearer's Foods, LLC, in a breach of contract claim concerning Long-Term Incentive Plan payments. Plaintiffs claimed payments were owed despite the financials not triggering them. We aggressively defended the case, filing a motion to dismiss and repeatedly opposing overbroad discovery requests through multiple judicial conferences.
- ▶ Prevailed on summary judgment in a nationwide sales representative wrongful termination class action in which the plaintiffs alleged fraud, deceptive practices, breach of contract and unjust enrichment and sought over \$10 million in damages.
- ▶ Represented Installed Building Products against a former employee who alleged a breach of severance agreement, claiming the employer refused to certify that the agreement nullified his restrictive covenants. After summary judgment briefing, the court ruled in favor of the client, dismissing the plaintiff's claims.
- ▶ Provide ongoing support to small and large companies in managing the workforce, hiring and discharge decisions, and workplace policy development and implementation.
- ▶ Represented The Service Companies, Inc. against allegations of wrongful termination and pregnancy discrimination for discharge of the claimant as part of a reduction in force. Submitted extensive position statement and supplemental response supported by client affidavits to refute the claimant's allegations.
- ▶ Represented Great Day against a former employee's wrongful termination claim. After moving to dismiss the initial complaint, the court granted the motion. The plaintiff then filed an amended complaint with additional grounds, but following another motion to dismiss and oral argument, the court largely dismissed the amended complaint, leaving only a few factual allegations at issue.
- ▶ Representing the National Association of Manufacturers in litigation brought against the U.S. Department of Labor, the OFCCP and others to enjoin implementation of the OFCCP's rule requiring federal contractors to post notices informing employees of their rights to unionize and engage in other concerted activity.
- ▶ Secured dismissal via dispositive motion of scores of actions for wrongful discharge and violation of federal and state civil rights laws, including those brought under the Ohio Civil Rights Act, Title VII of the Civil Rights Act of 1964, ADA, ADEA, FMLA and others.
- ▶ Counseled multiple national clients on the creation and implementation of comprehensive employment policies, including revising and/or drafting employee handbooks.
- ▶ Guided a large, publicly held multinational chemical company through an extensive reduction-in-force and subsequent closure, which involved plants in multiple states and WARN implications.
- ▶ Successfully represented employers in maintaining union-free status in the face of organizing campaigns by United Steelworkers, Teamsters, Machinists, SEIU and others.
- ▶ Successfully represented a building supplier with 17 facilities in Ohio, Pennsylvania and West Virginia in obtaining wage and benefits concessions from union employees to match non-union workforce and no probable cause determinations in refusal to bargain ULP, resulting in successful implementation of the last best offer. Resolved the strike of the union facility, which then served as the pattern for agreements with the remaining unionized facilities.
- ▶ Represented many clients in various industries in OSHA investigations, from opening conference through trial. Matters ranged from drafting responses to letter inquiries to representing several employers in death cases.