



Employment & Labor

Foster Pepper's Employment & Labor attorneys are skilled at advising employers in preventive counseling and compliance with employment and labor laws and in successfully defending clients when disputes lead to adversarial proceedings or litigation. Our team is proud to be recognized among leading employment law practices in the annual *U.S. News-Best Lawyers* "Best Law Firms" survey.

We provide practical advice to assist our clients in ensuring policies and procedures align with company goals and objectives. Our team provides counseling, dispute resolution and litigation services in connection with the following:

- Disability and discrimination
- Dispute resolution and litigation, including class action defense
- Human resources policies and procedures
- Terminations and reductions in workforce
- Wage and hour matters
- Workplace investigations

Our Employment & Labor attorneys draw on impressive corporate, municipal, health care, land use and real estate experience within the firm to address our clients' questions effectively and efficiently.

We represent publicly traded corporations, closely held businesses, commercial and investment banks, municipalities, government agencies, partnerships, joint ventures, nonprofit organizations and individual executives and professionals.

AREAS OF FOCUS

Employment Counseling

We strongly emphasize "preventive medicine" in employee relations, alerting our employer clients to potential problems and taking steps early to reduce the possibility of expensive disputes and litigation. We have developed long term relationships with many of our clients through our counseling approach, helping our clients achieve their business goals by advising on best practices that minimize the risk of employment claims.

We provide counseling in the following broad areas:

- Background Investigations
- Disability and Leave Management
- Discrimination laws
- Drug and Alcohol Testing
- Employment Agreements and Employee Handbooks
- Health and Safety Laws
- Management Training
- Non-Competition Agreements and Trade Secrets
- Public Disclosure Requests
- Terminations and Layoffs
- Unemployment Compensation Benefits and Claims
- Wage and Hour and Regulatory Compliance

Corporate Transactions

We provide valuable support to clients who are in process of buying or selling businesses. We review due diligence materials to identify and evaluate employment, labor and benefits risks. We assist in preparing purchase agreement language that protects against those risks.

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Our attorneys prepare executive employment agreements and non-competes, transition services agreements, and documentation helpful in engaging a new workforce, such as offer letters and confidentiality agreements. Upon closing, We assist management in addressing the employment, labor and benefits risks identified in due diligence.

Employee Benefits and Executive Compensation

We advise on employee benefits matters including legal issues arising under the Employee Retirement Income Security Act of 1974 (ERISA), the Internal Revenue Code, federal and state securities laws, and other laws that regulate employee benefit plans and executive compensation. Our experience includes advising public and privately held companies, financial institutions, insurers, public agencies, trustees, and fiduciaries in virtually all aspects of the law. We advise on executive compensation, stock and benefits, including compliance with Section 409A of the Internal Revenue Code. We also have substantial experience defending employers sued for breach of fiduciary duty and participant claims for benefits under ERISA.

Employee Stock Ownership Plans

Our attorneys provide a variety of legal services to facilitate the development, implementation and regulation of Employee Stock Ownership Plans (ESOPs). We advise companies on Employee Retirement Income Security Act of 1974 (ERISA) regulations, as well as special incentives created by Congress to encourage the establishment of ESOPs. Our experience includes creating, designing and implementing ESOPs, structuring business transactions involving ESOPs, Company Employee Stock Ownership Trust (ESOT) acquisitions, redemption strategies and tax planning.

Litigation and Adversarial Proceedings

Our attorneys have extensive experience in federal and state courts, successfully defending virtually every kind of employment and labor claim, including claims relating to: Wrongful discharge and retaliation The Americans

with Disabilities Act Non-competition, non-solicitation and trade secrets The Civil Rights Act of 1964 (Title VII) and Sections 1981 and 1983 Washington Law Against Discrimination Age Discrimination in Employment Act Fair Labor Standards Act and its state law counterparts Civil Service Hearings ERISA Sarbanes-Oxley and whistleblower claims under state law Family Medical Leave Act and its state law counterparts We also effectively handle employment-related claims before a wide range of federal, state and local agencies, including the Equal Employment Opportunity Commission, the U.S. Department of Labor, the Washington Human Rights Commission, and the Department of Labor and Industries. We are adept at avoiding protracted and public employment disputes by participating in alternative dispute resolution processes, including arbitration and mediation.