

Services

Employment Litigation

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From individual lawsuits under statutes like the Americans with Disabilities Act, to complex, high-risk class actions asserting wage and hour or discrimination claims, our experienced employment litigation team is well equipped to represent clients in a broad range of employment disputes.

Who We Represent

We represent all types of companies and entities, spanning a variety of sizes and industries – from Fortune 500 corporations to small businesses and from public universities to nonprofit organizations. Our employment litigation clients include restaurant chains, retailers, manufacturers, energy companies and health care providers, among several other categories.

What We Do

Our coast-to-coast team of labor and employment litigators with vast experience in single-plaintiff cases and complex, high-stakes class and collective actions. We have defended clients against all kinds of labor and employment claims, ranging from individual lawsuits under statutes such as the American Disabilities Act to high-risk class actions asserting wage and hour or discrimination claims. We also represent clients in labor arbitrations and administrative proceedings in jurisdictions across the country.

Our labor and employment litigators have:

- Appeared as **national/lead counsel** for clients in all kinds of labor and employment-related matters in state and federal trial and appellate courts, including the U.S. Supreme Court
- Handled labor and employment **litigation in 49 states, the District of Columbia and U.S. island territories**
- Represented employers before **state and federal administrative agencies across the country**
- Defended hundreds of **wage and hour class actions** on behalf of employers, including in California, where companies are particularly vulnerable

- Advised on litigation strategy in cases that have garnered considerable public attention and **national media coverage**

In these engagements, our lawyers use thorough research, creative thinking, and careful factual development to maximize the prospects for successful results. We also have a strong track record of successfully resolving lawsuits through mediation and other alternative dispute resolution methods. Our lawyers have the experience to put the defense of any employment lawsuit in its proper perspective, viewed from the standpoint of our clients' fundamental interest in building and maintaining strong, dynamic relationships with their workforces.

Our attorneys have employment litigation experience in the following areas, among others:

- State and federal claims of discrimination involving Title VII, the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA)
- The California Labor Code
- Sexual harassment
- Wrongful discharge
- Retaliatory discharge
- Federal and state claims of wage and hour violations, including the Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- Safety and health violations
- Various employment-related tort actions
- Contract disputes
- Non-competition covenants
- ERISA and employee benefits
- Worker Adjustment and Retraining Notification (WARN) Act
- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Various constitutional claims
- Affirmative action
- Reductions in force

Notable Experience

Vorys attorneys served as trial counsel representing a BP corporate entity and the BP Retirement Accumulation Plan (collectively "BP") in an ERISA class action lawsuit in the United States District Court for the Southern District of Texas. We defended BP against the \$100 million+ putative class action alleging underpaid retirement benefits dating back to the 1989 amendments made to the Standard Oil of Ohio (Sohio) pension plan. Plaintiffs alleged breach of fiduciary duty and sought equitable relief in the form of plan reformation.

Plaintiffs claimed that they, former Sohio employees, were misled and/or insufficiently informed in 1989 during the transition from the former Sohio final average pay retirement plan to the cash balance retirement accumulation plan. To counter the plaintiffs' claims, the defense presented evidence of the decision making process the company undertook prior to making the 1989 amendments including the projections and assumptions that were consistent with the then historic trends and industry practice. Further, there was evidence of the actual communications made to plaintiffs in 1989 as well as the notices and disclosures made during the subsequent 34-year period. The four-week bench trial concluded in July 2023. We are currently awaiting a ruling.

Recognition

We have consistently earned both national and state recognition in the areas of labor and employment litigation including in the Best Lawyers® 2024 "**Best Law Firms**" report.

News

[News, 1.2.2024](#)

Vorys Elevates Ten to Partner

[News, 12.29.2023](#)

More Than 30 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

[News, 11.29.2023](#)

Vorys Represents BP in \$100 Million ERISA Class Action Lawsuit

[News, 10.9.2023](#)

74 Vorys Attorneys Included in 2023 *Columbus CEO's* Best Lawyers

[News, 8.17.2023](#)

More Than 155 Vorys Attorneys Named to the 30th Edition of The Best Lawyers in America® Lists

[News, 6.26.2023](#)

Billington Named to *Crain's Cleveland Business* "Notable Leaders in Employment and Labor Law" List

[News, 4.20.2023](#)

Billington Interviewed for the Akron Legal News

[News, 4.14.2023](#)

Billington Featured on Scripps News Show

[News, 4.7.2023](#)

Vorys Lawyers Named to 2023 *Cincy Magazine* Leading Lawyers List

[News, 11.10.2021](#)

Vorys Attorneys Quoted in *Columbus Business First* Story About OSHA Emergency Rule Regarding COVID-19 Vaccinations and Testing

