

OUTLINE OF SERVICES FOR GCCA MEMBERS



FISHER & PHILLIPS LLP
ATTORNEYS AT LAW

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For more information about Fisher & Phillips LLP
and the services it can provide to GCCA members, please contact:

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October 21, 2014

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Dear GCCA Member:

Fisher & Phillips LLP is honored to participate in the 2014 Owners' Conference. For more than ten years, members of our firm have been involved in numerous GCCA events and we look forward to many more in the future.

We hope that you will attend our session, which we have called "Anatomy of a Lawsuit," at this year's conference. You should find this session both informative and entertaining and, most importantly, we guarantee you will learn some things that will make your Center better when you return.

We also invite you to our next GCCA Handbook Seminar, scheduled for November 14 at our offices in Midtown. There is no more cost-effective, efficient way to produce a legally-complaint employee handbook for your Center. Look for more details in your reception packet or call GCCA at 770-752-4117 to register.

As always, please do not hesitate to contact Matt Simpson or me if you ever have any labor or employment law questions or concerns. We enjoy representing child care centers and look forward to helping you.

Enjoy the Conference!

Very truly yours,



D. Albert Brannen
Atlanta Managing Partner
For FISHER & PHILLIPS LLP

DAB:al

Atlanta • Baltimore • Boston • Charlotte • Chicago • Cleveland • Columbia • Columbus • Dallas • Denver • Fort Lauderdale • Gulfport • Houston • Irvine
Kansas City • Las Vegas • Los Angeles • Louisville • Memphis • New England • New Jersey • New Orleans • Orlando • Philadelphia
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Our Commitment to Client Service

Fisher & Phillips LLP is privileged to serve our clients and commits to these core client service goals:

