

EMPLOYMENT PRACTICES AND BENEFITS

Our clients deserve prompt, practical, no-nonsense answers to their employment questions. Our clients need experienced attorneys to guide them through the maze of applicable laws and regulations and who can defend their interests if the employee is subjected to charges, suits, audits, or other legal attacks.

The Employment Practices and Benefits group regularly represents companies which employ between 5 and 25,000 employees, as well as senior executives and other professionals. We understand that most employment matters require immediate attention and resolution so that the client can focus on its core business.

Services Provided

Employment Law

- Confidentiality/Nondisclosure Agreements
- Contract Review, Policies & Procedures
- EEOC Charges & Position Statements
- Employee Counseling & Termination
- Employment Discrimination & Retaliation Law
- Employee Handbooks
- Employment & Noncompetition Agreements
- Executive Recruitment & Termination
- FMLA, ADA & Employee Leave
- General Workplace Issues
- Internal Investigations
- Layoffs, Terminations & Reductions in Force

Related Industries

- Distribution
 - Healthcare
 - Manufacturing
 - Energy
 - Real Estate, Hospitality and Construction
 - Financial Services
 - Government
 - Retail
 - Sports and Entertainment
 - Technology
 - Automotive
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Group Members

David V. Brennan
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- Management & Employee Training
- Mergers, Acquisitions & Other Business Transactions
- Privacy & Nondiscrimination (HIPAA) Requirements
- Severance Agreements
- Sexual Harassment
- State & Federal Court Litigation
- Trade Secret Protection
- Wage & Hour Compliance & Litigation

Employee Benefits

- 401(k), profit-sharing plans, and pension plans
- 403(b) and 457 plans for tax-exempt and governmental employers
- Cafeteria plans, Flexible Spending Account Plans (FSAs) and Health Savings Accounts (HSAs)
- COBRA and HIPAA issues
- Employee stock ownership plans (ESOPs)
- Executive compensation, including nonqualified and equity-based plans including phantom and restricted stock
- Health and welfare plans and Affordable Care Act (ACA) issues
- IRS and DOL Audits
- IRS and DOL Voluntary Correction Programs
- Premium Only Plans
- Wrap Documents

Representative Experience

- A construction company client turned to us for representation in a complex business litigation case. A former owner and vice president of the company sued our client for breach of employment contract, fraud and unfair trade practices, seeking a recovery of between \$10 and \$14 million. Throughout the litigation, we hammered away at the plaintiff and opposing counsel, successfully limiting their claims,

gaining sanctions against them for discovery abuses, and achieving other victories that placed them in a vulnerable position. Sitting in the driver's seat on the eve of the trial, we were able to reach a very favorable settlement on behalf of the client that was significantly below what the plaintiff had sought.

- A group of life insurance agents in South Carolina spun off from our client – an agency of a large life insurance company with hundreds of agents throughout the Southeast – and began soliciting our client's customers. We concluded that this brazen encroachment violated nonsolicitation agreements. Consequently, we acted as general counsel for the company, reached out to one of the many law firms in our network to retain local counsel for our client, and served as the intermediary between the various parties involved in the matter. We supervised the filing of a complaint against the agents and a motion for temporary restraining order and preliminary injunction. The TRO motion was successful and ultimately led to the negotiation of a settlement agreement that restricted the agents from soliciting the client's customers. Our efforts helped advance the body of law regarding non-solicitation agreements and, importantly, allowed our client move on to do what it does best: serve its customers.
- A local company learned during the course of an audit that it had inadvertently made numerous errors in administering its 401(k) plan. We reviewed their options for correction under the IRS and DOL voluntary compliance programs and proposed a solution that significantly reduced their exposure and obtained approval by the IRS and DOL.