



Construction

Overview

To successfully navigate the many challenges facing construction employers, it is important to respond proactively and strategically to union organizing, OSHA inspections, wage and hour disputes, federal contract issues, employee benefit issues, immigration questions and more. To achieve the best possible result, it is essential to work with lawyers who have the industry knowledge and experience to help you navigate your unique landscape.

Fisher Phillips' Construction Team is well-equipped to serve the construction industry. With attorneys across the U.S. and Mexico, we have the experience to provide practical solutions and help you successfully complete projects of all sizes. We work with a wide range of clients – from owners and developers to contractors and suppliers – so we understand the specialized needs of each stakeholder.

As part of an international labor and employment law firm, our team is perfectly positioned to provide the resources and substantive knowledge that construction employers need. We pride ourselves on building long-term relationships with our clients, which allows us to better understand their businesses and serve as trusted strategic advisors.

Labor Relations. Our team has experience representing both unionized and non-unionized employers, as well as double-breasted shops. We take the time to understand our clients' unique history, culture, and concerns in order to provide the best possible representation. Our services include negotiating and reviewing labor contracts, managing disputes, and handling unfair labor practice cases. We routinely negotiate, draft and/or review labor contracts, project labor and community workforce agreements (PLAs and CWAs) and collective bargaining agreements (including multi-employer pacts). We also represent unionized clients in managing unionized

workers in arbitrations, strikes (including reserved gate issues) and lockouts, and unfair labor practice cases.

Our team has extensive experience working with the NLRB and engaging with some of the most formidable unions in the country. We have a proven track record of successfully defending employers, helping them remain union-free and achieving positive outcomes in disputes.

Workplace Safety. Our team is well-versed in OSHA and state workplace safety regulations. We help employers develop and maintain effective safety programs, conduct self-audits and training, and respond to any complaints or citations. We are also experienced in quickly and effectively handling inspections, investigations, and incidents in order to help our clients achieve the best possible outcomes.

Wage and Hour Issues. Our team has extensive experience helping clients navigate wage and hour laws and regulations. We can assist with compliance audits, recordkeeping, piece-rate, and commission pay plan design. We are also experienced in litigating wage and hour lawsuits – including class, collective and PAGA actions – and can help you address a wide range of issues related to overtime, breaks, prevailing wages, and more.

Prevailing Wage Laws. Our team is experienced in helping employers navigate complex requirements involving prevailing wage, fringe benefit, and recordkeeping governing public works projects. We can help you understand the relevant laws (e.g. Davis-Bacon, Service Contract Act), ensure your employees are properly classified, and comply with recordkeeping requirements. We are also available to assist with audits and respond to any alleged violations.

Federal Contractor Compliance and Affirmative Action. Our team is well-versed in the regulations governing federal contractors and subcontractors (OFCCP). We can help you understand and comply with these requirements, as well as defend against any legal actions. We are also experienced in developing and updating affirmative actions programs, and can help you integrate these plans into your workplace culture.

Employee Benefits. Our team is experienced in a wide range of employee benefits and ERISA issues, including COBRA, 401(k), and executive compensation. We have a significant understanding of multiemployer fringe benefit issues related to the construction industry. We can also assist with withdraw liability defense, union audits, labor due diligence in mergers and acquisitions, successorship, and strategic use of Project Labor Agreements (PLAs).

Immigration. Our national immigration team has extensive experience in partnering with construction companies to resolve labor shortages through the strategic use of U.S. work visas and permanent residence petitions for talented foreign project engineers, assistant construction managers and construction managers. Our immigration services include I-9 compliance, E-Verify compliance, immigration due diligence for mergers and acquisitions, and responding to charges of discrimination from the Immigrant and Employee Rights Section of the U.S. Department of Justice.

Additional capabilities include:

- Hiring and firing
- Workplace handbooks and policies
- Immigration I-9 compliance
- Defending claims including employment discrimination, harassment, and wrongful discharge
- Trade secrets and non-compete agreements

Insights

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Collin D. Cook, Todd A. Fredrickson

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Reyburn W. Lominack III

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Steven M. Bernstein

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Sheila M. Abron

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Collin D. Cook, Patrick M. Dalin

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