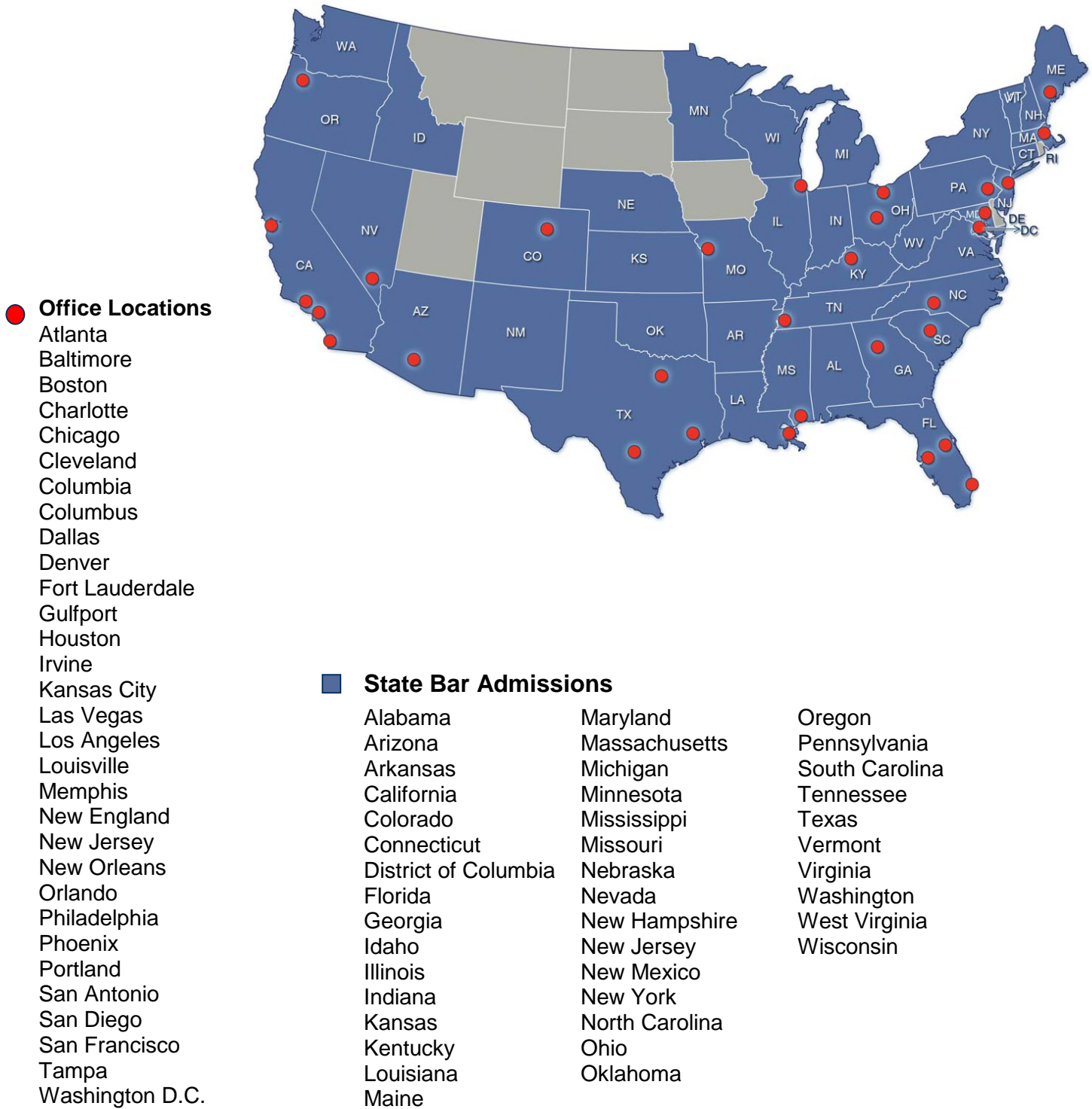
- **Providing practical business solutions to our clients' legal problems.** Our attorneys are tenacious advocates, but we recognize that the most aggressive (and expensive) approach may not be the best solution to a client's problem. In every matter we handle, we identify the client's primary business objective and then find and implement a solution that best meets that objective.
- **Learning our clients' business and industry.** We know that context is important. We take the time to learn the business environment in which our clients operate so that the advice we provide fits the client. We know the child care centers and use our knowledge to help our clients.
- **Being responsive.** We recognize that we are in the client service business. We know that many labor and employment problems arise without much prior warning and require an immediate response, so we are highly accessible to our clients. We return calls and e-mails quickly, and we are available around the clock as necessary.
- **Communicating with our clients.** We understand the need for effective communications with clients and strive to keep our clients informed of new developments, progress and next steps in legal proceedings and to work with them to fully understand and meet their business objectives.
- **Respecting our clients' time.** We know our clients are busy and must manage many challenges simultaneously, so we do our best to avoid last minute surprises. We meet deadlines and we communicate efficiently in plain language.
- **Helping our clients avoid legal problems.** The lawsuit that was never filed is a better win for our client than a defense verdict after a long and costly trial. We provide thoughtful advice and counsel to our clients designed to anticipate and prevent employee claims and lawsuits, government investigations, and union-related problems.
- **Being economical.** Labor and employment law is all we do. Instead of trying to be all things to a client, we offer deep and broad knowledge and experience in the area of the law we know best. We get to the point quickly and our clients do not have to pay for us to get up a learning curve.
- **Looking for ways to add value.** We provide a variety of "value added" services, such as a robust web site, newsletters, alerts about breaking developments and webinars to help educate clients and prevent or avoid labor and employment law problems.

Our Commitment to Diversity

We are committed to a diverse and inclusive culture in which all attorneys and staff feel involved, welcome, and empowered to succeed. In fact, we are proud of the fact that Fisher and Phillips was one of the very first large Atlanta law firms to admit women lawyers as partners – more than 50 years ago!. As labor and employment practitioners, we understand that we should reflect the diversity of our clients and your employees in order to serve as a role model and enhance our ability to deliver excellent services.

Where We Practice

Our attorneys have practiced before state and federal courts and administrative agencies in virtually every state. We have 31 offices across the country and continue to expand.



