

LABOR & EMPLOYMENT

HBS counsels clients across all industries on the complexities and nuances of labor and employment laws so we can work together to resolve disputes effectively and efficiently.

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Overview

As labor and employment laws become more nuanced and complex, Hall Booth Smith's national Labor & Employment Service proactively assists both private and public sector clients in navigating the ever changing legal landscape. When challenging employment law and workplace issues arise, employers, companies, educational institutions, and municipalities across the United States turn to our labor and employment attorneys to provide the strategic guidance necessary to safeguard against potential claims and to resolve conflicts in the most favorable and cost-effective manner possible.

Efficient and innovative solutions are the hallmarks of our practice. Recognized for our zealous advocacy, Hall Booth Smith's [seasoned attorneys](#) deliver comprehensive advice and counsel in all types of employment-related matters, including:

Alternative Dispute Resolution

With labor and employment disputes on the rise companies, insurers, government agencies, and courts are increasingly turning to alternative dispute resolution (ADR) to avoid the costs and complexities of adversarial litigation. Arbitration, mediation, and other alternative dispute resolution platforms are effective and efficient ways for management and employees to collaboratively

Leadership



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find workable solutions that are acceptable to all parties.

Our attorneys are recognized nationally for their ability to evaluate all legal issues, develop targeted strategies, and reach an amicable resolution that protects the needs and business objectives of the organization. Whether mediation, arbitration, or a hybrid of the two, ADR requires experienced legal counsel who can thoroughly evaluate a case and develop a comprehensive strategy before litigation costs take over and diminish the chances of early resolution.

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Full Team

Class-Action & Multi-Employer Litigation

We have successfully defended class action and other multi-plaintiff suits alleging breach of contract, wrongful termination, sexual harassment, retaliation, failure to accommodate, whistleblowing, tortious interference, age, and other protected classifications. Our national wage and hour defense practice defends class action lawsuits and investigations by the U.S. Department of Labor and other government agencies.

Education Employment Law

Hall Booth Smith offers investigative and [litigation services](#) to public and private school entities, administrators, boards, and others across the education sector. Our team has extensive experience in education employment legal matters, including teacher dismissals and evaluations, disciplinary matters, sexual harassment, Title VII, speech and First Amendment issues, civil rights, student discipline, school violence, special education, testing/promotion, access to student records, fraternity and sorority matters, and other emerging issues. We also represent educators in internal investigations, disciplinary proceedings, and other matters related to their employment.

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Employment Litigation

A significant portion of our employment practice is devoted to defending claims alleging sexual harassment, discrimination (including but not limited to age, race, disability, national origin, religion, and gender), whistleblower, hostile work environment, retaliation, and wrongful termination. We also defend employers in wage and hour / FLSA claims, contract disputes, trade secret, and unfair competition claims. We provide strategic counsel and representation in matters before state and federal courts as well as the United States Department of Labor, the United States Equal Opportunity Commission, and the United States Department of Justice, as well as state and local agencies and authorities.

Employment Practice & Legal Compliance Audits

We offer comprehensive employment practice and legal compliance counseling that help clients develop practical strategic designs to reduce overall employment-related costs, minimize the risk of lawsuits, improve productivity, and enhance employee morale and retention. This includes educational training for in-house counsel, human resources professionals, senior management, mid-level leadership with respect to compliance with labor and employment laws at the federal, state and local levels. Our attorneys have developed an extensive library of presentations covering virtually all workplace issues that can be uniquely tailored to any employer's specific business operations.

We also train companies on payroll practices and procedures, drafting and implementing personnel manuals/handbooks, hiring practices, separation agreements, medical leave compliance, workplace investigations, proper classification of workers, Employee Retirement Income Security Act (ERISA), employee drug testing, and pre- and post- employment screening, immigration, and compliance audits.

Labor Management Relations

Our Labor & Employment Law Service also handles virtually all aspects of traditional labor relations on behalf of management,

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including collective bargaining, grievances, and arbitration. Our team provides labor counseling to employers and advises management on effective and strategic response efforts to avoid unfair labor practice disputes to promote mutually satisfactory employee-employer relations. We also represent clients in actions before the National Labor Relations Board and other government agencies.

