



# Trucking

## *Overview*

**Already subject to unique laws and regulations, trucking industry employers face growing concerns related to employee turnover and retention, and an ever-present threat of class action suits. A shortage of drivers has met with a glut of goods and materials awaiting transportation to create unprecedented supply chain issues. You need attorneys who know how the industry works, understand the lingo and customs, have no learning curve – and can deliver results.**

Led by Jim Sullivan, who has more than 25 years of experience litigating cases and advising motor carrier clients, Fisher Phillips' Trucking Industry Team has in-depth, practical knowledge of the motor carrier industry and the right skills to deal with the problems its companies face. We know how to avoid situations that can get you into trouble and have an extraordinary record of success defending in complex litigation matters.

Our clients range from long-haul and less-than-truckload carriers to freight brokers and parcel delivery companies, including many of the industry's leading names. Our longstanding involvement and strong connections in the sector, including with various trucking associations, allow us to appreciate the nuances of each matter and help us provide successful solutions.

## **How We Can Help**

- **Advice and Counsel.** We help motor carrier employers implement appropriate practices and procedures to avoid litigation, minimize potential exposure, and comply with Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations. Our team also assists with:
  - Audits (e.g., employment practices, pay, worker classification)

- Employee benefits, compensation, and incentive programs
- Handbooks and policies
- Owner-operator/Contractor issues (including drafting and monitoring agreements)
- Recruiting, hiring, and retaining qualified employees
- Wage and hour issues under the Fair Labor Standards Act and state requirements
- Our deep understanding of your business, operations and issues is often critical to developing effective litigation – and litigation avoidance – strategies. When disputes escalate, we are prepared to defend you vigorously and efficiently in any forum across the country, always guided by your big-picture business objectives. Our team routinely defends clients against high-stakes class action and single plaintiff cases involving claims such as:
  - Wage and hour violations
  - Worker misclassification
  - FLSA/minimum wage and “hours worked” issues
  - Independent contractor driver pay issues
  - Discrimination claims, wrongful termination, and harassment
  - Whistleblower claims alleging unsafe conditions under the Surface Transportation Act
  - Breach of contract
- **Workplace Accident Investigation and Response.** Even the best safety practices and programs can’t prevent every accident, any one of which can have serious – and sometimes catastrophic – consequences. We’ll fiercely defend your interest to minimize exposure in workplace injury, property damage, and cargo claims, and before the federal and state DOTs to minimize any penalties.
- **Drug & Alcohol Testing.** We can help you implement appropriate policies and procedures for testing your drivers to comply with FMCSA and DOT requirements and protect your interests where violations are alleged.
- **Union issues.** We have experience helping less-than-truckload carriers maintain union-free status and handle union organizing efforts, picketing, work stoppages, and strikes. Our team also negotiates collective bargaining agreements and defends labor arbitrations and against unfair labor practice charges.
- **Training Schools.** If you decide to offer CDL training yourself, we’ll help you manage the risks involved, including enforcing trainees’ agreements, setting appropriate compensation, and maintaining the distinction between trainees and employees.

## *Insights*

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Andrew J. Hoag

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John M. Polson

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Christopher J. Boman, Daniel E. Farrington

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Michelle I. Anderson, Stephen Scott, Hannah Sweiss

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Nathan V. Okelberry

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Benjamin M. Ebbink, Alden J. Parker, Erin Price

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Todd B. Logsdon, Samantha J. Monsees, Hannah Sweiss, A. Kevin Troutman

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James Sullivan

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James Sullivan

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### ***Key Contacts***



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- Aviation
- Supply Chain
- Transportation and Supply Chain