Preventive Services

While our attorneys are experienced and accomplished at defending employers against employment-related claims and lawsuits, we also work with our clients to develop policies, strategies and procedures for preventing these types of claims from arising. We use our subject matter knowledge and experience to help our clients with almost every HR transaction. In addition to practical, day-to-day advice and counseling, we can provide clients with legally-compliant documents and processes. For example,

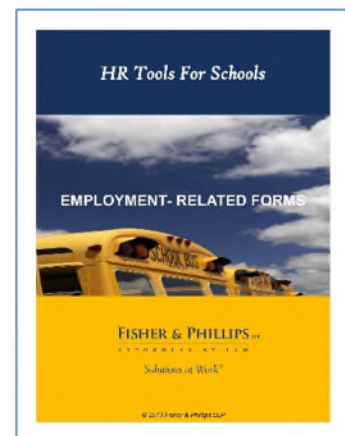
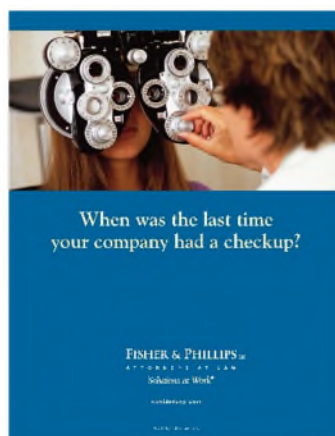
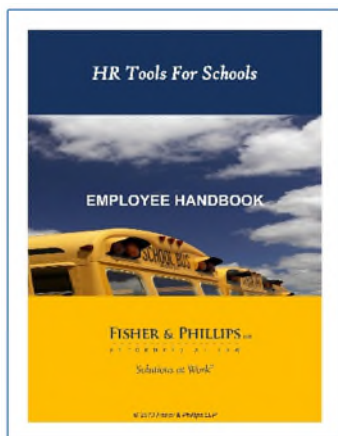
We can help with HR documents:

- Job postings & advertisements
- Employment applications
- Employment contracts
- Enrollment contracts
- Admissions documents
- New hire checklists
- Employee and parent handbooks
- Policy manuals & stand-alone policies
- Executive employment contracts
- Non-compete agreements
- Deferred compensation plans
- Safety policies & procedures
- Job descriptions
- Pay plans
- Benefits plans
- Background check forms
- Medical leave forms
- Attendance policies
- Performance evaluation & management
- Last chance agreements
- Exit interviews
- I-9s & visas
- Affirmative Action Plans
- Severance plans & agreements

We can help with HR processes:

- Record retention & destruction
- Background & reference checks
- Interviews
- Employment testing
- Drug & alcohol testing
- Immigration & citizenship
- New employee orientation
- Discipline & discharge
- Protection of property, trade secrets & confidential business information
- Investigation of employee misconduct
- Leaves of absence
- Reasonable accommodations
- Electronic communications
- Maintenance of union-free status
- Reductions in force & right-sizing
- Arbitration & mediation
- Dispute resolution
- OSHA compliance
- Security of systems & information
- Insurance & risk management
- Subcontractor & vendor arrangements
- Self-audit procedures
- Handling government investigations
- Defense of legal claims

Helping clients implement legally-compliant documents and processes is a valuable service we provide.



Training Programs: Seminars and Webinars

Training has always been a cornerstone of our preventive approach to labor and employment law. We regularly present educational seminars and webinars to clients and other interested parties. Our training programs cover all aspects of labor and employment law, including discipline and termination; performance management; avoiding discrimination, harassment and retaliation; managing attendance and leaves of absence; legally accommodating individuals with disabilities, pregnancy and religious preferences; union avoidance, and; managing within the confines of a collective bargaining agreement.

