

# Labor Relations

For unionized and non-union employers alike, the labor relations arena presents an increasingly complex set of challenges and opportunities. The degree to which they recognize and proactively address these issues will ultimately determine their success within a legal and regulatory environment that aggressively encourages union representation.



In a competitive marketplace where small failures can have big consequences, there's a lot riding on your ability to implement the right decisions. Fortunately, the seasoned attorneys comprising Fisher Phillips' Labor Relations Group ("LRG") are well-positioned to collaborate with you and your team on a lawful but effective strategic plan tailored around the unique aspects of your corporate culture.

We're well-positioned to be your sole source for proactive and responsive solutions to all your legal and practical labor relations challenges. Our LRG team members regularly provide advice and counsel to employers of all sizes across a multitude of industries – ranging from public sector entities to Fortune 100 companies – across the full spectrum of established and emerging labor relations issues.



## Preserving Your Direct Employee Relationships

When the effectiveness of your labor relations strategy is largely governed by the shifting ideologies of the National Labor Relations Board (NLRB) and its public sector counterparts (along with the regulatory pendulum swings that come with them), it's important to partner with attorneys who have one eye on the current legal landscape – and another on what's looming on the horizon. With scores of experienced labor lawyers from coast to coast, our LRG has your organization covered.

Our expertise stems from decades of implementing tried and true strategies leveraging creative measures for addressing the unique issues confronting your workplace. From devising a comprehensive employee relations plan to implementing specific approaches to lawfully and effectively respond to the earliest signs of employee discontent, our LRG members can be a powerful asset to your team.

## How We Can Help

- ***You've just received reports that a labor organization is demanding that you recognize them as bargaining representative on behalf of a group of off-shift employees in one of your smaller departments.***  
We regularly represent employers in response to bargaining demands and before the NLRB in connection with representation petitions, navigating through all phases of this unique administrative process – ranging from statements of position to evidentiary hearings. Our experienced labor lawyers have counseled employers in response to hundreds of organizing campaigns under the "quickie election" framework. They also advise supervisors and managers on how to lawfully leverage available communication vehicles, along with their statutory "free speech" rights.
- ***You recently added an entity into your corporate umbrella and are now looking to update your labor relations infrastructure to seamlessly integrate their workforce into the positive aspects of your own unique culture.***  
We can assist you in developing a tailored Positive Employee Relations program with an emphasis on proactive in-person and virtual supervisory training, accurate vulnerability assessments, compliant but effective policies and procedures, innovative communication approaches, issue identification, reporting and response strategies, and effective orientation and participatory initiatives.

- ***A group of employees has reacted negatively to recent internal workplace changes exacerbated by external social developments, leading to reports of threatened work stoppages.***

Our LRG practitioners bring a wealth of experience to bear in guiding you through the evolving intricacies of NLRB doctrine on “protected concerted activity,” without unduly sacrificing your ability to manage the organization. Whether it’s an isolated social media post or a full-blown work stoppage, our team has the skills and expertise to guide you through the process without sacrificing your rights as an employer.

- ***A union has just filed unfair labor practices charges with the NLRB alleging that you violated the law by disciplining and interrogating employees in response to their union activities.***

We have successfully handled countless Unfair Labor Practice charges alleging various labor law violations, zealously but professionally advocating for the interests of our business clients before the NLRB and its public sector counterparts.



## **Managing the Challenges That Come with a Unionized Workforce**

Unionized employers have their own unique labor relations challenges, but our LRG team is well-versed on the laws governing such organizations – and on the best ways to achieve compliance with a minimum of operational disruption. Whether negotiating a first contract, renewing an existing one, or confronting unique union requests or demands, our practitioners are prepared to partner with your labor relations team to implement a winning collective bargaining strategy.

