

## Why Should You Want a Meltzer Lippe Employment, Labor and Benefits Law Attorney?

We use The Meltzer Lippe Advantage to your advantage, getting quick results and thereby saving you substantial dollars. That is our goal and your advantage.

We have one of the largest, multi-faceted employment, labor and benefits law practice groups in the region – comparable in size and capability to firms that practice exclusively in this area. Yet our team is part of a full-service law firm, allowing us to bring in other lawyers from litigation, tax and corporate to assist employment, labor and benefits law clients.

We have a strong track record of success in defending clients before various administrative agencies including, but not limited to, the National Labor Relations Board (NLRB), New York State Employment Relations Board (NYSERB), United States Department of Labor (USDOL), New York State Department of Labor (NYSDOL) and the NYSDOL Bureau of Public Works (NYSBPW). Our employment, labor and benefits law team regularly handles large complex litigation of all sizes and degrees of complexity. The largest and most powerful unions and union organizers know us and have seen us effectively use strong, practical knowledge of the law to secure victory for our clients. Knowledge of the law, the people, how the system works and our size is our formula for success.

## What is The Meltzer Lippe Employment, Labor and Benefits Law Advantage?

We believe in the value of prevention, which is geared toward keeping your business running smoothly, without interruptions caused by violations of federal and state employment laws. We help clients prevent problems by visiting your work place to observe the environment first hand. We take the time and we have the ability to understand you and your company, including your tolerance for risk and other circumstances specific to you that should be considered in developing a winning strategy.

Avoiding employment litigation and organized labor disruptions is a top priority for success in business. However, not all litigation or union disruptions can be avoided and when it cannot, we defend our clients aggressively and effectively.

We not only defend our clients when a problem arises, we encourage proactive programs designed to avoid claims through management education and training. Professional employment, labor and benefits lawyers work closely with clients to develop policies and procedures that minimize claims and maximize success if claims do arise. However, it takes more than just knowledge of the law to be a good employment, labor and benefits lawyer. It takes knowledge of your client's business, unique circumstances and tolerance for risk to develop proper employment, labor and benefits law strategies. We call this The Meltzer Lippe Advantage and it is what sets us apart from other employment, labor and benefits lawyers.

## We Represent:

- Large and Small Businesses
- Manufacturers
- Retailers
- Technology Companies
- Auto Dealers
- Law, Medical and Accounting Firms
- Banks and Securities Firms
- Insurance Companies
- Architects and Engineers
- Owners, Contractors and Subcontractors
- Construction Managers and Property Managers
- Schools and Municipalities
- Hospitals and Nursing Homes

When you have an employment, labor and benefits law issue, call us and we will help you resolve it quickly and efficiently.

Better still, if you want to prevent employment, labor and benefits issues in the first instance, call us today to schedule a consultation.



*Long Island's Business Law Firm* <sup>SM</sup>

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## EMPLOYMENT, LABOR AND BENEFITS LAW PRACTICE

*Exclusively Representing Management*

## MELTZER, LIPPE, GOLDSTEIN & BREITSTONE, LLP

## Why Do You Need an Employment, Labor and Benefits Law Attorney?

You have heard it said before: An ounce of prevention is worth a pound of cure. This is particularly true when it comes to compliance with employment, labor and benefits laws. Why? Federal, state and municipal labor laws are vast, complex and change frequently. Businesses of all sizes are required to comply with these laws. If you have offices in multiple states, compliance is even more complex. Business owners are not only responsible for their own conduct but also for that of their management team and employees who violate these laws. Employment, labor and benefits lawyers help CEOs become educated about the laws applicable to their organizations and help to educate management as well. An attorney who concentrates in employment, labor and benefits law helps clients answer the following questions that arise on a daily basis:

- What are my rights when union organizers approach my workers?
- How do I stop unions from unlawfully picketing and otherwise disrupting my workplace?
- Am I liable for my employees' conduct on the internet while they are at work?
- How do I ensure that my workplace is free of sexual harassment, discrimination and other hostile behavior?
- How do I protect my company's intellectual property from theft?
- Do I need an employee handbook and what should be in it?
- Are salaried employees entitled to overtime pay?
- Can my staff work through lunch and leave early?
- How do I terminate an employee who is on disability or other leave?
- When interviewing applicants, what can I ask and not ask?

One of the best investments CEOs can make is to engage the services of an employment, labor and benefits lawyer before a problem arises.

## Labor Relations

When unlawful labor activity is taking place at a job site or workplace, we act swiftly and aggressively, obtaining injunctions when necessary, to stop activity that threatens the health and progress of your project. We have successfully represented clients before all of the major authorities: the NLRB, Public Employees Relations Board (PERB) and the NYS Employment Relations Board. When necessary, we will respond to any unfair labor practice proceedings filed against employers. We will counsel you in the investigation stage - when the unfair labor practice charge is filed - and when necessary, at an unfair labor practice trial and any necessary appeals from the trial.

