

THOMPSON HINE

Labor & Employment Services



ATLANTA

CINCINNATI

CLEVELAND

COLUMBUS

DAYTON

NEW YORK

WASHINGTON, D.C.



About The Group

The lawyers in Thompson Hine's Labor & Employment group represent management in labor, employment and immigration matters.

We serve clients of all sizes, from large companies with multiple locations to companies with a single office and few employees. We are dedicated to working with you . . .

. . . as an extension of your in-house human resources department. We will work as your partner to help prevent problems through providing training programs and/or implementing cost-effective solutions.

. . . as your labor and employment law counsel. We will advise your management team on effective personnel management strategies in union and non-union environments and provide training to help avoid costly litigation.

. . . as your immigration counsel. We will advise your human resources department on federal requirements relating to employment eligibility verification (the I-9 process) and strategies for hiring foreign nationals.

Our Labor & Employment group includes lawyers who are leaders and participants in labor law sections of national, state and local bar associations and other labor and employment associations, including the Industrial Research Association and the American Immigration Lawyers Association.

Comprehensive labor and employment services . . .



Representative Services

Thompson Hine's Labor & Employment practice group offers a broad range of services to meet your labor and employment needs:

- **Client Counseling and Prevention.** Our lawyers regularly advise employers on their employment policies and practices, including:

Affirmative action plans	Privacy issues
Drug policies	Reductions-in-force
Employment handbooks	Return-to-work issues
Employment contracts	Severance plans and releases
Family and medical leave	Sexual harassment training
Federal and state investigations	Technology matters
Immigration issues	Terminations
Independent contractor contracts	Trade/business secrets
Non-compete agreements	Wage hour compliance
Occupational safety and health issues	Workers' compensation programs
Plant closings	

- **Employment Litigation.** We represent small and large employers in class actions and individual cases in state and federal courts, arbitrations and mediations. We have consciously chosen to integrate our counseling with our employment defense services; this strategy helps our clients to avoid future employment defense actions. Our areas of litigation experience include:

Age discrimination	Race/national origin discrimination
Disability discrimination	Retaliation matters
Implied and express contract	Trade secret theft
Non-compete defense and prosecution	Sexual and other harassment
Public policy torts	Wrongful termination

- **Management-Union Relations.** Our lawyers provide traditional labor management-union services, including:

- 301 actions
- Defending unfair labor practice (ULP) charges
- Developing strategies to meet union organizing campaigns
- Grievance arbitrations
- National Labor Relations Act (NLRA) issues
- Strike planning and injunctions
- Supervisor training
- Negotiations and bargaining
- Union avoidance
- Union decertification

- **Immigration.** Our immigration services cover the full scope of non-immigrant and immigrant classifications. Following is a sampling of the employment-based non-immigrant classifications that our corporate clients most often utilize:

Entertainers and athletes (P)
 Exchange visitors (J)
 Foreign nationals with extraordinary ability in the sciences, arts, education, business or athletics (O)
 Intracompany transfers (L-1)
 North American Free Trade Agreement (NAFTA) (TN)
 Professional/specialty workers (H-1B)
 Traders and investors (E)

Additionally, we have seen many clients through the following processes:

Labor certifications
 Naturalization
 Permanent residence

- **Other Services.** Thompson Hine's Workplace Audits and Training program offers audits and training programs that are interactive, customized and flexible.



Representative Employment Litigation Matters

- Defeated an attempt to certify a nationwide class of over 1,600 individuals in a wage-hour action pending in federal district court in Florida.
- Tried a wrongful discharge/intentional tort case to a jury verdict. The defense verdict on the wrongful discharge claim and the intentional tort claim was later settled, resulting in a very favorable outcome for the company.
- Obtained dismissal of a wage and hour collective action against an Ohio nonprofit organization that operates multiple group homes, where the plaintiff claimed that she and members of the class were misclassified as exempt employees.
- Obtained summary judgment for a worldwide package delivery service in federal court in Kentucky, where the plaintiff challenged the employer's company-wide policy of providing light duty only to employees who suffered job-related injuries, claiming that the policy violated the Pregnancy Discrimination Act.
- Obtained summary judgment for a large plastics manufacturer against a class of retirees, where the union claimed that the manufacturer violated collective bargaining agreements by requiring union retirees to pay a portion of medical insurance premiums for the first time.
- Successfully defended a non-compete case in a two-day hearing on a motion for preliminary injunction in federal district court in Louisville, Kentucky.
- Obtained a preliminary injunction on behalf of a national client in a non-compete case, which prevented both the former employee and her spouse, who was not employed by nor a party to any agreement with the client, from any competitive employment.
- Obtained summary judgment from the United States District Court for the Southern District of Ohio in an age discrimination case for a national company. The plaintiff, let go during a reduction-in-force, was the most senior member of the department by more than 15 years.
- Obtained summary judgment from the United States District Court for the Western District of Louisiana in an FMLA/pregnancy discrimination case for a national company. The plaintiff was terminated from her employment within days of returning to work from maternity leave. Successfully defended the appeal of this matter before the Fifth Circuit Court of Appeals.

