



Transportation and Supply Chain

Overview

You strive to get everyone and everything where it needs to go, smoothly and on time. To succeed, your business must clear countless hurdles and comply with a myriad of federal, state, and local requirements affecting all aspects of operations – including a widely dispersed workforce. You are truly going places, and your employees will be the ones to get you there. But as issues like new technologies, disparate laws affecting pay and workplace safety, and the need to manage contingent staffing models multiply, you need experienced counsel that understands all the moving pieces to help navigate the road ahead.

Employers must deal with these disruptions while focusing on the business of growing, innovating, and delivering value to a global clientele that has no shortage of options when it comes to transportation and supply chain needs. Fisher Phillips' attorneys' specialized knowledge of these industries allows us to address legal concerns efficiently, creatively and cost effectively. We have no learning curve and pass the benefits of our experience on to clients in the aviation, maritime, ground transportation, warehousing, and logistics sectors so they can train their attention where it belongs -- on the already challenging pursuit of operating successful businesses. Our clients range from regional and local public transit agencies to international carriers, including leading passenger airlines, international trucking and freight carriers, express delivery services, third-party logistics companies, supply chain managers, and more.

Drawing on the extensive resources of one of the nation's leading management-side employment and labor law firms, and fluent in all applicable laws and regulations, we provide transportation and supply chain businesses a one-stop shop for all their workplace law needs, including:

- **Administrative Agency Proceedings, Investigations, and Audits** – Department of Transportation (DOT) and Federal Motor Carrier and Safety Administration (FMCSA) audits

- **Advice and Counsel** – implementation of workplace policies and practices, dispute resolution programs, and staffing contract negotiations
- **Agreements and Contracts** – arbitration, employment, independent contractor, non-compete, confidentiality, and non-disclosure agreements
- **Compensation Systems** – pay practices, FLSA and wage and hour matters, worker classification, duty hours, meal and rest periods
- **Corporate Governance** – compliance and ethics programs, diversity and inclusion training and risk management
- **Data Security and Workplace Privacy**
- **Dispute Resolution** – litigation (single plaintiff, class and collective actions), trials, arbitration, and mediation
- **Drug, Alcohol and Job-Related Testing**
- **Employee Benefits, Taxes, and Healthcare** – draft and review plan documents, coverage continuation issues, Affordable Care Act requirements and more
- **Employment Discrimination, Harassment, Retaliation, Wrongful Termination and Whistleblower Claims**
- **Immigration** – nonimmigrant visas for professionals including intra-company transferees, permanent residence sponsorship, immigration discrimination claims and internal audits
- **Labor Relations** – positive employee relations strategies, union organizing, collective bargaining, work stoppages and unfair labor practice charges
- **Policy Development** – safety manuals and employee handbooks
- **Regulatory Compliance and Reporting** – Federal Aviation Administration (FAA) and FMCSA licensing requirements
- **Reorganizations and Reductions-in-Force (RIFs)**
- **Risk Management Strategies and Programs**
- **Training, Development and Retention**
- **Wage and Hour** – self-audits on compensation, timekeeping and recordkeeping; defending misclassification, minimum wage violation and overtime claims agency audits and investigations; state and local compliance
- **Workers' Compensation**
- **Workplace Safety, Health, and Wellness** – OSHA investigations and charges involving workplace injuries, safety training and program development, self-audits and policy review and updating

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Recent Experience

Representative Work

- Co-counsel in the defense of an interstate motor carrier against claims of a proposed class of owner-operator truck drivers who claimed that motor carrier improperly calculated driver compensation and violated the FMCSA truth-in-leasing regulations. Trial court denied plaintiffs' motion for class certification. Case settled on terms favorable to client after denial of class certification.
- Successfully defended an interstate motor carrier against class action claims by owner-operator truck drivers who claimed that motor carrier improperly calculated driver compensation and violated FMCSA truth-in-leasing regulations. Trial court denied plaintiffs' motion for class certification and granted summary judgment on all of plaintiffs' substantive claims for monetary and injunctive relief. Plaintiff appealed to the U.S. Court of Appeals for the Ninth Circuit, which affirmed in total the rulings of the district court.
- Obtained partial summary judgment on behalf of a multinational shipping and delivery services and supply chain company and an individual manager, dismissing the manager and obtaining sanctions against the plaintiff for suing the manager, and reducing the potential damages from \$575,000 to \$1,800.
- Obtained completed dismissal on behalf of a multinational shipping and delivery services and supply chain company, regarding a Surface Transportation Assistance Act (STAA) retaliation claim where truck driver claimed he was terminated due to the filing of a previous STAA claim.

- Defended mainline domestic, international, and regional airlines in employment litigation matters in state and federal trial and appellate courts throughout the country, including:
 - A major airline in litigation involving allegations of race discrimination and retaliation under Section 1981 and Title VII in both the district court and Tenth Circuit appeal. Trial court granted summary judgment and Tenth Circuit affirmed trial court's decision.
 - A major airline against Title VII race discrimination claims in both the district court and Fourth Circuit appeal. Trial court dismissed claims and Fourth Circuit affirmed trial court's decision.

Key Contacts



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