We have conducted numerous seminars for the GCCA and owners, directors, administrators and staff of educational institutions. Some of the topics we have presented have included:

- Reasonable Accommodations For Child Care Centers
- Unemployment Issues
- Employee Wage Issues
- 10 Things Every Center Needs To Do To Comply With Recent Employment Law Changes
- What Would You Do If.....? Planning For HR Contingencies

Our *HR Academy* seminar series has been well-received by many attendees. Our “*One Day, Many Solutions: Employment Law Coast to Coast*” seminar series was presented to thousands of attendees all across the country in multiple locations. Topics from the 2014 seminar include:

- She Said What?!? Effective Workplace Investigations
- Taking The Bully By The Horns: Understanding And Preventing Workplace Bullying
- Breaking Bad Behavior: Drugs, Alcohol, Medical Marijuana, Cigarettes, Cursing, Social Media, Attire, Tattoos, Piercings, Missing Underwear, Body Odor, Etc.
- Which Is Riskier? Hiring Criminals Or Conducting Background Checks?
- Everybody Gets A Trophy: Avoiding Performance Management Mistakes
- Think Twice Before You Delete That E-Mail: Computers And Employment Law Nightmares

We also provide on-site training in situations where clients feel such an experience provides more value. We can conduct “Train-the-Trainer” sessions that enable members of management to cost-effectively train other individuals on particular topics. Our custom training programs are designed to address the needs of a particular client. Our training sessions provide practical guidance to managers to help avoid “problem” employees and “problem” situations by focusing on practical steps for compliance. Attendees learn best with this type of interactive learning experience.

A recent webinar campaign, “*This Year, We’re Bringing It to Yousm*,” earned multiple awards. Many of our webinars are archived on our website, www.laborlawyers.com, and available on demand. We have also presented a number of webinars designed specifically for child care clients.

Practice Areas

Our firm's national practice is limited to labor and employment law-related matters on behalf of employers. This focus gives us a deep understanding of all labor and employment issues, many of which can be described as discrete, and sometimes unrelated, subspecialties. Some of the more significant subspecialties of our practice are described in the following sections:

Accommodating Students and Other Individuals Under Titles I and III Of The ADA

We are experienced in helping administrators of educational institutions understand and meet legal obligations to employees and students under state and federal law and in dealing with employee and student concerns arising in public and private elementary, secondary, and post-secondary institutions. We understand the unique issues and dynamics presented by the school environment and recognize that each decision made in the school environment affects the school's relationship with its students, parents, faculty and staff.

Affirmative Action and Compliance

We assist employers implementing affirmative action programs, whether voluntarily or to comply with the obligations imposed on federal, state or local government contractors and subcontractors. We prepare affirmative action plans, and we work with clients during desk audits and on-site reviews by the Office of Federal Contract Compliance Programs. We can represent clients during an OFCCP compliance review and any associated administrative proceedings, provide counseling about diversity initiatives, train managers and supervisors, and assist with recordkeeping and applicant-tracking requirements.

Employee Benefits

We provide advice on all aspects of employee benefits and executive compensation, including qualified and nonqualified retirement plans, health and other welfare-benefit plans, cafeteria plans, fringe benefits, severance plans and equity-based compensation plans. We will also provide advice on ERISA fiduciary issues, COBRA requirements, HIPAA privacy and security requirements, multi-employer pension plan issues, all types of federal and state employment taxes, ensure 403(b) plan compliance, draft deferred compensation plans and ensure 409A compliance.

Employment Contracts

We regularly prepare employment contracts for Heads of School, Directors, teachers and other staff members for our education clients. Preparation of such contracts merges our practical experience with the more sophisticated legal expertise of lawyers in our Employee Benefits and Employee Defection and Trade Secrets Practice Groups.

Employee Leaves

We regularly advise employers on employee leave issues arising under state laws and the federal Family and Medical Leave Act (FMLA), including FMLA's various notice, posting, and recordkeeping requirements. In addition, we help employers evaluate and process leave requests and defend charges of FMLA discrimination filed with the Department of Labor as well as FMLA lawsuits filed in state and federal courts. We also advise employers on employee leave issues that arise under the Americans with Disabilities Act (ADA) and its state law counterparts, state workers' compensation laws, and state and federal pregnancy leave laws.

We also advise employers regarding leave issues for employees called to military service, which arise under the Veterans Benefits Improvement Act (VBIA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Practice Areas

Executive Compensation

We work with clients to ensure that compensation arrangements with senior leaders meet the IRS's requirements to be "reasonable" but not "excessive" compensation. Our attorneys work with clients to create the executive agreement and to ensure that all steps in the process (comparability studies, board meetings, board minutes, and other processes) satisfy the requirements to establish a rebuttable presumption of reasonableness.

