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Helping you manage your human capital

Every day it seems there is a new employment law or regulation going into effect, or you read about another jury verdict against an employer. As an employer, this presents ongoing compliance challenges and litigation risks. Carmody's Labor & Employment Group can manage all of your workplace-related legal needs. We represent public and private employers and non-profit entities of all sizes in almost all matters arising out of the employment relationship including:

- Employment Counseling & Training
- Employment litigation
- Employment investigations
- Employee benefits & compensation
- Wage & hour
- Labor relations
- Unfair competition and misappropriation of trade secrets
- Health & safety
- Healthcare reform & compliance
- Alternative Dispute Resolution

Visit the [Carmody@Work Blog](#) for news and insights on virtually every labor and employment law issue facing employers.

Employment Counseling & Training

Because knowledge is power

Carmody's Labor & Employment Group places strong emphasis on helping employers prevent legal issues before they arise -- and minimizing their impact when they do occur. We strongly believe knowledge and prevention are the keys to long-term success in managing human capital. Consistent with this belief, our approach is based on practical, proactive, common-sense advice, provided in a cost-effective manner.

We regularly counsel businesses on the full range of current employment issues:

- Employment policies and employee handbooks
- Applications, offer letters and background checks
- Executive employment agreements
- Independent contractor agreements
- Privacy issues
- Social media and electronic discovery compliance



- Reductions in force and workforce reorganizations
- Severance agreements
- Confidentiality agreements
- Covenants not to compete
- Wage and hour matters
- Leaves of absences under the ADA, FMLA and other labor laws
- Employee lifecycle issues
- Performance management
- Bonus and commission plans
- Affirmative action and EEO-1 reporting
- Drug testing
- OSHA and safety
- Immigration issues
- Record retention
- Change in control agreements
- Alternative Dispute Resolution policies and agreements

A curriculum for compliance

Our Labor and Employment attorneys provide in-depth training and preventive coaching to managers and supervisors. We offer an ongoing training series on sexual harassment prevention to meet requirements under Connecticut law. We regularly provide customized training to employers on a number of different topics such as performance management, supervisory training, employment law basics, diversity awareness, managing leaves of absence, wage and hour, and privacy in the workplace. We also present a complimentary, comprehensive annual seminar that provides a review of important legislative, case law and other developments in the area of labor and employment.

Employment Litigation

When you need to take a strong stance

With the explosion of new state and federal laws regulating the employee-employer relationship, businesses may find themselves in the unfortunate position of having to defend against a variety of workplace claims.

We defend employers and business executives accused of violating provisions of employment agreements including confidentiality and non-competes. We also have defended many wrongful discharge, wage and hour, employment discrimination, and harassment and retaliation claims including many ADA, ADEA, Title VII, sexual harassment, constructive discharge, workers' compensation retaliation, and whistle-blower retaliation claims in federal and state forums.

Broad experience successfully defending employers

We regularly defend public, private, for profit and non-profit employers. We handle employment matters before federal and state courts, the National



Labor Relations Board (NLRB) and the Connecticut Board of Labor Relations, Connecticut Board of Mediation and Arbitration, the Equal Employment Opportunity Commission (EEOC), the Massachusetts Commission Against Discrimination (MCAD), the New York State Division of Human Rights, the Connecticut Commission on Human Rights and Opportunities (CHRO), the U.S. and Connecticut Departments of Labor, U.S. Wage & Hour Division, the Occupational Safety and Health Administration (OSHA) and the Connecticut Workers' and Unemployment Compensation Commissions.

Employment Investigations

A thoughtful approach to resolving sensitive employment matters

Our skilled and discreet investigative team conducts confidential workplace investigations and audits, and advises senior management and corporate boards on the proper resolution for sensitive employment issues. We have been hired by clients and law firms to conduct these investigations. In our role as investigators we help employers understand the root of the problem and how to successfully resolve allegations of individual and corporate misconduct.

Employee Benefits & Compensation

Attracting and retaining quality employees

Working closely with the firm's tax and business lawyers, our Labor and Employment Group provides counseling, preventive advice and transactional support on all types of employee benefits and compensation. We regularly counsel clients on matters related to ERISA, COBRA, executive compensation, incentive compensation plans, wage and hour, retirement plans, and rights and obligations under the Affordable Care Act.

We also assist non-profit organizations, including municipalities and schools, on their benefit programs, including their 403(b) and 457(b) plans.

