

Automotive Dealership

EMPLOYMENT LAW ISSUES CHECKLIST IN MERGERS & ACQUISITIONS

Material Issues

Wage and Hour Policy

+ Compliance

Worker Misclassification

Class Action Litigations/
Arbitration Agreements

Governmental Audits

+ Investigations

Restrictive Covenants,
Confidential Information

+ IP matters

Key Employee Agreements

Immigration Compliance

Workplace Safety Exposure

Severance + RIF obligations
(WARN Act(s))

Benefits + Labor matters

Credible Complaints against
Key Employees

Litigation History,
Informal Complaints

Compensation Incentive

Arrangements

Personnel Management Audit

Recordkeeping Audit

Certain Policy Compliance
(i.e. Background Checks,
Leave Policies)

Pay Equity

Documents/Information to Review:

Review of Personnel
Materials, Complaints +
Investigative Files

Litigation/Administrative
Charge(s) Details

Employee Surveys

Demographic Data

Hiring, Turnover +
Promotion Data

Policy + Prerequisite Analysis
+ Benchmarking

Social Media

Work/Social Environment

Corporate Activities

Organizational charts

Policies

Formal Proceedings
(Litigation(s), Audit(s),
Investigation(s), or
Enforcement Actions)

Informal Proceedings (Internal
grievances/complaints or
demand letters)

Contracts + Agreements

Employee Census Materials:

Wage Summaries, Hours
+ Title History

Extended Demographics

Time Records

Payroll Documents

Filings (OSHA
Logs, Forms I-9)

Personnel Records

Job Descriptions

Compensation Plans Other
Descriptive/Narrative
Requests (Timekeeping
Practices Processes,
Descriptions of Work)

Self-Audits

Opinion Letters and Other
Privileged Documents

Benefit Plans and Summaries

Incident Logs

Insurance Policies

Interviews with Employment
Counsel, Human Resources
Professionals, Management,
Institutional/Historical
Knowledge (Prior Practices)

Review laws and regulations
for each new state, city,
and local ordinance you are
entering via the acquisition

Determinations for Post-Acquisition Integration

Who is the employer

Whether there is a termination of employment for Seller's employees

What agreements will be assigned over

Who should be a part of Communication Team(s)

What will happen on Day One

Whether Seller employees will be re-hired and if so, what restrictive covenants they will be subjected to

Whether retention

agreements are needed (*i.e.* executive agreements, bonus plans, transaction bonus agreements)

Immigration compliance needs

RIF analysis

Vacation/PTO/Sick Policy Continuation or Integration

Benefits Plan(s) Continuation or Integration

Reorganization (Non-RIF)

Harmonize Job Titles + Duties

Communications Plan

New Employee Handbook – every employee should acknowledge

PTO – accrued vs. unaccrued

FMLA - Calendar



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