



# Tech

## *Overview*

**Technology companies are quick to adapt to market trends but regularly face hurdles when managing their workforce. Attracting talented employees, keeping them happy, and being prepared for some turnover is an entirely different skillset. You must protect competitive assets, promote a fair work environment that can efficiently scale up or down, and be ready if a crisis hits. And all the while you need to stay current on evolving laws and regulations and implement robust compliance strategies to mitigate risks on multiple fronts.**

As part of a leading international labor and employment law firm, we provide legal solutions as advanced as the technologies our clients are creating. Fisher Phillips' Technology Industry Team taps its deep knowledge, experience, and skills to provide tech companies with comprehensive legal solutions tailored to their specific needs. We will support you through first-rate service – including transparency, responsiveness, and predictable budgets – and first-rate results.

Our clients range from startups to multinational Fortune 500 companies in the software and cloud computing, manufacturing, aerospace and avionics, logistics, gaming and interactive entertainment, social media, artificial intelligence, gig economy, biotech, defense, and semiconductor sectors.

We team up to help technology businesses in areas including:

**Counseling and Advice:** We'll advise you on all aspects of your workplace to ensure compliance and minimize legal risks. Our lawyers assist tech industry clients on all issues related to the employee life cycle (e.g., hiring, retention, compensation, benefits, performance management, terminations) and in making sure various positions are properly classified. They'll help you develop workplace policies, provide training, conduct internal investigations, ensure compliance with labor laws and

much more. We're dedicated to helping you take measures that will deter lawsuits, maximize your chances of success should any claims arise, and promote a positive work environment.

**Wage and Hour Laws.** Our lawyers are highly skilled in advising and defending employers in all aspects of wage and hour law. Because these regulations vary across jurisdictions, it can be quite a challenge to monitor and comply with all of those that apply to you. We'll help you tackle the challenges of compliance, manage distributed and remote workforces, devise pay practices and policies, classify your workers appropriately, conduct audits, and defend you in litigation and investigations.

**Litigation and Dispute Resolution.** Members of our team are experienced representing technology companies in cases involving discrimination, harassment, retaliation, wage and hour laws, worker misclassification, data privacy, employment contracts and non-disclosure and non-compete agreements. Our Litigation and Trials lawyers can represent you in any court, administrative agency, or commission across the country in cases up through and including large class and collective actions. While we have a stellar record of success in court, we recognize there are many paths to victory and will partner with you to find the best one in your situation.

**Labor Relations.** Tech workers are increasingly seeking to unionize, citing concerns about working conditions, pay, job security and workplace surveillance, among others. Members of our Labor Relations Team are highly experienced in tailoring lawful and effective positive employee relations plans for our technology sector clients well before and in response to signs of employee discontent to help clients preserve their direct working relationships. Our labor lawyers also regularly represent tech industry employers before the NLRB in connection with representation elections, unfair labor practice charges and work stoppages. We'll also help you formulate labor-relations plans for M&A transactions and any corresponding reductions in force (RIFs).

**Immigration.** You need to attract and retain the most skilled workers to help your business grow and thrive, which often means tapping international talent pools. Fisher Phillips' nationwide Immigration Team helps small and large employers secure H-1B visas and work permits to help fill important roles, manage challenges of globally distributed workforces, and comply with all applicable policies and regulations.

**Artificial Intelligence.** Technology companies are on the frontline of the AI revolution. With AI, we can help in two ways. First, we assist many clients with developing AI governance programs. Building safe AI solutions is essential for all companies, especially technology enterprises. We can build the governance programs to help technology companies minimize their risk when creating and deploying AI solutions. Second, AI is having a massive impact on the workforce. Employers must take care when using automated decision-making tools to ensure they don't inadvertently discriminate against certain groups when making personnel decisions and that they protect privacy and data when using surveillance. Our team will help you integrate AI into the workplace,

implement effective and compliant policies that minimize risks, resolve related disputes, and keep you up to date so you can maximize potential benefits.

*As thought leaders in the field, our annual AI Impact Conference in Washington, D.C. assembles industry experts from across the U.S. to explore the intersection of artificial intelligence and the modern business environment. Learn more [here](#).*

**Employee Defection and Trade Secrets.** Your employees routinely handle sensitive and proprietary data, with many managing valuable customer relationships. Our [EDTS Team](#) will help you protect proprietary business information and intellectual property by drafting effective policies and documents including confidentiality agreements, non-competes, and other restrictive covenants. We'll also assist with employee transitions to protect sensitive data and shield against litigation. Should controversies arise, we are ready at a moment's notice to defend your interests and/or seek immediate injunctive relief wherever you seek it.