Wage & Hour

Always available to assist you

Wage and hour claims have become the most common source of employment-related liability facing businesses today. Carmody's Labor & Employment attorneys are well-versed in the plethora of wage and hour legal issues facing employers. We have many years of experience advising private and public employers regarding state and federal wage and hour compliance. We represent clients in investigations and enforcement actions conducted by the U.S. Department of Labor's Wage and Hour Division and similar state agencies. Additionally, we provide management-side defense in wage and hour lawsuits and class and collective action suits filed under the federal Fair Labor Standards Act (FLSA) and state law involving such issues as minimum wage and overtime, employee misclassification, record-keeping and payroll deductions.



Labor Relations

Powerful advocates, savvy negotiators

Carmody provides traditional labor relations services to public and private employers in various industries. Our experience includes the negotiation and administration of collective bargaining agreements, defense of grievance and arbitration claims, interest arbitration representation, and representation before the National Labor Relations Board (NLRB), the Connecticut State Labor Relations Board and the courts. Through these experiences, we have worked with most regional and local unions.

Stay informed, stay in compliance

In light of the NLRB's increased focus on issues such as employee communication during a union organizing campaign, protected concerted activity, social media policies, and more, you need a legal team that has its finger on the pulse of the Board's most recent regulations and actions. Carmody will not only keep you informed of the latest developments, but will help you understand your responsibilities to ensure you remain in compliance.

Unfair Competition and Misappropriation of Trade Secrets

Integrated advice you can trust

In today's highly regulated business climate, companies face new complexities in navigating competition laws. You need experienced counsel with local knowledge and expertise to address, civil and criminal investigations, intellectual property, trade, licensing, and litigation issues.

Protecting trade secrets in the information age

At Carmody, we understand that extreme diligence is required to effectively safeguard and defend your trade secrets. To this end, we develop trade secret strategies for clients for the identification, protection, and licensing of trade secrets. We also help you pursue claims of misappropriations and respond to threats arising from unfair business practices and trade secret disclosures, recovering damages and exacting reparations when possible. Carmody helps clients meet these challenges through an integrated service model with antitrust lawyers who are at the forefront of this emerging area of law. We provide legal counseling and litigation services to major corporations and small companies on issues involving:

- Connecticut Trade Secrets Act (CUTSA)
- Civil and criminal litigation
- Employee movement and unfair competition
- Government investigations
- Intellectual property licensing and enforcement
- Joint ventures



- Multinational investigations
- Non-competition
- Non-solicitation
- Private damage actions

Health & Safety

A quick resolution and speedy recovery

Our Labor & Employment Group provides management-side representation in matters involving the health and safety of employers. Representing clients in all types of occupational disease or injury cases, we offer a strong working knowledge of the nuances of workers' compensation laws, as well as safety and health laws, such as OSHA. Whether defending a client in a workers' compensation claim or responding to an OSHA inspection, we offer legal advice so that our clients can understand the process and make informed decisions, and take necessary creative measures to minimize any exposure.

Healthcare Reform & Compliance

On the forefront of healthcare reform

Understanding U.S. healthcare reform, its impact on your organization, and specific regulatory requirements can be a daunting task. Carmody's Labor & Employment Group is dedicated to staying abreast of new developments in the Affordable Care Act (ACA). Working with our Health Law attorneys, we bring a clear understanding of the business and complexity of healthcare reform combined with up-to-the-minute knowledge of emerging legal issues. We provide detailed strategies for employers so they meet ACA's deadlines and achieve regulatory compliance cost-effectively.

Alternative Dispute Resolution

Focused on alternatives

Alternative approaches to dispute resolution, such as mediation and arbitration, are an important part of the representation that Carmody provides. We spend time with clients to uncover the "root of the problem" to understand their issues and how the dispute affects their business or personal lives. With this approach, we find creative and sensible solutions that might not be obtainable in the more formal setting of a trial.

- **Mediation.** Carmody assists clients in reaching creative solutions to their disputes in the context of mediation sessions. A focus on the interests – instead of the positions – of the parties, often reveals solutions otherwise not obtainable in a formal trial. In addition to representing clients in mediation sessions, several of our attorneys are trained mediators who help others resolve their disputes.
- **Arbitration.** Carmody is well-versed in the various procedures that apply to arbitrations. Several of our attorneys regularly serve as arbitrators



selected by other law firms and their clients and are on state and national panels of arbitrators.