



## Labor & Employment

Managing your workforce is a complex and ever-changing challenge, and our Employment Law Practice Group can guide you through it all. McGinnis Lochridge lawyers provide legal representation and counsel to employers of all sizes, both private and public. We help employers manage and avoid risks by providing current information on changes to federal and state employment laws, as well as practical guidance on compliance.

Our Employment Law Practice Group has extensive experience across the full spectrum of employment laws and issues including:

- Federal and state discrimination laws, such as Title VII of the Civil Rights Act, Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA) and ADA Amendments Act, Uniformed Services Employment and Reemployment Rights Act (USERRA) and Texas Commission on Human Rights Act.
- Wrongful termination, defamation, intentional infliction of emotional distress and other common law claims.
- Classification of workers as employees or independent contractors under federal and state laws.
- Exempt and non-exempt employee classification, and overtime and recordkeeping requirements of the Fair Labor Standards Act (FLSA).
- The Texas Labor Code, Chapter 61 (commonly known as the Texas Payday Act) and the Texas Unemployment Compensation Act.
- Terminations and nonrenewals under Chapter 21 of the Texas Education Code.
- Laws pertaining to leave policies, including the Family and Medical Leave Act (FMLA).
- Employment contracts, non-disclosure/non-competition/non-solicitation agreements, severance and separation agreements.
- Performance evaluations and disciplinary matters.
- Compliance with the Fair Credit Reporting Act (FCRA).
- Compliance with Worker Adjustment and Retraining Notification (WARN) Act requirements and those of other laws pertaining to plant closings and reductions-in-force.
- Drafting and review of employee handbooks and policies.
- Counseling on employee privacy rights, background checks, drug testing and social media policies.
- Employee theft investigations and litigation.
- OSHA (Occupational Safety and Health Administration) matters.
- Texas Workers' Compensation Act, workers compensation retaliation, and workers compensation nonsubscriber plans and options.
- Whistleblower actions.

In addition, our Employee Benefits Practice Group offers expertise in compliance with the Employee Retirement Income Security Act (ERISA), COBRA, the Health Insurance Portability and Accountability Act (HIPAA), the Health Information Technology for Economic and Clinical Health Act (HITECH), and the Affordable Care Act (ACA).

## **Advice and Counsel**

Our Employment Law Practice Group lawyers have deep experience advising clients on compliance with employment laws, developing best practices and pre-litigation counseling. We also have experience advising on employment matters related to mergers and acquisitions, such as transferring or terminating employees, and obligations related to ERISA plans.

Several members of the group are former in-house counsel, with years of first-hand experience in formulating practical solutions to potential employment problems. These attorneys have worked side-by-side with large and small employers on a wide range of employment law matters, as well as development of key documents: including employee handbooks for large and small employers; performance-evaluation materials and performance-improvement plans; employment contracts; non-disclosure, non-solicitation and non-competition agreements; and severance and separation agreements.

## **Management Training**

Our Employment Law Practice Group trains client management teams on employment law compliance. We regularly offer seminars for employers and trade associations in which we illuminate employment law issues and recent developments.

## **Litigation**

Although our primary goal is to reduce the risk of litigation, our Employment Law Practice Group includes experienced trial lawyers who have represented employers and employees in state and federal courts, at both the trial and appellate levels, as well as in mediations and arbitrations. We also have represented clients on employment law matters before the Equal Employment Opportunity Commission (EEOC), Texas Workforce Commission (TWC), Department of Labor (DOL), including Wage and Hour Division, and Texas Education Agency (TEA).

## **Regulatory/Investigation and Compliance**

Our Employment Law Practice Group defends employers in administrative matters before the EEOC and TWC, involving claims of discrimination, harassment and retaliation, represents employers in Wage and Hour audits, and OSHA investigations, advises and represents employers with respect to TWC hearings related to unemployment taxes.

### Primary Contact

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