LABOR & EMPLOYMENT

Berger Singerman's Labor and Employment lawyers assist clients in navigating the complex and continually evolving labor and employment laws, rules and regulations that govern today's workplaces. Our diverse and experienced team includes a former Secretary of the Department of Labor for the State of Florida and two former law clerks to justices of the Florida Supreme Court. Our Labor and Employment lawyers have been recognized by third party resources for their litigation and counseling skills, including *Best Lawyers of America*, *Florida Trend* Magazine's Legal Elite, *South Florida Legal Guide*, and *Florida Super Lawyers*. Our attorneys are experienced in all aspects of labor and employment law, from workplace compliance issues that arise in daily operations to human resources issues of strategic significance. We provide representation in employment dispute resolution from administrative proceedings and mediations to arbitrations and complex jury trials.

Our Labor and Employment lawyers distinguish themselves from many others due to our extensive experience litigating complex cases, including class action defense, multi-party and multi-jurisdictional matters throughout the United States. Always ahead of the curve, Berger Singerman Labor and Employment lawyers can anticipate potential litigation exposure and partner with businesses to proactively address possible claims and mitigate exposure now and in the future.

How Berger Singerman Can Assist in Making Your Workplace Compliant

Berger Singerman Labor and Employment attorneys regularly design and help implement, or review and help improve, business policies and procedures to ensure compliance with applicable laws and regulations, including policies, procedures and documentation concerning:

- Americans with Disabilities Act, as amended
- Codes of conduct and handbooks
- Confidentiality obligations
- Conflicts of interest
- Discrimination and harassment
- Employment agreements
- Family Medical Leave Act
- Hiring and employment termination
- Job classifications, including independent contractors and unpaid interns
- Maintaining and protecting trade secrets
- Privacy rights
- Telephone and computer monitoring
- Wage and hour
- Workers' compensation

How Berger Singerman Can Assist Companies in Avoiding Liability

Our attorneys routinely advise clients in avoiding or minimizing claims and liabilities arising from termination of employment, as well as claims made by former employees.

Our lawyers are intimately familiar with:

- Affordable Healthcare Act
- Applicability and interaction between the Family Medical Leave Act, Americans with Disabilities Act, as amended, and Workers' Compensation laws
- Avoiding unanticipated exposure from cross-border transfers
- Dodd-Frank Act
- Employee embezzlement
- Employee leasing
- Exceptions to the at-will employment doctrine
- Federal, state and local laws prohibiting discrimination
- Fair Labor Standards Act
- False Claims Act
- Florida Whistleblower Act
- Implementation of reduction-in-force programs to withstand subsequent scrutiny
- Independent contractor issues
- Sarbanes-Oxley Act
- Severance agreements
- Social media policies
- Unemployment compensation determinations and appeals
- WARN Act

How Berger Singerman Can Assist in Crisis Management Situations

We pride ourselves in handling crisis situations arising from workplace issues.
For example, our lawyers have:

- Obtained injunctions prohibiting employees from stealing trade secrets, unfairly competing or disclosing confidential information
- Obtained orders requiring return of clients' intellectual property, electronic information and data
- Removed problem employees, and even owners, from the workplace
- Obtained orders restraining potentially violent employees
- Defeated whistleblower claims
- Coordinated extensive investigations of key executive misappropriation of trade secrets, self-dealing and diversion of company assets and revenues to a competing entity

Berger Singerman's Extensive Experience in Dispute Resolution Tactics

Our lawyers excel in resolving disputes in a variety of settings, including court, mediation, arbitration, proceedings by the U.S. Equal Employment Opportunity Commission and the Florida Commission on Human Relations.

Victories obtained by our lawyers include:

- Defeating class action certification for alleged improper classification of approximately 5,000 employees as independent contractors
- Representing a successful whistleblower in an $82 million claim
- Restraining the mass exodus of multiple executives to a start up on the verge of misappropriating significant accounts and trade secrets
- Prevailing in numerous race, sex, disability, pregnancy and national origin discrimination claims

- Successfully defending one of the largest Fair Labor Standards Act class action claims in the Southern District of Florida
- Enforcing restrictive covenants throughout the State of Florida and the country
- Resolving two of the largest WARN Act Class Actions filed in the federal courts in Florida
- Successfully representing Fortune 100 company in claim brought by former employee under Florida Whistleblower Statute
- Successfully defended RICO claims brought by former employees alleging unlawful practices in the workplace
- Performing FLSA compliance evaluations for hundreds of employee positions, thereby avoiding expensive and distracting litigation
- Defending litigation against employers brought pursuant to the Florida Whistleblower Act
- Assisting employers in evaluating and resolving claims asserted by officers under the Dodd-Frank Act

Representative Matters

NEPTUNE SOCIETY

Berger Singerman represented the Neptune Society, a national cremation company, against its former President who formed a competing company, and thereafter hired away the company's then President, IT Director, Chief Financial Officer, and Executive Vice President of Sales. The company also sued all of the departing executives, each of whom left without notice, and the competitor. Berger Singerman was able to obtain a preliminary injunction, effective nationwide, enjoining the defendants from hiring away any other Neptune Society employees. The case settled shortly thereafter.

ALL LEISURE GROUP

Berger Singerman represented the U.S. division of All Leisure Group, the largest cruise ship operator in Great Britain, in a theft of trade secrets case brought against the former President of the division and a vendor. Berger Singerman was successful in obtaining an ex parte injunction against its former U.S. President and the vendor in the United States District Court for the Southern Division of Florida. After forensic examinations of all applicable devices determined that all information had been returned, the parties stipulated to the entry of a permanent injunction.

ALL RISKS, LTD.

Berger Singerman represented All Risks, Ltd, a national insurance brokerage firm based in Baltimore, and several of its employees from Central Florida, who left their previous employer to work for All Risks Ltd., in alleged violation of third restrictive covenants. Berger Singerman was successful in defeating plaintiffs motion for temporary injunction and the four individual defendants, all of whom left their previous employer, were able to work at All Risks, Ltd. without any limitations.

BODY ARMOR MANUFACTURER

Berger Singerman represented a body armor manufacturer in an action against an engineer and director of sales and a new competitive entity they formed, in flagrant violation of non-compete and non-solicitation agreements they had with the company. Following an evidentiary hearing, Berger Singerman secured the issuance of a comprehensive preliminary injunction for our client, as a result of potential lost business.