



ATTORNEYS AT LAW



**EMPLOYMENT AND LABOR
LAW PRACTICE**

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EMPLOYMENT AND LABOR LAW PRACTICE

As one of the few firms of its size and caliber that can boast of a minority, female founding partner, Stacey Meisel, Becker's belief in diversity starts at the top, and, as with many of our corporate clients, is a cornerstone of the firm's mission statement. It is also the driving force behind the firm's Employment & Labor Law Group, allowing us to develop a sophisticated practice representing management and executives in all aspects of employment law, human resources policy management, and labor law.

The attorneys in our Employment & Labor Law Group have significant experience across a wide variety of industries, including: construction; staffing and recruiting; banking and other financial services; pharmaceutical and healthcare services; computers and technology; hotels and restaurants; trucking and other transportation services; manufacturing; automotive sales; entertainment media; gaming; and professional services.

We strive to provide our clients with comprehensive legal services in an effective and cost-efficient manner.

Our areas of specialization include:

Members of the Employment & Labor Law Group are often asked by peers, industry groups, and the media to speak and write on emerging trends and other issues affecting these areas of the law.

- *employment counseling*
- *human resources policy development/compliance*
- *litigation defense in discrimination, retaliation, and harassment claims*
- *disputes involving restrictive covenants and employment and separation agreements*
- *labor law*
- *wage and hour compliance/audits*
- *electronic records management*

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COUNSELING, TRAINING & HUMAN RESOURCES POLICY MANAGEMENT

Becker's wide range of counseling, training and Human Resources Management services are aimed at helping businesses avoid liability for employment-related activities and improve their bottom line. Our counseling services include developing company policies and handbooks, conducting workplace investigations, and implementing and managing internal conflict resolutions. Also, our business clients rely on us to provide the most up-to-date training for their anti-discrimination and anti-harassment policies and substance abuse testing protocols. Our attorneys have broad knowledge of all employment-related legislation, both pending and enacted, and save clients considerable costs through education regarding, and ensuring compliance with, all such legislation. We have substantial experience in handling and preparing clients for various federal and state agency audits before the United States and New Jersey Departments of Labor and in the Courts, including the successful resolution of issues involving overtime pay, exempt status and wage violations.

Recent Successes:

- Our attorneys saved a national pharmaceutical outsourcing company substantial sums in potential DOL fines by auditing its HR classification for employee/independent contractor status and implementing a corrective policy.
- We steered a growing staffing company through a DOL audit, successfully permitting the company to continue to provide transportation for employees and allowing such employees to continue working.
- Our attorneys significantly reduced the tax exposure of a large defense subcontractor by implementing a revised 'non-exempt' employee policy that brought the company into compliance with New Jersey wage and hour requirements.
- The firm set up the operating framework that has allowed a national telecommunications company to launch a new multi-million dollar line of business in New Jersey, guiding the company through the complex regulatory environment in the State of New Jersey and providing advice on licensing and HR requirements.
- We managed a 3-Step RIF (reduction-in-force) of a mid-sized light industrial company, helping it realize significant cost savings and guiding it through a successful 'turn-around' effort.
- Our attorneys implemented and managed an internal conflict resolution program for a regional community development company which, over the course of nearly two years, has produced noticeable reductions in workplace disputes and complaints.

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- We counseled an insurance agency to properly classify employees as exempt/non-exempt, thus avoiding substantial liability for misclassification violations.
- The firm defended a heavy equipment and highway contractor against OSHA violations with fines in excess of \$300,000, successfully resolving the dispute at a greatly reduced cost to the company.

AGREEMENT

Our attorneys work extensively with businesses and key executives in negotiating and preparing employment agreements, compensation agreements, restrictive covenants, including non-compete agreements, and separation and severance agreements. Our knowledge and counsel in this regard offer a cost-effective way to avoid costly disputes down the road.