Immigration

We provide a single solution for all immigration needs. We manage a full suite of immigration services for clients to allow their employees to work legally in any country. Our Immigration Practice has three sub-specialty areas: U.S. Immigration Services, Global Migration and Compliance & Enforcement. We provide complete end-to-end case management and customer service to ensure that global expatriate and non-local staff maintain proper immigration status throughout the duration of employment.

Labor Relations

Labor relations and traditional labor law are important elements of our practice. We can provide advice on best practices for maintaining positive employee relations and all sorts of other labor-related issues. Since labor-related issues can develop at a moment's notice, our labor attorneys are on standby to assist clients 24 hours a day, seven days a week in any location in the country. Labor-related advice for schools includes, among other things: (1) advising and counseling about labor-related matters; (2) assessing vulnerability to labor-relations issues; (3) handling unfair labor practice charges; (4) litigating or handling appeals of labor relations claims in state and federal courts; (5) training employees, supervisors, managers, internal persuaders and trainers; (6) site selection analysis; (7) arbitrating or mediating grievances; (8) responding to card signing and early warning signs of union activity; and (9) handling representation issues and hearings.

Litigation of Employment Disputes

Our attorneys represent employers before all federal and state courts, commissions and administrative agencies. We are experienced in handling jury trials, complex class action litigation, employee lawsuits, unfair labor practice charges and compliance actions by various government agencies, as well as matters before private arbitrators. At all times, however, our litigators have the client's business goals foremost in mind. We work efficiently, and with a focus on using the litigation process as a means of achieving a solution to a business problem rather than as an end unto itself. We always look for an opportunity for an early termination of a lawsuit via motions to dismiss or for summary judgment, and we use alternative dispute resolution techniques such as mediation and arbitration wherever it is in our clients' best interests.

Employment Discrimination, Harassment and Retaliation Claims

The scope of laws prohibiting discrimination, harassment, and retaliation continue to expand and employers may be faced with defending against claims brought under Titles VII and IX of the Civil Rights Act, the Americans with Disabilities Act Amendments Act (ADAAA), the Age Discrimination in Employment Act (ADEA), and similar federal and state laws. If the need arises, we can assist clients with mediations or defending charges brought before the Equal Employment Opportunity Commission (EEOC) and similar state agencies. We can also represent clients in handling on-site investigations or other similar administrative claims and defend lawsuits in federal and state courts around the country, including class actions and multi-plaintiff cases.

Trade Secrets, Non-Compete and Employee Defection

We help our clients develop strategies designed to prevent employees from misappropriating trade secrets and other proprietary information. We have a national practice concentrating on issues surrounding employee defection, employee recruitment and trade secrets protection. This practice includes litigating when necessary as well as advising you on: covenants not to compete; non-solicitation, non-recruitment, non-use and non-disclosure agreements; trade secrets and confidential business information; unfair competition and employee raiding; fiduciary duty and duty of loyalty; and statutory issues under the federal Computer Fraud and Abuse Act, the Economic Espionage Act, as well as various state trade secrets, computer protection and unfair competition statutes.

Wage & Hour Matters

Our attorneys are deeply versed in wage and hour law issues facing employers. We have many years of experience in advising employers regarding compliance with the Fair Labor Standards Act (FLSA) and similar state laws. We conduct compliance audits, assist child care employers in determining whether employees are exempt from minimum wage and overtime requirements, advise child care employers on the recordkeeping requirements under the various wage and hour laws, and we design pay plans, bonus plans and vacation and sick-leave policies.

We also represent our clients in investigations and enforcement actions conducted by the U.S. Department of Labor's Wage and Hour Division and similar state agencies. Additionally, we defend wage and hour lawsuits in court, including class and collective actions, involving such issues as overtime, missed meal and break periods, prevailing wages, and recordkeeping and deductions issues.

Workplace Safety & Health

We work with child care employers to prevent workplace safety and health problems. Our preventive work includes advice on how to comply with applicable federal and state health and safety laws and regulations.

