Traditional Labor Law

Practices and Industries

PRIMARY CONTACTS

Providing representation in labor union matters, labor management relations, collective bargaining, labor arbitrations, NLRB proceedings, and labor law aspects of business transactions.

We have substantial experience in advising and representing management clients in traditional labor law matters. Our lawyers have dealt with virtually every major union across the country, and have handled matters in every forum where traditional labor law matters are litigated, including before the NLRB, state and federal district courts, and the United States Courts of Appeal. Specifically, our traditional labor law practice includes the following:

Representation concerning labor law matters, labor relations strategy, union contract negotiations, and strike planning, which encompasses:

- Labor law compliance issues impacting the workplace, such as permissible policies, practices and work rules.
- Union organizing and lawful responses, including issues relating to card solicitation, union organizer access to property, employee access, solicitation and distribution rules and guidelines concerning communications to employees.
- Union representation matters, including initial petitions for election, bargaining unit accretion, bargaining unit clarification petitions, and decertification petitions and elections.
- Transfer and outsourcing of bargaining unit work, reductions-in-force and consolidations, including related effects bargaining.
- Assessment and costing of labor contracts, establishing negotiations priorities, development of bargaining strategy, identifying requisites for impasse and implementation where bilateral agreements are not achievable.
- Advice to unionized employers regarding strategies to follow concerning soft or hard pension freezes and retiree health insurance, including related and contractual duties.
- Conduct of collective bargaining negotiations, including for new and successor contracts.
- Assistance in planning for negotiations, contingency strike planning, lockouts, obtaining permanent replacements and handling strike-related issues.

Litigation involving traditional labor issues, including:

- Defense of employers in NLRB unfair labor practice proceedings, related subpoena enforcement litigation, and pre-election procedures involving bargaining unit issues.
- Defense of employers against charges of discrimination and unlawful discharge based on union status or activity.
- Defense of labor contract arbitrations involving discipline, discharge and contract interpretation issues, such as subcontracting, establishing rates for newly-created jobs,

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establishing incentive rates, applicability of seniority language under certain circumstances, and maintenance of benefit plans.

Advice, counsel and drafting concerning labor and employment law issues in business transactions, such as:

- Advice and necessary drafting concerning shutdowns and curtailments of operations and transfer of work.
- Advice regarding optimal business structure in light of labor law and collective bargaining requirements and applicability of joint employer and separate employer standards to contemplated forms of business organization.
- Advice and counsel regarding successor liability issues, including advice to minimize successor liability through strategically structured transactions and initial operations.
- Advise entities on successor liability issues relating to the sale or purchase of business enterprises.
- Review and draft labor and employment provisions of asset and stock purchase agreements and other instruments.

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