Recent Successes:

- Our attorneys prepared a complex employment agreement that allowed a public client to consummate the acquisition of a competitor and thereby grow and strengthen its position in the marketplace.
- The firm successfully represented high-level financial professionals against the efforts of new management to alter terms of their employment agreements and preserved higher levels of compensation, despite change in control.
- We negotiated a resolution of a dispute between a dentist and his employer, a multi-location dental services group, which allowed the dentist to continue his practice, despite a restrictive covenant.
- The firm obtained a favorable retirement/separation agreement that allowed a long-time printing industry executive to collect substantial severance pay and engage in consulting, despite the existence of a restrictive covenant to the contrary.

Our attorneys have considerable experience concerning issues related to the New Jersey Law Against Discrimination, Conscientious Employee Protections Act, Division on Civil Rights, and the US Equal Employment Opportunity Commission.

LITIGATION

For decades, our attorneys have represented management in litigation matters ranging from class actions to single-employee suits in various forums and jurisdictions. We have considerable pretrial, trial and appellate experience in state and federal courts in defense of discrimination and harassment claims under the New Jersey Law Against Discrimination (LAD), as well as in defense of ‘whistle-blower’ and retaliation claims under the New Jersey Conscientious

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Employee Protections Act (CEPA) and in defense of claims for wrongful discharge and breach of restrictive covenants. We also have experience in matters before the New Jersey Division on Civil Rights (DCR) and the US Equal Employment Opportunity Commission (EEOC). Our attorneys have often served as local counsel to out-of-state companies, providing expert insight into the unique, extensive, and sometimes conflicting employment laws in the State of New Jersey. We also have substantial experience in employing alternative dispute resolution methods to employment disputes, such as through mediation and arbitration. In every litigation matter, Becker employment attorneys first meet with each client to define objectives and then devise a strategy to meet those objectives as effectively and efficiently as possible.

Our attorneys have successfully defended:

- a national-chain hotel against whistleblower and disability discrimination claims by a former employee.
- a large automobile dealership network against workers' compensation, retaliatory discharge and disability discrimination claims.
- a litigation support services company against claims of race and national origin discrimination.

In all three cases above, our attorneys won summary judgment dismissing all claims, thereby avoiding our clients' exposure to unfavorable jury verdicts and saving substantial costs related to trial.

- a staffing company against a race discrimination claim filed with the EEOC, dismissing the claim with an EEOC finding of 'no probable cause' and avoiding a costly lawsuit.
- a wholesale home goods distributor in an appeal from the Appellate Division to the New Jersey Supreme Court regarding gender discrimination and sexual harassment claims. Our lawyers obtained from the Supreme Court a reversal of adverse rulings in the trial and appellate courts, and in the process, established significant new law regarding the admissibility of expert testimony and the use of character witnesses in employment cases.
- a Fortune 500 company against wrongful termination and breach of company policy claims, through the trial court, on appeal to the Appellate Division and in the New Jersey Supreme Court, which avoided the exposure, potential liability and publicity of an adverse jury verdict.
- an IT company and an interstate moving company in trials against breach of employment contract, discrimination and wrongful termination claims obtaining favorable verdicts in both cases, thereby saving the clients the immeasurable costs of an unfavorable jury award.

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- an architectural firm and industrial maintenance, repair and operations supply company in successfully enforcing restrictive covenants, which successful defense barred former employees from establishing competing entities, preserving the clients' market share.
- a major warehouse corporation in defense of charges of age and race discrimination and a real estate development and management company against claims of sexual harassment and unlawful retaliation. In both cases, our lawyers obtained a partial summary judgment dismissing the plaintiff's claims, which led to a settlement of the remaining claims on a favorable basis to the clients.
- a television industry client against claims of breach of executive employment agreement before a three-member panel of the American Arbitration Association. Our attorneys obtained a dismissal of all claims and avoided substantial liability.

LABOR LAW

Our firm provides counseling to management in a full range of traditional labor matters that often define a company's labor-management relations, including union avoidance, National Labor Relations Board (NLRB) elections and unfair labor practice hearings, labor contract negotiations and disputes, picketing, strikes, plant closings and reductions in force. Our attorneys also have successfully negotiated initial and renewals of collective bargaining agreements in a wide variety of industries, including retail, automotive, hotel and hospitality, light and heavy manufacturing, construction, electronics, and trucking and transportation. We also counsel clients regarding the termination of union association and the associated pension fund withdrawal liability. As a result of our attorneys' former association with the NLRB, we are uniquely prepared to represent clients in litigating unresolved union-related conflicts before arbitrators, state and federal courts, and agencies such as the NLRB and NJPERC.