Attorneys in this practice group utilize all aspects of Fisher & Phillips' labor and employment expertise to provide practical guidance to employers to develop and maintain effective workplace safety and health management programs. Our partner Ed Foulke served as the head of OSHA under President George W. Bush. We also assist employers in responding to inspections, defending litigation, and managing workplace catastrophes. We draw upon extensive experience in representing employers before numerous entities, including OSHA and MSHA, state agencies, and related organizations such as the Chemical Safety Board (CSB), Alcohol, Tobacco, & Firearms (ATF), state fire marshals, and others.

Our attorneys approach safety and health matters from a strategic standpoint and consider issues under the National Labor Relations Act, Fair Labor Standards Act, the Americans With Disabilities Act, and other relevant legal schemes.

Other Labor And Employment Law-Related Matters

The preceding list of subspecialties is not comprehensive. Our practice includes various other types of labor and employment law-related matters that may challenge child care centers from time to time.

Website And Publications

As a value-added service to our clients, we maintain a robust web site, www.laborlawyers.com, and regularly publish several topical newsletters, including the award-winning *Labor Letter*, and Legal Alerts on important issues each year. We also prepare state law guides, charts, checklists and other publications. You can review most of these publications online or we can provide you with hard copies on request.

A unique product that we offer is a series of booklets summarizing various employment and labor laws. Currently included volumes are: Age Discrimination in Employment Act, Americans With Disabilities Act (Employment Aspects), Americans With Disabilities Act (Public Accommodations), COBRA, Employment Discrimination, Fair Labor Standards Act (Wage and Hour Provisions), Fair Labor Standards Act (Exemptions, Recordkeeping & Compliance), Family & Medical Leave Act, HIPAA, Immigration Law, National Labor Relations Act (Unfair Labor Practices), National Labor Relations Act (Union Organizing), OSHA, Sexual Harassment, USERRA, and WARN Act. These booklets are available on our web site.

Please visit www.laborlawyers.com and check the “Knowledge Center” tab for articles, booklets, legal alerts, newsletters and other resource materials on a wide variety of employment-related subjects.

On-Line Programs

Fisher & Phillips also works with Inspired eLearning, a leading provider of online compliance training solutions, and has helped to develop high quality web-based training courses on topics such as workplace harassment prevention for supervisors, workplace harassment prevention for employees, conducting workplace investigations, employment law basics for managers and wage and hour laws for managers and HR professionals. Fisher & Phillips attorneys created all of the content for these programs. Now clients can utilize this online training through Inspired eLearning. These courses can help foster a legally-compliant, positive work environment, free from harassment and discrimination based on gender, race, disability, or any other protected characteristic.

For more information on Inspired eLearning, please visit www.inspiredelearning.com.

Employment Practices and Procedures Review

As part of our portfolio of preventive solutions, we regularly conduct reviews of our clients Human Resources-related forms, practices and procedures. We can assist child care centers with:

- their own self-audit;
- review of individual forms, practices and procedures;
- review of compliance with specific laws, such as the federal Fair Labor Standards Act or related state laws, the Occupational Safety and Health Act, the Employee Retirement Income Security Act, the Immigration Reform and Control Act or other specific federal, state or local laws; and
- comprehensive, wall-to-wall employment practices and procedures reviews.

The type of employment practices and procedures review we conduct or assist clients with depends on the specific needs or concerns of individual clients.

Regardless of the specific type of review, our goal is to make sure our clients understand their legal obligations and take the appropriate preventive actions to avoid or at least minimize legal liability for non-compliance.

Telephone Advice Retainer Program

Under our Telephone Advice Retainer Program, we provide clients with telephone advice about routine labor and employment law matters (not including workers' compensation) that may arise from time to time. The goal of this Retainer Program is to minimize or even avoid legal liability.

The primary benefit of our Retainer Program is that clients get immediate advice to prevent situations from growing into full-blown litigation matters. Because the fee is set up front for this type of preventive advice, clients do not get billing surprises at the end of a month in which several complicated issues may have occurred. Clients are able to budget for legal expenses and the Retainer Program generally results in fees lower than if the client paid us for the same services on an hourly basis.

