



EMPLOYMENT

Our Employment Group offers a comprehensive suite of services as an outside litigation and human resources partner to its institutional clients. We are zealous litigators who defend all manner of statutory discrimination and wage and hour law suits, and represent parties on all sides of restrictive covenant and trade secrets disputes. We are also counselors on essential human resources functions such as litigation avoidance and risk assessment, counseling on leave and accommodation issues, counseling on wage and hour compliance, drafting essential documents such as executive agreements and workplace policies, developing and implementing equity and incentive compensation plans, and developing and implementing programs to secure our clients' confidential information and trade secrets.

EMPLOYMENT COMPLIANCE

We help employers take a proactive approach to employment law compliance and policy formation with the goal of mitigating the risk that claims and lawsuits will arise in the first place and maximizing outcomes if litigation should ensue. At the same time, our primary sensitivity is how employment-related policies and procedures should be crafted to advance and support business objectives. Our services include:

- Handbook and employment policy drafting
- Family and disability-related leave compliance and counseling
- Wage and hour compliance
- Independent contractor and employee classification
- Management and employee trainings

RELATED PRACTICES

Banking & Financial Services
Cannabis
Intellectual Property
International
Solar & Alternative Energy
Litigation
Corporate & Business
Nonprofit & Tax-Exempt
Tax

CONTACTS

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TEAM

Matt Brinker
Barry L. Cohen
Neil A. Cooper

- Litigation avoidance counseling related to discrimination, harassment, hostile work environment, and disparate treatment claims
- Counseling related to termination and severance, from helping to mitigate risks of potential termination-related claims to assisting with high-stakes issues surrounding executive departures
- Counseling related to documenting and communicating performance deficiencies, including drafting and administering performance improvement plans

Marc B. Cytryn
David S. Hollander
Alexander J. Nassar
John E. Royer, Jr.
Andrew J. Rudolph
Aislinn E. Sroczynski

EMPLOYMENT LITIGATION

We defend employers in a wide range of discrimination, harassment, and retaliation lawsuits, administrative proceedings, and regulatory investigations, as well as against other claims related to wage and hour compliance and employee and independent contractor classification issues.

- Discrimination
- Harassment
- Retaliation
- Wrongful discharge
- Wage and hour violations
- Employee and independent contractor classification

We also represent parties on both sides of disputes and litigation related to trade secrets and restrictive covenants.

- Non-competition and non-solicitation agreements
- Confidentiality and non-disclosure agreements
- Misappropriation of trade secrets and/or confidential information
- Unfair competition

Litigation Results:

- Favorable Result Achieved for Nationwide Company Involving Former Executive's Violation of Restrictive Covenants
Our client, a nationwide company learned that a former national executive was violating his non-compete and non-solicit agreements by going to work for a new company who was attempting to leverage this executive to build out its service

offerings to directly compete with our client. Forensic electronic discovery leading up to and throughout the ensuing lawsuit also revealed that the executive had departed with a massive amount of company data. RCCB secured a favorable result ensuring compliance with our client's restrictive covenants and the executive's obligations with regard to company confidential information and trade secrets, and also achieved favorable settlement for our clients.

- **Discrimination Settlement for Family Owned-Business**
RCCB settled a complaint of race and religious discrimination and retaliation on behalf of family owned business for less than 10 percent of initial demand.
- **Age Discrimination Settlement for Regional Employer**
RCCB settled a charge of age discrimination and retaliation on behalf of regional employer for less than 30 percent of initial demand.
- **National Business Dispute Resolved**
RCCB resolved complaint on behalf of national business involved in dispute with placement agency over its hire of an independent contractor.

EXECUTIVE COMPENSATION

Our attorneys work with both entities and executives in connection with hiring, compensation, retention and termination matters, including crafting and reviewing executive employment agreements, compensation plans and incentive agreements.

