



EMPLOYMENT

We help employers take a proactive approach to employment law compliance and policy formation thus 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
- Litigation avoidance counseling related to discrimination, harassment, hostile work environment, and disparate treatment claims
- COVID-19-related compliance and counseling
- 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

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

RELATED PRACTICES

Litigation
Corporate & Business
Nonprofit & Tax-Exempt
Tax

CONTACTS

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classification issues.

Jakob F Williams

- 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 compensation plans and incentive agreements.

- Executive employment agreements
- Employment and consulting agreement
- Executive 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

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NEWS

RCCB Announces New Leadership Election and Lawyer Promotions
RCCB, March 21, 2024

Alex Nassar Presented Diversity & Inclusion Best Practices at the Greater Valley Forge Human Resources Association

September 10, 2023

Twenty-three RCCB Attorneys Recognized in 2024 Edition of the Best Lawyers in America

Best Lawyers, August 17, 2023

ROYER COOPER COHEN BRAUNFELD (RCCB) ANNOUNCES FOURTEEN 2023 PENNSYLVANIA SUPER LAWYERS® AND RISING STARS®

Super Lawyers, June 5, 2023

Neil A. Cooper Named to 2022 Philadelphia Titan 100 List

July 8, 2022

PUBLICATIONS

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

Silicon Valley Bank and Signature Bank Closures; Federal Regulators Announce Plan to Protect Depositors

Client Alert, March 13, 2023

2022 Litigation Year In Review

RCCB Litigation Alert, March 2, 2023