The fee for the Retainer Program is initially be set at an agreed-upon quarterly rate. If necessary, we will work with clients to adjust this amount – either upward or downward – in subsequent quarters to reflect the amount of usage in prior quarters. If there is ever any question as to whether a particular assignment is covered by the retainer, we will address that issue in advance before issuing a separate bill.

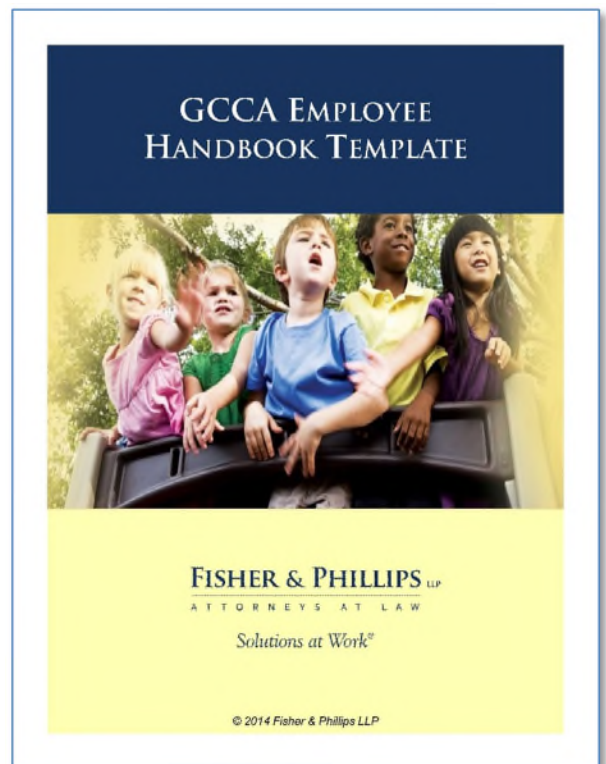
This arrangement does not cover problems which necessitate a special trip to your facility, investigations by governmental agencies, research, preparation of opinion letters, responses to demand letters, charges of discrimination, litigation, unfair labor practice charges, union organizing activity or other matters necessitating special attention. Also, the retainer does not cover special training sessions, the preparation or review of employee handbooks, drafting employee or other contracts, disciplinary hearings, and other similar projects that would normally be billed separately.

GCCA Employee Handbook Workshop

For more than seven years we have conducted employee handbook workshops for GCCA members. This half-day workshop enables members to develop an employee handbook for their childcare centers at a fraction of the cost of an individually prepared, custom handbook. At the workshop, attendees participate in an in-depth step-by-step discussion through each policy in a template handbook. Attendees have access to similarly situated childcare center owners and learn:

- Policies that should and should not be included in a handbook;
- Policies that should be updated or added in light of recent changes;
- Procedures for effectively implementing the new handbook and communicating about policies to employees; and
- Other valuable information.

At the end of this process, attendees have a handbook that is customized and legally compliant for their centers at a significantly reduced cost to their centers.



Attorney Contacts



D. Albert ("Bert") Brannen is Managing Partner in the Atlanta office of Fisher & Phillips LLP, where he has practiced law for more than 30 years.

Bert has represented employers exclusively in successfully solving labor and employment law problems in the workplace. Much of his time is devoted to counseling employers about how to avoid workplace crises, comply with all applicable laws and prevent litigation. He is a frequent speaker at GCCA seminars and has written many published articles on a wide variety of employment law subjects.

Bert has received the highest rating ("AV® Preeminent") by Martindale-Hubbell. He has been selected by his peers as one of *The Best Lawyers in America* and included in *Best Lawyers® Annual Guide to Labor & Employment Law*. He has repeatedly been named a "Super Lawyer for Labor & Employment Law" for the State of Georgia and was selected as a *Georgia Trend Magazine* "Legal Elite."

Bert may be reached directly at 404-240-4235 or dabrannen@laborlawyers.com.