Management Liability, Employment Practices, Directors & Officers
Hall Booth Smith serves as panel counsel for many of the leading insurance carriers, both domestic and abroad. We work closely with underwriters, adjusters, carrier representatives, risk managers, consultants, brokers, and insureds to deliver effective claims management and risk control services to address claims quickly and cost effectively. [Insurance carriers](#) also call upon the skill of our seasoned attorneys for mediation, arbitration, and litigation as well as monitoring outside counsel on a national level. We focus on the early evaluation of claims and aggressively obtain mitigation information in order to swiftly and effectively assess liability. This allows us to develop strategies that make alternative dispute resolution (ADR) procedures more effective and drive down the cost of traditional litigation.

Restrictive Covenants, Unfair Competition, & Trade Secrets
Our Labor & Employment Service understands the value of protectable proprietary interests and what is at risk for an organization should its confidential information be misappropriated. Our attorneys have a wealth of experience in drafting enforceable employment contracts and restrictive covenants that ensure that the company's confidential information is protected when an employee is terminated or leaves the organization. Our attorneys also draft and negotiate severance, non-compete, non-solicitation, and non-disclosure agreements for companies of all sizes operating across all industries. Similarly, our lawyers are highly experienced in aggressively defending and/or enforcing the terms of these agreements, particularly within the

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context of post-employment restrictive covenants. In situations where an employee breaches a restrictive covenant or other type of employment agreement, we take immediate action, typically seeking emergency injunctive relief to protect the employer from irreparable harm.

Experience

The Labor & Employment Service has extensive trial experience in state and federal courts nationwide litigating individual and large class actions involving the full range of employment claims including:

- Accommodation
Based on disability, religion, caregiver, or cultural status
- Breach of Contract
- Data and Confidential Information Protection
- Discrimination, Harassment, and Retaliation
Based on race, color, sex, pregnancy, religion, age, sexual orientation, transgender, and national origin
- Employee Handbook and Company Policy
- Equal Pay
- ERISA Benefits
- Fair Credit Reporting Act
- FMLA
- HIPAA
- Restrictive Covenants
Including: non-competes, non-solicitation of customers, confidential information protection, non-recruitment of employees, intentional interference with contract
- State Torts
Including: negligent supervision and hiring, intentional and negligent infliction of emotional distress, assault and battery, stalking, false imprisonment, defamation, invasion of privacy, fraud,

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theft, embezzlement,
conversion, wrongful
discharge

- Trade Secrets
- Unemployment
- USERRA
- Wage and Hour
- WARN

Blog



Our [Employment Updates Blog](#) keeps readers up to date on the latest employment law cases, legal developments, and trends impacting business operations, labor relations, compensation, benefits, and more.

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New Department of Labor Rule Enhances Protections for Farmworkers

[May 7, 2024](#)

The DoL recently announced a final rule aimed at strengthening protections for farmworkers under the H-2A program. This rule,

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effective June 28, 2024, addresses vulnerabilities and abuses experienced by workers in the program, promoting fair labor standards for all farmworkers in the U.S...

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[April 25, 2024](#)

On April 23, 2024, the United States FTC issued a sweeping final rule regarding the use of non-compete clauses in employment, creating new prohibitions and other changes to ongoing non-competes.

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The U.S. Department of Labor **has Finalized Its New** **Independent Contractor Rule:** **Here's What It Means for Your** **Business**

[January 12, 2024](#)

The DOL announced its Final Independent Contractor Rule that defines whether a worker is considered an employee or independent contractor under the FLSA

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In the Press

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Litigators Lounge: The FTC Torpedoes Non-Competes

May 1, 2024

The hosts review the Federal Trade Commission's recent proposal to ban non-compete clauses and agreements and the implications doing so may have for employers.

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Litigators Lounge: Immigration Law for Employers, with Misty Wilson Borkowski

[April 18, 2024](#)

The hosts welcome immigration law expert and HBS Little Rock Partner Misty Wilson Borkowski to discuss the complexities of immigration within employment law.

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