Recent Successes:

- Successful defense of a nationwide trucking company against allegations of unfair labor practices and organizing efforts by the Teamsters Union at regional facilities located in several eastern states, thereby avoiding substantial potential liability.
- Representation of a Fortune 500 company in a series of organizing campaigns and elections involving the United Auto Workers union at an industrial facility in New Jersey. Our attorneys successfully guided the client through the election process, subsequent union negotiations and a strike, and defended the client against a claim of unfair labor practices. The union's attempt to organize at the plant was ultimately abandoned.

- Representation of a national construction company in NLRB proceedings arising from a union contract that was obtained through alleged fraud on the novel theory of “fraud in the execution”.
- Representation of a regional environmental remediation contractor regarding antitrust claims arising from predatory collective bargaining practices of a union and contractor association.
- Representation of an automobile dealership network in resisting union organizing efforts and related unfair labor practice charges.
- Representation of a national demolition company in a series of lawsuits arising from alleged union contract violations, and successful defense of an ERISA/MEPPA withdrawal liability suit, resulting in a favorable settlement for the client.
- Successful negotiation of successive collective bargaining agreements for a national hotel franchise operation resulting in significant cost containment, particularly in the area of health care costs.

Our attorneys are familiar with issues related to multi-employer construction sites like strikes, picketing and work stoppages, as well as construction union organizing efforts, including such practices as “salting” and “stripping.”

Construction

Our attorneys also have substantial experience in employment and labor law specific to the construction industry and are familiar with issues related to multi-employer construction sites, including strikes, picketing and work stoppages, as well as construction union organizing efforts, including such practices as “salting” and “stripping.” We have also dealt extensively with the complex issue of project labor agreements. They are well-versed in the federal and state prevailing wage laws and have successfully handled prevailing wage audits, post-audit hearings and challenges to debarment and revocation of contractor registration proceedings.

Recent Successes:

- Represented a major mechanical contractor in obtaining dismissal of NLRB charges arising from repeated “salting” efforts of an international union whose organizer openly sought employment and attempted to sabotage the workplace.

- Representation of a private college in state court and in NLRB priority charges to limit and ultimately remove pickets from several construction trade unions at a major capital construction project on its campus, permitting the low bidder, an open-shop contractor, to successfully complete the project on schedule.
- Obtained a substantially reduced settlement in a significant prevailing wage audit by the New Jersey Department of Labor and Workforce Development for a unionized demolition contractor, along with related favorable settlements of pension and welfare fund claims.
- Represented a major New York heavy construction contractor in NLRB proceedings over the assignment of work in a dispute among three unions regarding the performance of underground piping installation, approving the company's assignment and saving the company substantial additional costs on a fixed-price project.
- Represented electrical and solar contractor associations before the Board of Public Utilities over implementing regulations for the prevailing wage law extension into energy efficient construction projects, ultimately obtaining a favorable agreement between the NJDLWD, BPU and the Attorney General's office exempting "Renewable Energy Credit"-only projects from the prevailing wage requirements of the new law.
- Successful representation of a national roofing contractor in disputes related to project labor agreements on several public works projects in New Jersey, avoiding extension of the union agreements to the company's private sector contracts.

Electronic Discovery

Our attorneys are experienced in electronic discovery issues in employment and labor matters. One such case involved the defense of a national construction company against a sexual harassment claim, which presented complex electronic discovery issues regarding the obligations imposed on companies to maintain electronically stored information on company computers and other media.

IMMIGRATION

Becker's immigration attorneys assist employers to efficiently and effectively meet many of their immigration needs and avoid immigration-related liability. Our attorneys act as a virtual in-house counsel to help maneuver the complexities of work authorization and non-immigrant visa services. Members of the firm have been called upon to speak at immigration seminars and for continuing legal education courses.