**Crisis Management.** Your work is a source of public fascination, which can put you under the microscope and complicate already difficult situations. Layoffs, claims of discrimination or harassment, worker unrest, cybersecurity incidents, accidents at work, high-profile departures, unexpected lawsuits and the like become even more problematic as a result. Our [Crisis Communications and Strategy Group](#) is prepared to help you guard against dangers, effectively address issues while minimizing disruption, and preserve your business' hard-earned reputation.

**Data Privacy.** Your data is the lifeblood of your business, so you need to be vigilant in protecting it, including information about employees. We'll work with you to create processes to ensure data is securely handled and stored, and that you comply with applicable data privacy laws (e.g., GDPR and those of various states, such as the CCPA). Should there be a breach or ransomware attack, our [Privacy and Cyber](#) attorneys will help you investigate, address and properly respond to the incident and take measures to help prevent similar occurrences in the future.

**Diversity, Equity, and Inclusion (DEI).** Some companies in the technology industry have come under fire for permitting workplace atmospheres that create barriers for women as well as employees of color, older workers, and LGBTQ individuals. With vast experience in this area, members of our team will work with you to maintain, communicate and enforce equitable policies, develop appropriate hiring and promotion criteria, train employees, ensure pay equity, and mount a vigorous defense if controversy arises.

## ***Insights***

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Jocelyn Campanaro, David S. Jones, Shanon R. Stevenson

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Rick Grimaldi, Andrew J. Sommer, Hannah Sweiss, Kristin R.B. White

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Lisa Nagele-Piazza

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Benjamin M. Ebbink, Danielle Hultenius Moore

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Jang Hyuk Im

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John M. Polson, Richard R. Meneghello

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Kate Dedenbach, Usama Kahf

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### ***Recent Experience***

#### **Representative Work**

- Advised a large global technology client with a simultaneous reduction in force in 16 international jurisdictions, including countries in Europe, Asia, and Latin America.
- Advised a technology products and services client with approximately 15,000 employees on their internally deployed, third-party AI recruiting tools for compliance with New York City's Automated Employment Decision Tools law.
- Assisted a California-based technology company in rapid growth expansion to India, Italy, and Thailand by coordinating employment agreements, local employment, and administrative compliance. Assisted the client in identifying local counsel and service providers and then worked with these local professionals to coordinate the start of operations. Assisted client in understanding dramatic differences in U.S. law as compared to the local laws in India, Italy, and Thailand.
- Assisted a S&P 500 company and leading SaaS provider primarily for the financial services industry in reducing its immigration spend by combining the required recruitment for foreign nationals going through the PERM process to obtain permanent residence. By combining the recruitment for the same positions, the company benefited from substantial cost savings that could fund additional H-1B work visa transfers to increase headcount in its growing Information Technology Group.
- Obtained complete defense verdict on behalf of technology company in jury trial for pregnancy and gender discrimination.

- Obtained summary judgment and jury verdict for a national IT service management company in an age discrimination, retaliation case and then both were upheld on appeal.
- Obtained summary judgment in multi-million-dollar wage and hour case on behalf of an emerging technology company.
- Provided advice to an education technology client regarding an internal HR chatbot tool.
- Represented a major data analytics and technology company in a sexual harassment and retaliation case that settled on terms favorable to the client on the first day of trial.
- Represented an avionics technology company in a whistleblower claim brought under the retaliation provisions of the Wendell H. Ford Federal Aviation Investment and Reform Act for the 21st Century, which is included as part of the Occupational Safety and Health Administration's (OSHA) whistleblower protection program. Plaintiff's complaint was dismissed by OSHA, and when he appealed, the complaint was again dismissed by the U.S. Department of Labor, Office of Administrative Law Judges.
- Represented an international technology company in a trade secret/non-compete enforcement case. Client received a multi-million-dollar settlement.
- Represented an international technology company in trade secret litigation case, with our client seeking \$20 million in damages.
- Won summary judgment on public policy and wrongful termination disability discrimination claims against a high-level employee of a technology company.

## ***Key Contacts***

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See all →

## ***Tech Employer Starter Kit***



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