- Executive employment agreements
- Consulting agreements
- Compensation plans
- Equity incentive plans
- Phantom equity or "synthetic" equity incentive plans
- Non-qualified deferred compensation
- Section 409A counseling and compliance
- Section 280G ("parachute payments") counseling and compliance
- "SERPS" (Supplemental Executive Retirement Plans)
- Section 162 (m) issues
- Separation and Release Agreements

PROTECTION OF TRADE SECRETS, CONFIDENTIAL INFORMATION AND INTELLECTUAL PROPERTY

We routinely advise our clients with respect to the development of programs designed to protect our clients' trade secrets, confidential information and intellectual property and to prevent them from being harmed by unfair trade practices.

- Develop programs and systems to help employers catalog and protect trade secrets and confidential information
- Confidentiality and non-disclosure agreements
- Non-competition and non-solicitation agreements
- Agreements designed to protect and assign intellectual property

EMPLOYEE BENEFITS

We advise in planning for, designing, drafting, amending, interpreting, administering and terminating ALL types of employee benefit plans (under ERISA and otherwise), including:

- Qualified and non-qualified pension plans (e.g.: 401(k), profit-sharing, money purchase, cash balance, defined benefit, multi-employer and multiple-employer plans and ESOPS);
- Welfare Benefit Plans (e.g.: medical, health, hospitalization, dental, vision, disability, life; AD&D and “cafeteria” plans); including compliance with COBRA, HIPPA and the Affordable Care Act;
- Bonus, incentive, commission, equity and quasi-equity ownership, deferred compensation and severance plans.

We can advise concerning all aspects of plan qualification, legal requirements, reporting and disclosure; discrimination testing and governmental audits of plans. We have performed many “self-audits” of plans (i.e.: reviewing plans for compliance BEFORE a sponsor receives notice of a governmental audit).

EXPERIENCE

- **Favorable Result Achieved for Nationwide Company Involving Former Executive’s Violation of Restrictive Covenants**

Our client, a nationwide company learned that a former national executive was violating his non-compete and non-solicit agreements by going to work for a new company who was attempting to leverage this executive to build out its service offerings to directly compete with our client. Forensic electronic discovery leading up to and throughout the ensuing lawsuit also revealed that the executive had departed with a massive amount of company data. RCCB secured a favorable result ensuring compliance with our client’s restrictive covenants and the executive’s obligations with regard to company confidential information and trade secrets, and also achieved favorable settlement for our clients.

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NOTEWORTHY

Best Law Firms® 2025

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NEWS

Royer Cooper Cohen Braunfeld (RCCB) Recognized in 2025 Chambers USA Rankings
Chambers & Partners, June 9, 2025

Royer Cooper Cohen Braunfeld Attorneys Named to 2025 Pennsylvania Super Lawyers and Rising Stars Lists
Super Lawyers, May 27, 2025

Partner Alexander J. Nassar Honored Among *The Legal Intelligencer's* 2025 Lawyers on the Fast Track
The Legal Intelligencer, April 15, 2025

Royer Cooper Cohen Braunfeld Elevates Attorneys to Partner and Counsel
RCCB, March 25, 2025

The DOL's Overtime Rule is Struck Down – No More Salary Threshold Increases for the New Year
Employment Client Alert, November 19, 2024

PUBLICATIONS

Texas Court Strikes Down FTC's Non-Compete Ban Nationwide
Employment Law Client Alert, August 21, 2024

FTC's Non-Compete Ban Effective Date Nears, PA Judge Denies Preliminary Injunction
RCCB Alert, August 2, 2024

The FTC Has Announced a Ban on Most Non-compete Agreements - Key Points for Employers to Know
RCCB Employment Client Alert, April 26, 2024

DOL Final Rule Increases White Collar Exempt Salary Thresholds Starting July 1, 2024
RCCB Client Alert, April 24, 2024

New Year, New Reporting Requirements: What the Corporate Transparency Act Means for Your Business
RCCB Client Alert, December 20, 2023