

## EMPLOYMENT AND LABOR LAW

At Shulman Rogers, the focus of our employment and labor law attorneys is to help our clients successfully navigate through the increasingly complex and ever-changing landscape of laws affecting their issues. We take a pro-active approach to alerting our clients to changes and developments in the law and advising them how to appropriately adapt to these changes. We also work closely with our clients to identify and solve their workplace concerns and issues before they become disputes. Disputes unfortunately do arise, however, and when they do, we vigorously represent clients in resolving those disputes, including in proceedings before local, state and federal administrative agencies and courts.

### **Our Clients**

We advise and defend employers of all types and sizes, from large publicly-held companies to family-owned businesses, and from the well-established to early-stage and growing entrepreneurial companies. We are experienced in handling the specific and unique issues that each of these businesses face. Our attorneys make the effort to understand a client's objectives, and work directly with the client to achieve those objectives. Many of our clients have come to us as referrals from existing clients.

### **Our Strategic Location**

Consistent with our strategic location just outside Washington, D.C., Shulman Rogers has established a reputation for in-depth knowledge of not only federal employment law, but also the laws of Maryland, the District of Columbia and Virginia. Our attorneys have extensive experience practicing before the courts and agencies in those jurisdictions. National and international companies with operations in this region retain us because of our local knowledge and experience; other law firms refer clients or work with us because of these capabilities.

### PRACTICE CHAIR

Fred S. Sommer

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### ATTORNEYS

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### **Our Cost-Effective Approach**

Our broad and diverse employment and labor law practice offers the expertise of “national” or “downtown” firms but at fees reflective of our suburban location and a practical, cost-effective approach in all that we do, whether in counseling our clients or defending them in litigation. We assign attorneys who have the expertise and experience to handle matters effectively and efficiently. We use technology to reduce the cost of litigation.

### **Counseling, Education and Best Practices**

We understand that most employers wish to avoid litigation, and we counsel our clients on preventive measures to help minimize the risk of litigation. We offer advice on day-to-day issues arising in the workplace as well as more complex problems. We assist clients in developing and implementing policies, practices and agreements to avoid liability and comply with workplace legal requirements, including handbooks, hiring documents, employment agreements and severance and release agreements. We develop agreements and policies to protect trade secrets and proprietary information and to prevent unfair competition by former employees. We also provide on-site training to management, supervisors and other employees to help protect our clients against liability and exposure to litigation.

### **Litigation**

Despite preventative practices, litigation is sometimes an unavoidable reality. Our attorneys vigorously represent our clients and actively practice before the federal and state courts and administrative agencies in Maryland, Virginia, and the District of Columbia.

### **Our attorneys counsel clients and litigate issues relating to:**

- Equal employment opportunity, including sexual harassment, discrimination, retaliation, and disability-accommodation
- Termination of employment, including reductions in force, and wrongful discharge
- Investigation of and response to harassment claims and other workplace misconduct
- Wage and hour compliance
- Federal and state leave requirements

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- Union-related matters, including collective bargaining negotiations, union organizing campaigns, grievance arbitrations, picketing, strikes, and unfair labor practice charges before the National Labor Relations Board
- Noncompetition, confidentiality, invention and other agreements preventing unfair competition and protecting trade secrets and intellectual property
- Employment agreements for executives and other key employees and related compensation issues such as stock options and other incentive compensation plans
- Mergers, acquisitions and business reorganizations
- Workplace safety compliance under OSHA and other federal and state laws
- Unique requirements applicable to government contractors, including the Service Contract Act, Drug-Free Workplace Act and Executive Orders

**PUBLICATIONS**

Employment Law Alert-COBRA SUBSIDY EXTENDED – DOL ISSUES REVISED NOTICES

Employment Law Alert - NEW EEO POSTER REQUIRED

Employment Law Alert - Employers Urged to Review Their Employee Leave Policies in Anticipation of the Flu Season, Including Possible Widespread H1N1 Virus Activity

Top five pitfalls in FLSA compliance and how to avoid them

Employment Law Alert - Maryland and IRS Target Misclassification of Workers as Independent Contractors

Employment Law Alert - The COBRA Subsidy

Employment Law Alert - THE EMPLOYEE FREE CHOICE ACT

Employment Law Alert - NEW FMLA POSTER AND FORMS NOW AVAILABLE

Employment Law Alert - Amendments to Americans With Disabilities Act Require Careful Attention by Employers

Employment Law Alert - DISTRICT OF COLUMBIA ENACTS SICK AND SAFE LEAVE ACT

Employment Law Alert - Forfeiture of Leave on Termination Again Permitted Maryland Flexible Leave Act

Employment Law Alert - NEW POSTERS FOR EMPLOYERS

EMPLOYMENT AND LABOR LAW (Continued)

Employment Law Alert - Forfeiture of Accrued Vacation or Similar Leave on Termination of Employment May No Longer be Permitted in Maryland

Privacy Rules in the Workplace

**NEWS**

Office policies on sexual harassment can help prevent claims -- from men or women

Recession Causes Rise In Man-On-Man Sexual Harassment Claims

More Men Make Harassment Claims

**PAYDAY AT SHULMAN ROGERS**

Tougher Sanctions Ahead for Worker Misclassification

Maryland Adds Bite to Workplace Fraud Penalties for Builders

Meredith Campbell & Stacey Schwaber Obtain Dismissal of Unfair Labor Practice Charge

**EVENTS**

Employment Roundtable: The Employee v. Independent Contractor Dilemma

True Tales of Employment Law

**CASE STUDIES**

Collective Bargaining Negotiations

Defeat of Union's Attempt To Expand Its Jurisdiction

Dismissal of Unfair Labor Practice Charge

Successful Counterclaim Against Former Employee Who Sued For Commissions

Summary Judgment Against Age/Sex Discrimination Claims

Summary Judgment Against EEOC Lawsuit Alleging Sex and Race Harassment

You Can Go, But Leave My Patients