Non-Immigrant Visas

Our attorneys have assisted clients with non-immigrant visas which allow a foreign national to work in the United States, including the H-1B (professionals) visa process. We have counseled corporate clients on the impact of H-1B quota cap restrictions, portability for H-1B workers, acceptable wage surveys, corporate restructurings and terminations.

Immigration Training and Workshops

The firm's lawyers are available to conduct training programs for its corporate clients' Human Resource and Legal Departments on, among other things, I-9 verification and compliance, inspection files for H-1B petitions, and new developments in immigration laws affecting businesses nationwide.

David J. Sprong, Esq.



David J. Sprong is a partner in the firm and focuses his practice on matters involving the employer/employee relationship. He has more than a decade of experience, mostly representing management-side clients ranging from Fortune 500 companies to regional companies recognized to be among New Jersey's finest. His practice includes the litigation of discrimination and sexual harassment claims, disputes surrounding executive employment agreements, including non-competes and other restrictive covenants, and claims for employee compensation and benefits. Mr. Sprong also counsels clients regarding compliance with various employment laws, using his litigation experience to offer a unique approach to such issues.

Mr. Sprong also practices in the firm's litigation department, where he represents large and small businesses in various commercial litigation matters, including various types of business disputes; claims of breach of contract, including lease and financing agreements; claims of fraud and defamation; construction disputes; and healthcare matters. He has practiced for more than 10 years in the state and federal courts of New Jersey and New York and is well-versed in the procedural and substantive aspects of litigation matters. Mr. Sprong often represents out-of-state entities as local counsel in the courts of New Jersey and New York and has represented clients in significant actions in Pennsylvania, Florida, California, Massachusetts, Missouri, Illinois, and Minnesota.

In all areas, Mr. Sprong has experience in all facets of litigation, from case inception through trial. He also has significant experience in resolving cases without the need for trial through various alternative dispute resolution methods.

An active member of the New Jersey and New York bars, he is admitted to practice in the U.S. District Courts for the District of New Jersey and for the Southern and Eastern Districts of New York. He is active in the Labor and Employment Law Section of the New Jersey State Bar Association and the New Jersey Staffing Alliance.

He obtained a J.D. degree, *magna cum laude*, from Seton Hall University School of Law, and is an alumnus of Rutgers College. Before joining Becker as a partner, Mr. Sprong practiced in the litigation and employment law departments of Wolff & Samson PC.



Wes Bridges, Esq.

Wes Bridges is a partner in the firm and concentrates his practice on matters involving employment law and complex commercial litigation. Mr. Bridges is a recognized authority in employment law and has a vast amount of experience representing Fortune 500 and Fortune 100 companies in state and federal court. He has successfully represented corporate clients in cases involving discrimination, sexual harassment, the enforcement and interpretation of operating agreements and executive compensation packages, as well as prosecuted and enforced non-competes and restrictive covenants. Mr. Bridges routinely counsels companies regarding their compliance with employment laws and is a frequent lecturer at law schools and universities in New Jersey and Pennsylvania.

Mr. Bridges also has substantial commercial litigation experience in state and federal court, and he has handled complex commercial litigation matters, including multi-state litigation on a national scale. His litigation experience includes all phases of discovery, orders to show cause and emergent relief, motions to dismiss, summary judgment motion practice, as well as bench and jury trials.

Mr. Bridges is a Certified Contract Advisor with the National Football League Players' Association (NFLPA) and represents many current and former NFL players. Through this representation, he has negotiated player contracts with all 32 NFL teams and has negotiated marketing and endorsement deals on behalf of athletes and television personalities, including shoe and apparel deals, trading card agreements as well as television and personal appearances contracts.

A member of the Pennsylvania and New Jersey bars, Mr. Bridges is admitted to practice in the United States District Court for the District of New Jersey, The United States District Court for the Eastern District of Pennsylvania and The Third Circuit Court of Appeals. He is also an active member of the New Jersey State and Burlington County Bar Associations.



Brian E. Curtis, Esq.

Brian E. Curtis is Counsel to the firm. He is a recognized authority in the areas of employment law and litigation, human resources policy management, and contract law. He is founding editor and publisher of the *Employment News Alert* series of print and e-mail publications, including, the ‘*Year In Review*’ created in 2004, the *Quarterly Edition* first published in 2006, and the *Monthly ‘NewsFlash’* which he introduced in 2009. He is a frequent speaker on employment-related topics for a number of organizations, including the NJ State Bar Association, the NJ Institute for Continuing Legal Education, the ENA Seminar Series, and the Lincoln Development Group.