By the same token, our LRG members routinely litigate labor arbitrations ranging from discharge hearings to “bet the business” contract interpretation cases. As work stoppages continue to rise, our team also stands ready and willing to lend a hand with establishing effective contingency plans, security measures and injunction filings. Our Benefits practitioners bring significant value when it comes to approaching multi-employer pension plans and any corresponding contributions and withdrawal liability.

### ***How We Can Help***

- ***You are confronting the prospect of bargaining your first contract, while supporting your local management team with any corresponding impact.***

We regularly serve as chief negotiators for our unionized clients at the bargaining table, while providing them with sound counsel away from it. We also recognize that your supervisory team is likely to be your first line of defense or exposure, and that the difference often comes down to the extent to which they are properly trained. Our interactive training programs on managing a unionized workforce are designed to help your team recapture their own rights while properly respecting those of their employees.

- ***You’ve been negotiating a collective bargaining agreement and the union is not threatening to strike.***

The right to strike is a powerful economic weapon, and we’ve seen it deployed with greater frequency in recent years. Our experienced attorneys work closely with their clients to prepare them for and lawfully respond to strikes, picketing and other group actions with a minimum of disruption.

- ***A labor grievance you’ve been contesting through the first three steps of the process is now advancing to arbitration. The decision could have significant ramifications for your entire operation, and for that reason you are exploring an aggressive defense strategy.***

Our LRG members routinely advise clients on all aspects of the grievance and arbitration process, from the initial response through the hearing itself. We recognize that these cases can have significant implications for employers large and small. Whether the grievance involves a discharge or the viability of your management rights, our attorneys have the expertise to advance your position effectively and efficiently.

- ***You are a public sector employer and the union has just invoked interest arbitration to have a neutral party decide the terms of your collective bargaining agreement.***

Many of our labor lawyers represent public sector employers, from state universities to fire districts. We can assist in preparing a comparative compensation analysis to put before the arbitrator, establishing where employees would fall within the market under your proposal.

- ***You are exploring the possibility of acquiring the assets of a unionized business but want to make sure that proper due diligence is exercised at every step.***

We can assist you in structuring buy-sell agreements and developing effective strategies for evaluating potential "successorship" implications and approaches to lawfully minimize and/or reallocate potential exposure risks, and for properly recognizing and bargaining with the union when required to do so.



## **Our Comprehensive Offering**

In this complex area of the law, no two situations are identical. "Off the shelf" formulas, prescriptions, and other remediating measures are no substitute for a customized approach tailored to the unique circumstances germane to the employer and its workforce. This reality drives home the need for employers to partner with counsel who can draw upon experiences and best practices gleaned from generations of vigorous advocacy and successful outcomes. The LRG at Fisher Phillips utilizes a 360-degree approach to labor relations, mindful always that there is no substitute for a fully customized strategy that aligns with a client's unique business objectives.

We are proud to play a role in advancing employer interests through representation in the following aspects of labor relations:

