

EMPLOYMENT LAW

Our team of talented employment attorneys will assist you in navigating California's unique business environment as it relates to the hiring, managing, pay and separation of employees. We work closely with our clients to identify issues and avoid disputes. Our clients rely on us for advice on day-to-day personnel and benefits issues as well as handling complex and high exposure litigation and other disputes.

Advice and Counsel

Knowing the issues and avoiding common pitfalls must be a key part of a successful business's human resources strategy. Unclear written communications and unprofessional conduct lead to costly litigation and settlements. As defense attorneys, we understand the employment law issues from the view of management and we realize how these issues impact important business functions.

We provide the following practical and effective guidance for companies:

- Pre-employment compliance and effective hiring techniques
- Employee handbooks and personnel policies
- Leaves of absence management
- Privacy and security issues
- Compensation and employee classification
- Performance evaluations
- Union labor-management relations
- Independent contractor classifications
- Trade secret protection
- Employee discipline
- Termination
- Noncompetition agreements and restrictive covenants
- Employee benefits, including ERISA, SERP, deferred compensation, employee stock options, and retirement and disability benefits
- Records management and retention
- COBRA

Litigation

We defend employers at all levels, from claims in state and federal court to claims before government agencies such as the federal Equal Employment Opportunity Commission (EEOC), California's Department of Fair Employment and Housing (DFEH), and California's Labor Commissioner. Hoge Fenton has an outstanding reputation for trial advocacy, and our employment law attorneys are prepared to vigorously and efficiently defend your company. These include:

- Sexual harassment
- Discrimination based on age, race, sexual orientation, pregnancy, disability, and other protected classifications
- Whistleblower and other protected activity retaliation
- Trade secrets misappropriation
- Restrictions against competition and solicitation
- Interference with employment relationships and other unfair business practices
- Overtime and minimum wage
- Meal and rest breaks
- Exempt employee and independent contractor classifications
- Employee privacy issues
- Violations of the California Labor Code, FEHA, IWC Orders, FLSA, OSHA, EEOC regulations, and other statutory violations
- Employment contract disputes

Compensation and Benefits

Our clients appreciate our unique expertise in employee benefits and executive compensation -- expertise not all firms with employment law practices can offer. We relieve our clients of the burden and inefficiency of having to seek out a second professional advisor when dealing with issues in these often complex areas.

Our employment law and tax attorneys collaborate to design and draft all types of compensation plans, including creative, customized compensation plans for key employees, phantom stock plans, stock option plans, restricted stock units, incentive compensation plans, shared ownership plans, closely held company plans, deferred compensation plans, and Supplemental Executive Retirement Plans. On behalf of key executives, we represent and negotiate compensation agreements with their company and/or boards of directors. We also advise employers and plan sponsors with respect to ERISA and the Internal Revenue Code for their qualified and nonqualified retirement plans, including IRC §409A compliance.

When disputes arise, we represent pension and welfare plans in litigation and before government agencies, including both Department of Labor and IRS compliance and error correction programs, and work closely with our clients to create clear participant communications. Employer clients rely on our advice with respect to COBRA, HIPAA, and Health Care Reform issues.

Internal Audits

Our clients have found it extremely useful when we take a close look at all aspects of a company's human resource activities by reviewing existing policies, procedures, agreements, employee classifications and compensation structures. We walk our clients through any issues of non-compliance and recommend best practices to reduce liability. Our audits often pay for themselves with cost savings and litigation avoidance.

Training

Proper employment law training is critical to operating your business at peak efficiency and compliance. Company executives, boards of directors, human resource managers, and frontline managers who interact with employees, vendors and contractors can all benefit from tailored training programs. Our attorneys are prepared to address employment law topics ranging from practical solutions to workplace problems to emerging issues in the law. For a comprehensive list of our most recent training programs, please visit our website.

Partnering for Success

One of our top priorities is to be accessible to our clients. Many urgent employment-related issues emerge with little notice. Our clients rely on us for our prompt response and we are committed to returning calls and e-mails in a timely manner.