Mr. Curtis is a highly skilled, action-oriented attorney with solid business acumen and extensive experience in management-side employment matters. He has excelled in multiple senior HR roles with great success, including executive compensation and benefits negotiations, professional services employment and consulting agreements, personnel policies and conflict management programs implementation, C-level talent acquisition, workplace investigations, and recruiting, training, and employee counseling. He is well-regarded among his peers as an aggressive litigator in defense of discrimination, harassment, and retaliation claims.

Mr. Curtis has also helped employers — from private corporations to non-profits to foreign nationals — navigate the federal immigration law process addressing issues such as nonimmigrant visas, temporary work visas, work permits, and employment verification compliance in order that these employers may continue to attract highly regarded research and technical professionals to the United States. He has provided guidance on how to sponsor professionals for permanent residency and how to ensure the I-9 employment verification processes are compliant. Mr. Curtis has also advised on prevailing wage issues and public access file compliance, and is adept at analyzing an employee’s work experience in order to assess the various immigration classification options that may be available to an employer.

Mr. Curtis has been admitted to practice before the State and Federal Bars of New Jersey and Pennsylvania since 1992, and has been admitted to practice before the U.S. Court of Appeals for the Third Circuit since 2001.

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Publications

“ICANN to Accept Applications for New Generic Top-Level Domains...”, by Timothy J. Szuhaj, Esq. and Stephen Pagano, Esq.

Author, "Getting Back to Basics: The Importance of Schedules to an Asset Purchase Agreement," New Jersey Lawyer (March 31, 2008)

Co-author, “Securing Construction Costs From a Tenant,” New Jersey Law Journal (October 22, 2007)

Firm Profile

Becker is a premier mid-market firm serving the New York, New Jersey and Philadelphia corridor. The firm provides litigation, transactional, counseling and regulatory representation to clients ranging from major multinational corporations to local businesses, families and individuals. Our size and regional footprint allow us to provide sophisticated services in a manner focused not only on results, but also on our clients’ return on their legal investment.

*Becker has earned an AV rating from Martindale-Hubbell, which is the highest possible rating for legal ability and ethics.***

Becker is one of the few firms of its size and caliber that can boast of a minority, female founding partner, Stacey Meisel. The belief in diversity starts at the top, and as with many of the firm’s corporate clients, is a cornerstone of the firm’s mission statement.

Becker takes great pride in the fact that minority and/or women attorneys are found at every level of the firm, and the firm is committed to hiring from the broadest applicant pool. Much in line with the corporate commitment to the highest business ethics, rigid adherence to the Rules of Professional Conduct is embedded in the firm’s culture.

Three former Governors of New Jersey have turned to the firm for advice and guidance on ethics, which included an appointment to conduct a thorough audit of the ethics rules, statutes, regulations, and codes of conduct for all employees of the Executive Branch and state authorities, and provide a comprehensive plan to improve and strengthen them.

The highest quality work product, the investment in technology that allows for a seamless partnership with clients, attention to return on investment (and a rate structure in line with that philosophy), devotion to diversity, professional responsibility, and, above all, a commitment to make our clients’ causes our own, have been the defining qualities of Becker. These qualities have garnered the respect of the bench and bar, adversaries and co-counsel, and will be the firm’s guiding light for the future.

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The information, materials and services offered herein are for general informational purposes only and do not constitute legal advice. The foregoing is presented without any representation or warranty whatsoever, including as to the accuracy or completeness of the information. Examples of cases previously handled by this firm are for informational purposes only. Prior success in such cases does not guarantee similar results in future cases. No one should, or is entitled to, rely in any manner on any of the information contained herein. Parties seeking advice on a particular matter should consult with legal counsel familiar with their particular circumstances.

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

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With offices in New York , New Jersey & Pennsylvania, Becker is strategically located at the heart of the metro area with easy access to all cities in the Northeast corridor...

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