Michael P. Elkon is Of Counsel in the Atlanta office. He represents management in all areas of employment law in state and federal courts, as well as before state and federal agencies.

Michael specializes in matters concerning employee defection and recruitment, including litigating injunction and damages actions relating to covenants not to compete, non-solicitation and non-disclosure provisions, unfair competition, employee raiding, trade secrets, the duty of loyalty, the Computer Fraud & Abuse Act, and state computer protection statutes. He litigates employee defection and recruitment matters in state and federal courts, drafts restrictive covenants and counsels clients on protecting their confidential information and client relationships.

Michael was selected for inclusion in *Georgia Super Lawyers – Rising Stars* every year since 2010.

Michael may be reached directly at 404-240-5489 or melkon@laborlawyers.com



Edwin G. ("Ed") Foulke, Jr. is a partner in the Atlanta office and serves as co-chair of the firm's Workplace Safety and Catastrophe Management Practice Group. Prior to joining Fisher & Phillips, he was the Assistant Secretary of Labor for Occupational Safety and Health and also served as Chairman of the Occupational Safety and Health Review Commission.

Ed has focused for 30+ years in occupational safety and health issues. His practice includes workplace safety compliance and strategic safety planning, whistleblower compliance and litigation, advice in responding to workplace health and safety cases involving OSHA and providing advice and assistance to employers when responding to workplace fatalities and catastrophic accidents.

Ed has received the highest rating ("AV® Preeminent") by Martindale-Hubbell. He has been named as one of the "50 Most Influential EHS Leaders" by *EHS Today* magazine and one of the "50 Most Influential EHS Leaders" in the U.S. by *Occupational Hazards* magazine.

Ed may be reached directly at 404-240-4273 or efoulke@laborlawyers.com.

Attorney Contacts



Lorie Maring is Of Counsel in the Atlanta office. Lorie Maring focuses her practice on helping employers navigate ERISA and other state and federal laws impacting the design, implementation and ongoing compliance of their employee benefit plans and programs.

She regularly advises clients on their reporting and disclosure obligations, qualified retirement plans (including 401(k), 457 and 403(b) plans), group health, life, disability and other welfare benefits; MEWAs, multiemployer plan issues, HIPAA and Health Care Reform Act.

Lorie also works with clients to resolve employee benefits issues arising in bankruptcy, corporate transactions, and IRS and DOL audits. She serves clients in the public and private sector, including non-profit organizations and trade associations.

Lorie may be reached directly at 404-240-4225 or lmaring@laborlawyers.com



Jennifer B. Sandberg is a partner in the Atlanta office. She represents employers in all areas of labor and employment law.

A significant portion of her practice is devoted to helping employers prepare Affirmative Action Plans and to comply with laws, regulations and Executive Orders that apply to government contractors. She also provides clients with day-to-day preventive advice to reduce the likelihood of demands, charges, and litigation.

Jennifer also prepares employee handbooks and policies, conducts manager and employee training, and provides counsel regarding hiring, termination, unemployment, the Americans with Disabilities Act, wage and hour issues, the Family and Medical

Leave Act, harassment, discrimination, garnishment, drug testing, and other federal and state laws and regulations affecting employment and private educational institutions.

Jennifer may be reached directly at 404-240-4152 or jbsandberg@laborlawyers.com.



Matthew R. Simpson is an attorney in the Atlanta office. He represents management in all areas of labor and employment law in state and federal courts as well as before state and federal agencies, including the Equal Employment Opportunity Commission and United States Department of Labor. A significant portion of his practice focuses on wage and hour law, emphasizing issues relating to minimum wage, overtime, timekeeping, and garnishments. Matt also represents employers in discrimination and harassment claims, and counsels clients regarding day-to-day employment and wage-hour issues. This includes extensive supervisor training as well as preparing sound employment policies and pay plans.

While at Emory University School of Law, Matt was Symposium Editor of the *Emory Law Journal*. He received the 2007 Georgia State Bar Labor and Employment Law Award and was listed in the 2011 and 2012 editions of *Georgia Super Lawyers – Rising Stars*.

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