



## Life Sciences and Pharma

### *Overview*

**You're developing innovative – possibly game changing – drugs, therapies, and devices. Your employees are brilliant, demanding, and strong-willed: a necessity in life sciences and simultaneously a source of friction. It does not help that competition is fierce and rivals are eager to poach your best talent. You need experienced employment counsel who know the industry to help navigate your unique demands, minimize risk, protect your intellectual property, and enable you to improve more lives.**

Fisher Phillips' Life Sciences and Pharma Team advises therapeutic, pharmaceutical, device manufacturers, and industrial service providers on a range of employment-related issues impacting their businesses. Because representing management in employment law is *all* we do, we offer broad and deep knowledge in every aspect of the rules governing the workplace, drawing on the knowledge of colleagues across the firm to counsel on specific issues. We know the frenetic pace of your business and the high stakes involved – that's why we act quickly, are available around the clock, and are always responsive and devoted to achieving the results that are best for *you*.

**Advice and Counseling.** We'll help you understand and comply with all applicable workplace laws – and anticipate those yet to come. Acting proactively, we partner with clients to handle all their relevant issues, allowing them to operate smoothly and avoid employee claims and lawsuits.

We can assist with:

- Trade secrets, confidentiality, and NDA agreements
- Compensation matters (including those involving equity stock options)
- Immigration

- Worker classification issues (e.g., exempt vs. non-exempt; employee vs. contractor)
- Compliance and pay equity audits
- Training for executives and management
- Workplace safety, health, and catastrophe management
- Performance management and workplace discipline
- Handbooks, policies, and procedures
- M&A due diligence
- Workplace issues stemming from COVID-19

**Restrictive Covenants and Trade Secrets.** The proprietary information you maintain on your research and products plans is essential to future growth, so you must do everything you can to protect it from negligence and theft and mount an immediate counterattack when its security is threatened. We're experienced in helping life sciences and pharmaceutical companies manage and protect their valuable assets through confidentiality agreements and restrictive covenants, and throughout expansions, downsizings and employee transitions. Our litigators have deep experience and a strong track record of success both prosecuting to protect clients' confidential business information and defending against competitors' claims.

**Litigation.** In a sector replete with sensitive information and well-compensated employees, workplace-related controversies and lawsuits are inevitable. Our litigators routinely defend against employment discrimination, harassment and retaliation claims, and wage and hour misclassification claims while handling a variety of cases involving trade secrets and restrictive covenants. We'll work side-by-side to understand what's most important and what success would look like to *you* – whether that's seeking an early, advantageous settlement or pursuing nothing less than total victory. Our team is prepared to represent you in any federal or state court in the U.S., as well as before all relevant administrative agencies, commissions, and alternative dispute fora.

**Employee Compensation and Benefits.** We offer comprehensive guidance on employee benefits and executive compensation plans, including plan documents and IRS submissions, Employment Retirement Income Security Act (ERISA) fiduciary issues, the legal and tax implications of various arrangements, and more. We'll also represent you before governmental agency audits, investigations, and corrections, and in employee benefits and executive compensation litigation.

**Immigration.** You look far and wide for talent with the right knowledge and skills to drive innovation. Often, this means employing foreign nationals who need proper documentation allowing them to work with you. We'll help obtain non-immigrant visas and sponsor employees for permanent residence in the U.S. and secure visas for U.S.-based workers enabling them to work abroad. Our team also routinely represents employers in governmental immigration audits and defends against immigration-related discrimination claims.

## How We Can Help

- *Your new drug just passed FDA review. You plan to hire dozens of representatives across the country to facilitate sales. You have two problems: (1) the sales employees you are courting are often bound by restrictive covenants and (2) you need tailored, compliant agreements in each state to protect your IP and impose restrictive covenants to ward off competitors from raiding your team.*

**Our national Employee Defection and Trade Secrets team has the experience and depth to provide same-day responsiveness when evaluating competitors' agreements. Our 50-state ready team can also quickly customize restrictive covenant agreements for every state that will cater to your business and the local jurisdictions in which you operate.**

- *One of your top scientific leaders just resigned and is heading to a competitor. How confident are you that your intellectual property is protected?*

**Our restrictive covenants team knows that your intellectual property is of paramount importance. Our team of skilled lawyers will work with you to ensure that your intellectual assets are protected, no matter who leaves.**

- *Clashing egos are not unique to Hollywood. An officer of your company cannot seem to get along with the others and it's time to part ways. But this officer has a detailed employment agreement with "for cause" clauses, long-term equity grants, bonuses, and vested stock.*

**Routine severance agreements are easy. Executive agreements with complex termination clauses that include stock option plans and bonus cliffs is a different story. We are deeply familiar with executive agreements and have the sophistication to address the panoply of equity and bonus compensation models your business offers.**

- *Your managers want to treat everyone as exempt; after all, it's easier, more efficient, and possibly more cost-effective. But is everyone properly classified?*

**Our experienced Life Sciences and Pharma Team has seen it all, and we know your industry. We can walk you through the thicket of exemption laws in any state and we have the experience to back up our analysis.**

## Insights

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Paul Greco

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