

Employment and Employee Relations

Practice Group Chair

Theresa A. Mongiovi

717-391-4410

215-587-1475

tmongiovi@postschell.com

Providing consulting, litigation, and training services to employers and management in all aspects of employment law.

Overview

Our national Employment & Employee Relations Practice Group provides consulting, litigation, and training services to employers and management in all aspects of employment law. We represent employers in a variety of industries, including energy and utilities, health care, hospitality, retail, higher education, financial services, professional services, manufacturing, and nonprofits. This broad industry experience allows our attorneys to bring industry-specific knowledge and experience that is crucial in employment matters. Our clients range from small, family-run businesses to multinational corporations.

Employment Litigation

Our attorneys provide advice, counsel, and representation to employers in all aspects of employment litigation, including claims brought under all local, state, and federal employment statutes. These include matters alleging discrimination and/or harassment, wage and hour violations, collective/class actions, and trade secrets. We defend our clients against these claims before state and federal courts, as well as state and federal administrative agencies.

We have actively litigated employment suits as lead trial counsel in various states. Our attorneys have a strong track record of defending clients vigorously and achieving successful outcomes at every level.

Employee Relations

Often, litigation can be avoided with proper risk management. We work closely with our clients to understand their business and human capital needs and work through issues to preempt or prepare for litigation. We also draft, update, and/or institute handbooks, policies, and procedures designed to comply with local, state, and federal employment laws and statutes.

Our attorneys:

- Counsel regarding the interplay of FMLA, ADA, and state workers' compensation laws in conjunction with our Worker's Compensation Practice Group.
- Conduct internal investigations and respond to government investigations and regulatory reviews.
- Counsel on the emerging law of medical marijuana in the workplace.
- Conduct wage and hour compliance audits.
- Respond to complaints of discrimination, including the investigation of and response to complaints of harassment.
- Conduct training focused on discrimination, implicit bias, harassment, and retaliation.
- Counsel on employee disciplinary, compensation, termination, and return to work issues.
- Draft appropriate releases and separation agreements in connection with employee departures.
- Counsel on employee privacy/individual employee rights issues, including the maintenance, retention, and access to personnel and medical files and records.

- Draft and interpret employment contracts, covenants not-to-compete, and confidentiality and non-solicitation agreements.

Representative Matters:

- Summary judgment granted and affirmed for employer in case involving claims for sex-based discriminatory discharge under Title VII and the Pennsylvania Human Relations Act (PHRA).
- Successful bench trial on behalf of large regional employer in federal wage and hour litigation. Employee asserted that he was misclassified as exempt from overtime pay.
- Defense verdict in jury trial involving FMLA and race discrimination claims.
- Successful resolution of large wage and hour class action for national health care provider.
- Summary judgment granted in senior manager's age discrimination claim against national health care provider. Employee had claimed that 20+ years of success demonstrated that employer's basis for termination was discriminatory.
- Summary judgment granted in a case involving a plaintiff's claim of a sex-based discriminatory discharge under Title VII and PHRA against employer. Plaintiff had a history of conflicts with his employer that he attributed to gender-based preferential treatment for female employees.
- Summary judgment granted on all claims in a case involving a former employee's allegations of race discrimination, a racially hostile work environment and retaliation.
- Obtained dismissal of client from putative wage and hour collective action.
- Summary judgment for employer in FMLA and ADA claim where employee was terminated after she failed to follow employer's call-off policy during leave of absence.
- Summary judgment granted and affirmed by Court of Appeals on age discrimination claim. Long-term employee claimed that new management team discriminated against her by escalating demands for performance.