

Labor & Employment

Our nationally acclaimed labor and employment practice helps employers navigate the ever-changing regulations of labor, employment and benefits law. We advise companies across the entire spectrum of labor and employment issues, including harassment, discrimination and retaliation; wage and hour; non-compete and trade secrets; WARN Act litigation; labor law; and employment law counseling and training. We address employment issues that can impact corporate transactions to ensure compliance with employment laws, executive contracts, and labor relations while considering business goals and objectives.

Employment Law Counseling & Training

Our business acumen and employment litigation experience combine for practical, insightful legal guidance for corporate decision makers. We advise on pay structures, wage and hour concerns and leave and accommodation issues/discipline termination decisions, analyze company restructuring and reduction-in-force plans, navigate the impact and notice requirements of plant closings and layoffs, review the labor and employment aspects of purchase and sale transactions, and develop employment policies that promote employer's business and personnel objectives.

Employee Benefits & Executive Compensation

We counsel closely held and public companies and tax-exempt organizations on all facets of employee benefit and compensation plans. We advise executives concerning compensation arrangements while balancing corporate interests.

Litigation

We successfully defend allegations of wrongdoing involving all aspects of federal and state wage and hour laws, discrimination and harassment, retaliation, leave-related claims, disability

KEY CONTACT

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FOCUS AREAS

Non-Competes & Restrictive
Covenants
Wage & Hour

RELATED CLIENT SERVICES

Corporate & Securities
Employee Benefits & Executive
Compensation
Financial Restructuring
Labor & Employment
Real Estate
Taxation

accommodation issues and employment contract disputes, particularly including enforcement or defense of restrictive covenants and confidentiality/trade secret provisions. Our litigation team has handled all types of employment-related litigation in legal forums throughout the country.

Labor Law

Union labor contracts and employment policies present some of the most challenging employee issues in today's workforce. Our labor and employment law attorneys represent clients in negotiations and contract administration in the public and the private sectors. We assess areas of vulnerability to avoid unwanted confrontation between employees and management, and serve as chief negotiators, bargaining committee members and/or "back room" advisers and strategists for productive negotiations.

Experience & Significant Representations

Employment Discrimination Litigation

- Represented a large law firm in a lawsuit filed by a then-current employee who alleged she was denied a promotion because of her race.
- Represented a self-storage company in race discrimination and sexual harassment litigation filed by a former employee.
- Represented a trucking company in a national origin discrimination case filed by a former employee.
- Represented an international accounting firm in federal and state court litigation against claims of race, national origin and gender discrimination brought by former employees.
- Defended an international non-for-profit pension and health benefits organization against claims of disability discrimination and retaliation filed by a former employee.
- Represented a telemarketing company in a case filed by three former employees alleging sexual harassment and retaliation.
- Represented a large hospital in a case brought by a former employee who alleged that the hospital discriminated against him because of his military service.
- Defended against claims of sexual harassment and retaliation brought against a national food processor by a former sales representative.
- Represented a regional hospital in litigation brought by a former employee alleging that the hospital terminated her employment because of her alleged disability.
- Represented a large restaurant in a case filed by a group of former employees alleging sexual harassment and retaliation.

- Represented a manufacturer of textiles against claims of sexual harassment asserted by a then-current employee.
- Represented an international chemicals manufacturer in a discrimination case brought by a then-current employee alleging that she was denied a promotion and terminated because of her race.
- Defended a manufacturer of beauty product ingredients in a case brought by 10 former employees alleging that a voluntary termination program offered by the company was discriminatory on the basis of employees' ages.
- Represented a janitorial services company in cases brought by former employees alleging race and national origin discrimination.
- Represented an aircraft maintenance company in a case filed by a former employee alleging age discrimination.
- Represented a manufacturer of computer connectors in litigation filed by a then-current employee alleging that our client discriminated against the employee on the basis of his race and religion.
- Represented nursing homes in state court litigation in which former employees alleged that our clients fired them for whistleblowing activities.
- Represented a hospital in national origin and disability discrimination cases. Represented a large international bank and financial services company in a sex discrimination case, FMLA case, race discrimination case, non-compete issues and all other employment matters.