### **Non-Union Employers**

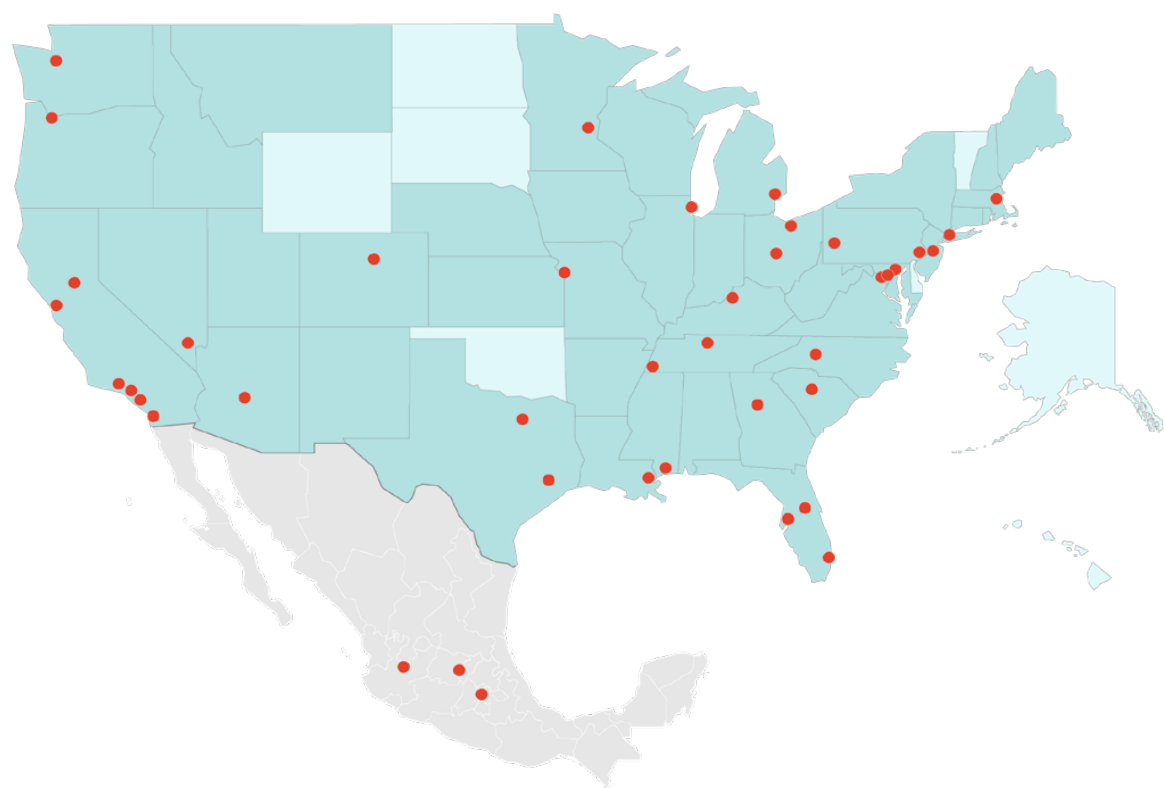
- Positive employee relations audit
- Protected concerted activity training
- Identification of statutory supervisors
- Communications engagement assessment
- Tailored employee opinion surveys
- Workplace security audit
- Employee handbook policy and compliance review
- Employee orientation programs
- Bargaining unit analysis

### **Unionized Employers**

- Training for bargaining committee members
- Collective Bargaining analysis in preparation for negotiations
- Training on managing under a union contract training
- Guidance on responding to information requests
- Grievance history and audit of grievance processing
- Unfair Labor Practice/Grievance mitigation strategies
- Mid-term contract bargaining guidance
- Development of mid-term proposals and letters of understanding
- Strategic plans for initial and renewal contracts, concession, and "corrective" bargaining
- Customized strike contingency plans
- Mitigating against partial and complete pension withdrawal liability
- Preparation for comparable compensation studies and representation in interest arbitrations
- Structuring sales and acquisitions of unionized entities

# About Fisher Phillips

With almost 600 attorneys in 41 offices across the United States and Mexico, Fisher Phillips is an international labor and employment firm providing practical business solutions for employers' workplace legal problems. Labor and employment law is all the firm does, offering deep and broad knowledge and experience in the area of law the attorneys know best. Fisher Phillips attorneys help clients avoid legal problems, are dedicated to providing exceptional client service, and are there when you need them.



**Fisher Phillips is  
Strategically Located to  
Best Serve Our Clients**

- Fisher Phillips Office Locations
- States in which Fisher Phillips attorneys are admitted

Atlanta | Baltimore | Boston | Charlotte | Chicago | Cleveland | Columbia | Columbus | Dallas | Denver | Detroit | Fort Lauderdale  
Guadalajara | Gulfport | Houston | Irvine | Kansas City | Las Vegas | Los Angeles | Louisville | Memphis | Mexico City  
Minneapolis | McLean | Nashville | New Jersey | New Orleans | New York | Orlando | Philadelphia | Phoenix | Pittsburgh  
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