C o u n s e l i n g
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e m p l o y m e n t d e f e n s e
s e r v i c e s



Other Representative Matters

- Aggressively defended two Fortune Global 500 companies against nine OSHA citation items resulting from a chemical release, eight of which were classified as “serious,” resulting in a successful settlement wherein OSHA agreed to vacate six of the “serious” items, reclassify one of the “serious” items to an “other than serious classification,” and reduce the total fine by more than 60%.
- Successfully defended a chemical products manufacturer, resulting in the dismissal of unfair labor practice charges related to the termination of an employee and a company’s non-solicitation policy.
- Redesigned the HR/employment complaint procedure for a subsidiary of a Fortune 500 company employing 9,000 people. This project involved meeting with the HR team from all U.S. plants, designing a comprehensive employee complaint procedure to handle EEO, harassment, whistleblower, SOX, etc., complaints and conducting “train-the trainer” workshops.
- Conducted a successful three-day labor arbitration for a warehousing client over the implementation and reasonableness of computerized order selector productivity standards.
- Handled the longest Cincinnati-area strike in recent history, including picket line monitoring, injunctive relief for picket line violence and successful contempt hearings against the union.
- Negotiated labor agreements for employers whose employees are represented by the UAW, IAM, Teamsters and the newly formed USW (Steelworkers, PACE, etc.).
- Assisted a multi-state manufacturer with four OFCCP audits of its affirmative action plans, including hiring, promotion, termination and compensation analyses.
- Counseled an Ohio-based manufacturer in the purchase and assimilation of a multi-state competitor, including substantial production-level RIFs, consolidation of both management teams, WARN compliance and drafting of state-law compliant releases.
- Assisted a manufacturer with the purchase of a unionized operation and subsequent union negotiations over closure, severance, WARN and release-related issues.



OUR CLIENT SERVICE PLEDGE

What Our Clients Can Expect From Us . . .

1. We will know your business.

We make it our business to understand your business. We will invest our time and resources to develop and maintain knowledge of the dynamics that impact both your industry and your organization. Understanding your business will help us provide better counsel to you.

2. We will plan our engagements with you.

We know that clients differ in their goals, risk tolerance and a variety of other factors that must be taken into consideration before work can begin on any matter. At the beginning of every significant matter, we will work with you to develop a plan to meet your strategic goals. By agreeing on a plan at the beginning—and adjusting it as needed—we will stay focused on what is most important to you.

3. We will manage your work as if we were the client.

We will work with you to manage your costs. We will staff every matter with the right resources, and we will manage the work as if we were the client—delivering the highest quality of service on time and in the most cost-effective manner.

4. We will be available when you need us.

We recognize that you often need to make swift decisions and act quickly. We will be ready to act for you when you need us, and we will make ourselves available wherever and whenever necessary.

5. We will communicate often.

Our goal is that you will never be surprised about developments in anything we are handling. We will provide regular updates on the progress of your matters, including all significant developments and changes to scope, timeline or budget.

6. We will provide the highest-quality counsel.

Above all else, we stand for the highest quality. Our lawyers, paralegals and staff take pride in the work they do. From the boardroom to the courtroom, you can count on Thompson Hine for the highest-quality service.

What Our Clients Can Do To Help . . .

1. We ask you to share your goals.

The more we know about your goals, the better we can manage our services to help you attain them. If your goals change as a matter progresses, we ask that you tell us, so we can adjust our approach to meet your expectations.

2. We want to know your preferences for working with us.

We ask you to tell us your preferred methods of communication, invoice and billing procedures, and anything else that is important to you, so that we can deliver our service the way you want it.

3. We need your feedback.

We want your feedback on our performance so that we can continue to meet and exceed your expectations.

About Thompson Hine

Established in 1911, Thompson Hine is a business law firm dedicated to providing superior client service. The firm has been recognized as one of the Best Corporate Law Firms in America in an annual survey of corporate directors conducted by *Corporate Board Member* magazine. With approximately 400 lawyers in offices in **ATLANTA, CINCINNATI, COLUMBUS, CLEVELAND, DAYTON, NEW YORK** and **WASHINGTON, D.C.**, Thompson Hine serves premier businesses worldwide, including:

AKZO NOBEL INC.

AMERICAN CHEMISTRY COUNCIL, INC.

AMERICAN STEAMSHIP COMPANY

AVERY DENNISON CORPORATION

BUCKEYE POWER, INC.

CENTRAL GULF LINES, INC.

CENTRAL HUDSON GAS &

ELECTRIC CORPORATION

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CROWN EQUIPMENT CORPORATION

THE DAVEY TREE EXPERT COMPANY

DEVELOPERS DIVERSIFIED

REALTY CORPORATION

EATON CORPORATION

ENERGIZER/EVEREADY

EXXON MOBIL CORPORATION

FIFTH THIRD BANK

FORD MOTOR COMPANY

FORMICA CORPORATION

GOODRICH CORPORATION

THE GOODYEAR TIRE &

RUBBER COMPANY

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MILACRON INC.

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INSURANCE COMPANY

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NEWELL RUBBERMAID INC.

NORDSON CORPORATION

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PARKER HANNIFIN CORPORATION

POLYONE CORPORATION

PPG INDUSTRIES

THE PROCTER & GAMBLE COMPANY

R+L CARRIERS, INC.

S.C. JOHNSON & SON, INC.

SHELL OIL COMPANY

THE SHERWIN-WILLIAMS COMPANY

SOLVAY S.A.

STERIS CORPORATION

THE TORO COMPANY

VERIZON

WELLPOINT, INC.

WHIRLPOOL CORPORATION



2002 • 2005 • 2006 • 2007
2008 • RECIPIENT



Ranked as a Leading Firm
by Chambers USA • 2003 - 2010



Ranked as a Top 25 Firm for
Client Service • 2008 • 2009 • 2010

For More Information

For more information, send an email to AskUs@ThompsonHine.com or visit our website at www.ThompsonHine.com

**THOMPSON
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