## Handling Union Organizing Campaigns and Remaining Union Free

Meltzer Lippe's attorneys have been involved in hundreds of union organizing campaigns. We counsel clients to proactively avoid union organizing. Using a strategy of prevention, we assess your vulnerability to union organization and we counsel management on how to work with subordinates in an atmosphere of respect, teamwork and productivity so employees will not feel the need for unions. We help management develop employee handbooks, progressive disciplinary systems, effective employee communication programs and fair corporate personnel practices and policies so that employees select to remain union free.

## Collective Bargaining and Union Contract Administration

We are fully experienced in representing clients with collective bargaining agreements and with the complex laws governing relationships with unions. We conduct collective bargaining negotiations, help manage grievances, arbitrate and/or litigate cases, and become involved in other areas of contract administration. Due to our thorough preparation and familiarity with the various arbitrators who hear cases, we can help clients obtain a successful outcome in the majority of cases.

## Wage and Hour Investigations

We frequently represent companies who are being audited by a government agency for compliance with federal or state wage and hour laws. We have represented hundreds of clients in labor audits brought by the United States Department of Labor, New York State Department of Labor, New York State Department of Labor Bureau of Public Work and Office of New York State Attorney General Labor Bureau. We prepare clients for audits by conducting a comprehensive in-house review to determine possible areas of exposure. We represent our clients during the investigation and, if necessary, in subsequent litigation either brought by a government agency or a private plaintiff, in connection with these statutes.

## CASE STUDIES

### Stopping Unfair Labor Practices from Disrupting Your Business

*Two of the largest developers on Long Island were building a project in excess of 250,000 square feet using “non-building” trades labor. The developers were the subject of a “corporate campaign” as well as extensive and hostile labor activity at the job site which shut it down. Before retaining Meltzer Lippe, the developers were advised by their regular employment law counsel that there was nothing they could do to stop the hostile labor activity at the job site. Furthermore, local law enforcement authorities refused to take an active role to prevent the labor activity. The Meltzer Lippe employment, labor and benefits law team knew the activity was illegal and the right strategy could engage local law enforcement to become more active. We filed the appropriate unfair labor practice charges and developed a strategy that stopped the illegal labor activity at the site and construction was able to proceed.*

### Handling Benefits and Pensions in Corporate Transactions

*A company's subsidiary had been a participant in a union pension plan for many years and always paid its pension contributions. In a corporate transaction, the company sold the assets of the subsidiary. The company's prior counsel failed to take appropriate measures to avoid the assessment of withdrawal liability and the company was assessed liability exceeding \$1 million. Our employment, labor and benefits practice lawyers worked together and, using an arcane provision of ERISA, were able to secure a settlement of significant savings.*

### Effectively Handling Harassment Claims

*A supervisor at a large publicly traded company was accused of sexual harassment at an off-site location. We immediately advised the client how to investigate the situation to determine valid claims. The client believes our fast, competent response to the complaint prevented a lawsuit, expensive attorney fees, as well as extensive negative publicity.*

### Protecting Employers from Privacy and HIPPA Violations

*An employee of a client entered an alcohol dependency treatment program and said nothing to his co-workers before taking leave. In response to concerns from co-workers, the manager said their friend would be out of “rehab” soon. In doing so, the manager likely violated the employee's privacy rights and HIPPA. We proactively negotiated a quick, amicable resolution, saving the client an expenditure of time and money.*

## Employment and Labor Litigation

We have been involved in a number of high profile and novel litigations involving:

- Race, Age and Disability Discrimination
- Sexual Harassment
- ERISA
- FMLA
- Defamation
- Computer Piracy and Theft of Trade Secrets, Restrictive Covenant, Non-Solicit and Confidentiality Agreements

We are one of the few law firms that have been victorious over the National Labor Relations Board in an administrative unfair labor practice hearing and in a Section 10(j) proceeding.

Our Labor Law Counsel involves:

- Union Avoidance and Union Campaigns
- RC, RM, RD, UD, UC representation proceedings before the NLRB
- Representation in Section 10(j) and 10(k) litigation brought pursuant to the National Labor Relations Act
- Unfair Labor Practice Charge investigations and trials

## Employee and Executive Benefits Counsel

We frequently represent companies who are being audited by a government agency for compliance with federal or state wage and hour laws. We prepare clients for audits by conducting a comprehensive in-house review to determine possible areas of exposure. We represent our clients during the investigation and, if necessary, in subsequent litigation either brought by a government agency or a private plaintiff, in connection with these statutes.

We provide counsel on:

- Defined benefit plans, profit sharing, stock options, ESOP and stock bonuses
- Deferred compensation, 401(k) plans and other retirement plans
- Health and welfare plans, including termination and elimination of such plans
- Multi-employer plan withdrawal liabilities and funding multi-employer plans
- Set up and administration of third-party plan sponsors and administrators and claims administrators

## Employee Classifications and Tax Obligations

Employers owe taxes for themselves but they are also responsible for collecting and remitting taxes owed by their employees. Properly classifying workers as either employees or independent contractors can be challenging and the tax consequences of improper classifications can be significant.