Wage and Hour Litigation

- Defended corporate defendants in class action litigation alleging improper employee classification (i.e., application of the executive exemption to assistant and store managers), improper work-hours calculations and failure to pay overtime, and improper calculation of wages and overtime amounts in connection with bonus and commission payments.
- Represented a retail client in a FLSA collective action and state-counterpart claims alleging failure to pay overtime based on improper application of piece rates by the employer and propriety of independent-contractor classifications.
- Defended a company (including certain corporate officers) with 100+ retail stores in class action litigation alleging improper employee classification of assistant and store managers, improper work-hour calculations, failure to pay overtime and improper calculation of wages and overtime amounts in connection with bonus and commission payments.

- Defended a company against class action claims alleging failure to pay in excess of \$1 million to in-home installers based on purported miscalculation of travel and overtime wages.
- Defended a restaurant licensor and licensee against a class action complaint alleging miscalculation and/or underpayment of wages, tips and bonus amounts and failure to pay wages for all hours worked and/or overtime.
- Represented a retail client against claims alleging misapplication of executive exemption under the FLSA and resulting failure to pay overtime for all hours worked by employee.
- Defended a FLSA collective action filed by restaurant employees alleging failure to pay overtime for all hours worked, as well as alleged misapplication of professional, administrative and executive exemptions.
- Defended a lawsuit alleging failure to pay overtime for all hours worked at various restaurants, including assertion of defenses against the plaintiffs' alleged application of a "single employer" doctrine relative to various corporate defendants.
- Defended a health care client in a suit alleging failure to pay overtime for all hours worked.
- Defended a landscaping company alleging violations of the FLSA and the Illinois Minimum Wage law.
- Defended a metal manufacturing and distribution company against a FLSA claim alleging improper job classification/exemption and resulting failure to pay overtime.
- Defended a national service company regarding alleged FLSA and state-counterpart overtime violations; assertion of counterclaims against employee based upon falsification of time sheets and false claim for alleged overtime.
- Defended a company against class action claims alleging failure to pay more than \$1 million to in-home countertop installers based on purported miscalculation of travel and overtime wages.
- Defended a chain of restaurants against a class action complaint alleging miscalculation and/or underpayment of wages, tips and bonus amounts and failure to pay wages for all hours worked and/or overtime.

Non-Compete Agreements and Related Litigation

- Represented an international chemicals manufacturer in federal court litigation initiated by a competitor alleging that our client hired an employee in violation of his non-competition agreement and that the employee shared stolen trade secrets with our client.
- Filed suit in state court against four former employees of a manufacturer of credit card processing equipment; the former employees started a competing business and solicited the company's customers in breach of their legal obligations to the company.

- Represented an international manufacturer of photocopying and printing equipment, as well as its top salesman, in federal court litigation brought by one of the client's chief competitors who alleged that the salesman breached the terms of his non-competition agreement and misappropriated its trade secrets by working for our corporate client.
- Defended a manufacturer of beauty product ingredients in state court litigation in which the competitor alleged that our client hired one of its top salespeople in violation of his contractual obligations and misappropriated its trade secrets and confidential information.
- Brought suit in state court on behalf of a manufacturer of traffic materials against a former employee who had started a similar business and was unfairly competing against the company.
- Represented an insurance brokerage company in a federal court lawsuit we filed against a former employee who solicited the company's clients and disclosed the company's confidential information in breach of his employment agreement and in violation of his other legal obligations to the company.
- Filed suit in state court on behalf of a Web page designer against three former employees who left the company to start their own competing business; the former employees solicited the company's clients and made false representations in the marketplace about the company's business practices.
- Represented a salon and day spa in a state court lawsuit we filed against two former stylists who left the salon to join a competing salon just 1 mile away and who poached the salon's clients and took with them confidential client-related information.
- Represented a corporate hospitality company in a series of state court non-competition cases involving the company's chief competitor; the two companies sued and counter-sued each other alleging that each company had a practice of stealing the other company's employees and confidential information and otherwise engaged in unfair competition.
- Filed suit in state court on behalf of a trucking logistics company alleging that a former employee breached the terms of his non-competition agreement by joining a competitor, misappropriating the client's trade secrets and confidential information, and soliciting the client's customers and employees.
- Represented the founder and owner of a life insurance benefits company in federal court litigation who left his former employer to start his own competing business; our client's former employer frivolously alleged that our client breached his employment contract by forming his own company and that he unlawfully solicited its clients, resulting in the court imposing monetary sanctions against the former employer.
- Represented an international financial services company and one of its top money managers in a federal court lawsuit brought by a competitor alleging that the money manager accepted employment with our client in violation of his non-competition agreement and that he stole confidential information.

