



## Practice Areas For Employers

The employment law attorneys at Meyers Fried-Grodin LLP provide a full range of legal services for New Jersey and New York employers. Whether your organization is large or small, we can help. Below are links to summaries of what we do with regard to some common employer needs:

### GENERAL LABOR & EMPLOYMENT COUNSELING

At Meyers Fried-Grodin LLP, our employment lawyers emphasize the importance of preventative measures so that your organization can avoid costly litigation. We also know that businesses have limited resources and want to spend their limited compliance budgets wisely. The experience that our attorneys have gained over the years assisting a wide range of businesses enables us to provide employers with efficient, practical and effective legal advice. Whether your company is faced with an internal employee complaint, a difficult termination, or wage & hour concerns, we can help guide you through it.



*The type of “day to day” issues our employment attorneys can help your company with include:*

- Helping decision-makers properly make and communicate termination decisions;
- Helping management respond to internal employee complaints;
- Documenting and imposing discipline;
- Dealing with “problematic” employees, such as those who have committed workplace violence, failed a drug test, engaged in sexual harassment, create safety problems, engaged in repeated disciplinary infractions, lower morale, or create friction with management;
- Drafting key employment documents such as offer letters, employment agreements, restrictive covenants/non-competes, and severance agreements; and
- Drafting commission plans and commission agreements for salespeople to help ensure that such agreements contain terms that courts are likely to enforce.

*The type of “big picture” projects our employment attorneys can help your company with include:*

- Planning and implementing a reduction in force (or “layoff”);
- Preparing major policies and practices with broad company-wide effects, such as job application and interviewing procedures, termination procedures, drug testing policies, and workplace safety practices;
- Conducting labor & employment audits that help companies become compliant with applicable laws and implement “best practices” to both minimize legal liability and increase administrative efficiency;
- Reviewing compensation practices to ensure compliance with wage & hour laws regarding minimum wage, overtime, prevailing wage and the like.

## INTERNAL INVESTIGATIONS

When an employee complains of discrimination, financial irregularity, ethical violations, or other misconduct at work, emotions can run high and the situation can seem extremely challenging to address. Nonetheless, employers cannot ignore these kinds of complaints, but, rather, must take prompt action to properly respond. Thus, a thorough and effective internal investigation done promptly after an employee lodges a complaint can help an employer to: (i) take corrective measures, if warranted; (ii) limit legal liability; and (iii) try to resolve problems internally before they reach another level. Meyers Fried-Grodin's attorneys have the experience and good judgment needed to properly and discretely conduct your internal investigations.

## HANDBOOKS, POLICIES AND TRAINING

Employee handbooks and employment policies are important tools for both practical and legal-compliance-based reasons. A small investment in this key protective measure can help prevent litigation and the high costs and time commitment associated with it.

However, if handbooks and policies are poorly-written (or are not consistently enforced), they can backfire. The employment attorneys at Meyers Fried-Grodin LLP can efficiently prepare effective handbooks and policies for businesses, and provide guidance and training on how to properly administer them.

However, having great written policies isn't enough. Effective training must go hand-in-hand with them. For example, the best anti-harassment policy in the world can be rendered all but worthless if you do not effectively train employees how to identify and report harassment or if you do not train management on how to handle internal complaints. We provide harassment training, as well as training on a host of other topics that may be of importance to management and human resources staff such as how to handle leave requests, accommodating disabilities, proper interviewing and hiring techniques, and many other topics.

## EMPLOYMENT LITIGATION

The employment attorneys at Meyers Fried-Grodin LLP attorneys have experience representing companies in all facets of workplace litigation, including cases involving discrimination, whistleblowing, retaliation, wrongful discharge, wage and hour law violations, breach of contract and tort claims. We staff our cases efficiently yet litigate aggressively and diligently. We call upon our many years of experience defending employment claims to help honestly evaluate your defenses and to achieve the best possible results for employers, including litigating such matters and negotiating and mediating such disputes with or without litigation.

## ARBITRATION AND MEDIATION

### Arbitration:

As employment lawsuits become more and more common, many employers are implementing arbitration policies to provide an alternative process to address workplace disputes. Arbitration is attractive to employers because cases usually involve less discovery, conclude quicker than those that proceed in court, and are decided by an arbitrator instead of a jury. Our attorneys draft arbitration policies and procedures for employers and defend employers in cases heard by arbitrators. We understand the requirements that alternative dispute resolution providers and the courts require for arbitration agreements to be enforceable and draft arbitration policies and procedures so that such agreements will be enforced by the courts and alternative dispute resolution providers.

### Mediation:

Employers and employees often benefit from attempting to resolve their employment disputes with the help of a mediator. A mediator is a neutral person who acts as a facilitator and helps the parties identify and resolve the issues, and bring finality to their dispute. Our attorneys have significant experience representing clients at mediation both before litigation commences and after a lawsuit has commenced. Attorney Lisa I. Fried-Grodin is also a certified mediator herself.

## NON-COMPETES/RESTRICTIVE COVENANTS AND NON-DISCLOSURE (CONFIDENTIALITY) AGREEMENTS

Many business want maximum protection for their efforts in building up and promoting their employees and for their confidential and proprietary information. Often, non-competes (and other forms of restrictive covenant agreements), as well as non-disclosure agreements, can go a long way in protecting these interests. Our attorneys can prepare such agreements as a protective measure and challenge employees who breach such agreements in litigation.

## AUDITS & CHARGES at EEOC, DOL & OSHA

In recent years, administrative agencies such as the Equal Employment Opportunity Commission ("EEOC"), the federal and state-level Departments of Labor, and the Occupational Safety and Health Commission have stepped up enforcement efforts and are imposing more and more fines and penalties on employers. When you get a "knock at the door" from an OSHA officer, looking into an employee accident, or from a DOL investigator seeking to audit your payroll records to find overtime violations, your first reaction should be to call us. We can help employers in these situations by communicating with the agency to attempt to limit the scope of the inquiry, negotiate a settlement, and/or represent the company in a challenge of the allegations on the merits. Similarly, we can

also efficiently respond to discrimination charges employers receive from the EEOC and state agencies.

### EMPLOYEE v. INDEPENDENT CONTRACTOR

Misclassification of employees as independent contractors is a common mistake made by both large and small employers. Simply calling a worker in an independent contractor in an employment contract and/or paying them on a 1099 versus W-2 does not necessarily mean that that individual is deemed to be an independent contractor under applicable law. Rather under both state and federal employment laws, the determination of employee vs. independent contractor status is fact-sensitive and requires consideration of many factors.

Proper classification of workers is critical. The state and federal departments of labor and tax authorities are focusing more than ever on companies that get this wrong and more and more employers are facing class action lawsuits from employees who were improperly denied overtime.

Our employment attorneys can help you understand the laws and work with you to ensure compliance.