

Labor & Employment

CMC's Labor & Employment Practice helps employers navigate the complexities of workplace law with practical, business-focused solutions.

From day-to-day counseling and compliance audits to high-stakes litigation and labor-management relations, we partner with clients to minimize risk and resolve disputes efficiently. We provide clear guidance on hiring, policies, investigations, union relations, and everything in between, so you can focus on running your business.

Employment Counseling

We provide day-to-day counseling on challenging employment issues that arise in the workplace throughout the employment relationship:

- Advising on new hires, including employment agreements, onboarding risks and strategies to minimize liability when hiring individuals with restrictive covenants.
- Drafting and updating employee handbooks and personnel policies and procedures, including enforceable confidentiality agreements and post-employment restrictive covenants such as non-compete, non-solicit, and non-disclosure provisions.
- Ensuring wage and hour compliance and conducting internal audits, including lawfully classifying employees as exempt from the federal and state minimum wage and overtime laws; understanding how to calculate the regular rate of pay for overtime; and identifying what working time is compensable.
- Conducting on-site inspections of public accommodations for compliance with state and federal ADA access laws.
- Assisting on navigating the maze of regulations related to employee leaves of absences, FMLA and ADA.
- Creating and implementing programs to avoid workplace violence.
- Conducting internal investigations of workplace disputes and compliance issues.
- Presenting management and staff training on preventing discrimination and harassment in the workplace.
- Assisting in the investigation and protection of theft of trade secrets, misappropriation of confidential information or other types of unfair competition.
- Drafting severance agreements.
- Counseling on termination decisions and post-termination claims of wrongful discharge.
- Negotiating separation agreements, executive compensation packages, and change in control agreements on behalf of companies and senior executives.

Employment Litigation

We defend employers in class and collective actions and single-plaintiff claims:

- ADA access claims against places of public accommodation
- ADA disability accommodation and discrimination
- Alternative Dispute Resolution/Arbitration provisions
- Department of Labor enforcement audits, including investigations brought by the Wage Hour Division, and OSHA
- Discrimination under federal and state law (race, gender, sex, disability, age, pregnancy, sexual orientation, national origin)
- FLSA and state wage and hour laws addressing claims such as misclassification, overtime, tip credit/tip pool/service charge, off-the-clock work, unpaid interns, child labor, and payment of bonuses and commissions
- FMLA, military leave, and state parental leave laws
- Trade secrets and restrictive covenants, breach of duty of loyalty, employee raiding, and violation of the federal Computer Fraud and Abuse Act
- WARN
- Whistleblowing and Retaliation
- Workplace harassment (sexual, race, religious, workplace bullying)

Labor-Management Relations

We provide advice and counsel to unionized and non-unionized workplaces regarding an employer's rights under the National Labor Relations Act and before the National Labor Relations Board (NLRB):

- Represent management in union organizing campaigns and elections, including representation and decertification cases.
- Defend management in unfair labor practice charges.
- Serve as chief labor negotiator for management in collective bargaining negotiations.
- Defend management in grievance and arbitration proceedings.
- Advise companies on strikes, secondary boycotts, picketing, and hand-billing.
- Counsel management on strategies to defend against pension plan withdrawal liability.
- Develop strategies for employers to remain non-union.

The team is well versed across a wide range of employment law issues and jurisdictions. In the one circumstance where specialized expertise was required, they quickly identified the need and engaged outside experts, reinforcing confidence in their judgment and team strength.

Client Quoted in Chambers USA

Their advice has consistently helped us avoid costly disputes, unnecessary payouts, and negative publicity, while minimizing the internal time required from our team. Over 18 years, their counsel has proven to be a strong and reliable investment.

Client Quoted in Chambers USA

We have consistently been confident in their ability to manage complex matters. In the rare instance where highly specialized jurisdictional expertise was required, they proactively engaged appropriate outside experts while maintaining strategic oversight and continuity.

Client Quoted in Chambers USA

What distinguishes Kara Maciel and Conn Maciel Carey LLP is the depth of institutional knowledge combined with a highly practical, business-oriented approach. We have worked exclusively with the firm for approximately 18 years. Throughout that time, they have demonstrated exceptional responsiveness, particularly when urgent or sensitive issues arise.

Client Quoted in Chambers USA