- Defended an executive of a legal recruiting firm in state court litigation in which the executive's former employer alleged that the executive breached the terms of his employment contract by accepting employment with a competitor and servicing his former accounts.
- Represented the founder and owner of a company specializing in refurbishing and reselling computer equipment; our client's former employer filed suit in federal court, alleging that our client stole top secret corporate information and used that information to solicit the company's customers.
- Filed suit in state court on behalf of an international manufacturer of metal coatings against three former employees alleging that the employees violated their non-competition agreements by joining a competitor, soliciting our client's customers and accepting jobs in the industry that would lead to the disclosure of our client's trade secrets and confidential information.
- Defended an individual and his new employer, a \$1 billion+ entity, against claims of theft of confidential information and trade secret misappropriation, as well as alleged violations of employment agreement restrictive covenants.
- Defended individual owners of a newly formed engineering and roofing equipment company against restrictive covenant and trade secret claims by their former employer.
- Defended an individual to defeat a claim for preliminary injunctive relief based on allegations that he violated his non-compete agreement and stole trade secrets when he obtained employment with a competitor in the development of Brownfield properties.
- Prosecuted claims against a client's former division president in the event-planning industry for breach of fiduciary duty and misappropriation of a corporate opportunity.
- Defended an individual accused of forming a rival company, diverting corporate opportunities, and raiding his employer's workforce in violation of restrictive covenants, fiduciary duties and trade secret laws following a \$100 million+ buyout.
- Represented a large cash management advisory firm in a lawsuit against a former owner/officer and obtained emergency injunction prohibiting unlawful conduct in violation of the individual's non-compete and customer non-solicitation obligations.
- Defended individuals who formed an investment bank against their former employer's claims of misappropriation of corporate opportunities and trade secrets.
- Represented a bakery supply manufacturer to obtain a federal court injunction against sales managers who resigned and violated non-compete and confidentiality agreements by using proprietary pricing and product information from a competitor.

- Defended an employee hired by graphic design company in an injunction lawsuit alleging breach of non-compete and non-disclosure agreement with the former employer.
- Prosecuted non-compete and trade secret claims against a former employee on behalf of a client that manufactures printed computer circuit boards.
- Defended a manufacturer of rivets and fasteners against claims for violations of non-compete agreements and misappropriation of trade secrets.
- Represented a client that provided “supercomputers” and related technology services to large financial institutions by obtaining an injunction prohibiting a former executive from soliciting customers in violation of his non-compete agreement and disclosing trade secret information.
- Defended clients accused of misappropriating trade secrets and stealing corporate opportunities in connection with the development of an electronic stock exchange.

Unionized and Union-Free Management Strategy

- Represented a worldwide meat packing company in numerous union organizing drives, NLRB proceedings, and union certification and decertification elections involving the UFCW, Steelworkers and Teamsters at numerous locations.
- Represented a nationwide airline caterer in numerous union organizing drives, NLRB proceedings, and union certification and decertification elections involving the Teamsters and RWDSU at numerous locations.
- Represented a major nationwide distributor of sundry products in multiple union organizing drives, NLRB-conducted elections and NLRB proceedings, involving the Teamsters Union at several locations.
- Retained by national employer with more than 50 U.S. locations to conduct positive employer relations training and union vulnerability audits and assessments.
- Represented a major appliance manufacturer in a federal suit to vacate an unfavorable arbitration award.
- Represented a Midwest processor and distributor of grain products in NLRB proceedings involving the UFCW resulting from a lengthy lockout of bargaining unit employees.

Other Litigation

- Represented a national real estate company in WARN Act class action litigation related to the closing of a hotel.
- Represented a worldwide meat packing company in WARN Act class action litigation involving the closing of one facility and consolidation of another.



- Represented a Midwestern nursing home in WARN Act litigation resulting from closure of a nursing home.
- Represented a nationwide trucking company in WARN Act litigation, resulting from the closure of a facility that lost a major customer contract.
- Represented a large international bank and financial services company in a Sarbanes-Oxley matter, which also involved related state and federal court claims.
- Represented a large health care company in a Sarbanes-Oxley matter.
- Filed suit in state court on behalf of an international not-for-profit organization alleging that a former employee fraudulently obtained disability benefits from the company.
- Represented an international manufacturer of metal coatings in state court litigation filed by a former employee who claimed that he was entitled to severance pay and a six-figure bonus.
- Served as local counsel for a national provider of school bus services in a federal court case filed by current and former bus drivers alleging that the company failed to pay overtime wages.
- Defended a company and company officials against claims by commissioned salespersons seeking more than \$1 million under a company commission payment plan.