News, 8.30.2021

Vorys Welcomes Experienced Labor and Employment Partners to Pittsburgh Office

News, 8.30.2021

Rocco Quoted in *Law360* Story Titled "6th, 8th Circs. Crack Down On Nationwide Collective Actions"

News, 7.20.2021

New Episode of 'Vorys at Work' Podcast Focuses on the Plaintiffs Perspective in Employment Law

News, 6.21.2021

Billington Quoted in *Crain's Cleveland Business* Story Titled "How HB 352 Shapes Employment Litigation in Ohio"

News, 4.23.2021

New Episode of 'Vorys at Work' Podcast Focuses on Ohio's Tidal Wave of Employment Litigation

News, 7.17.2020

All Things Work Podcast from the Society of Human Resources Management

News, 4.23.2020

McCormick Quoted in *National Jeweler* Article Titled "What to Consider When Screening Employees for COVID-19"

News, 3.3.2020

'Vorys at Work' to Provide Education Resources to HR Pros

News, 1.6.2020

Lampley to Receive University of Cincinnati College of Law's 2020 Distinguished Alumni Award

News, 12.9.2019

Experienced Counsel Chaz Billington Joins Vorys as Partner

News, 4.8.2019

Former BP Associate General Counsel Joins Vorys

News, 8.15.2018

More Than 100 Vorys Attorneys Named to 2019 Best Lawyers in America® List

News, 10.31.2017

Vorys Receives 70 Tier One Rankings on 2018 U.S. News – Best Lawyers "Best Law Firms" List

News, 3.28.2017

Kneuve, Garcia Included in *Retail Law360* Story Titled "Judge OKs Abercrombie's \$700K Deal In Worker Seating Suit"

News, 3.28.2017

Garcia Included in *Retail Law360* Story Titled "9th Circ. Affirms A&F's Quick Win In Maternity Bias Suit"

News, 11.1.2016

Vorys Receives 71 Tier One Rankings on 2017 U.S. News- Best Lawyers "Best Law Firms" List

News, 7.5.2016

Garcia Included in *Courthouse News* Story Titled "Abercrombie Says Gap Poached Its Executive"

News, 2.19.2016

Knueve Included in Columbus Business First's "20 People to Know in Retail" List

News, 12.2.2015

More Than 60 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars List

News, 8.17.2015

More Than 100 Vorys Attorneys Named to 2016 The Best Lawyers in America® List

News, 11.3.2014

Vorys Receives 63 Tier One Rankings on 2015 U.S. News - Best Lawyers "Best Law Firms" List

News, 11.6.2013

Vorys Named Go-To Law Firm for 11th Consecutive Year by Fortune 500 Clients

News, 8.2.2013

Cary Interviewed by LXBN TV About NLRB Confirmations and Upcoming U.S. Supreme Court Hearing

News, 6.20.2013

Kaplan Quoted in Cincinnati *Business Courier* Story Titled "Could the Obese Become a Protected Class?"

News, 4.4.2013

Ford Discusses Potential Legal Consequences Related to Abusive Managers with News 92FM Houston

News, 2.11.2013

Campbell Quoted in *Crain's Cleveland Business* Story Entitled "Ferry Cap Puts Legal Screws to Union"

News, 1.28.2013

Cary Quoted in *National Law Journal* Story Entitled "Court Finds Appointments Unconstitutional"

News, 1.8.2013

Vorys Named Go-To Law Firm for Tenth Straight Year by Fortune 500 Clients

News, 11.1.2012

Vorys Receives 63 Tier One Rankings on 2013 U.S. News - Best Lawyers "Best Law Firms" List

News, 8.23.2012

126 Vorys Attorneys included in the 2013 *The Best Lawyers in America*® List

News, 2.8.2012

Vorys Attorneys included in *Law360* Story Titled "Abercrombie Fights Saleswoman's Seating Demands"

News, 11.1.2011

Vorys Ranked a "Best Law Firm" in 26 National and 47 Metropolitan Categories in *U.S. News - Best Lawyers* List

News, 9.20.2011

Crookes Quoted in *Akron Legal News* Article on Caregiver Policies

News, 9.6.2011

More than 100 Vorys Attorneys named on 2012 The Best Lawyers in America® List

News, 6.22.2010

Ohio Supreme Court Reverses Mandatory Maternity Leave Ruling

News, 5.17.2010

Jackie Ford Quoted in *Employment Law360* Article "Do's & Don'ts for Litigation-Proof Affinity Groups"

Publications

Client alert, 12.29.2021

Expiration of OSHA's Healthcare ETS and Update on CMS Mandate

Client alert, 12.23.2021

Federal Vaccine Mandates End-of-Year Roundup

Client alert, 4.19.2021

The Employment Litigation Tidal Wave: Critical Steps Employers Need to Take After Being Sued

Client alert, 10.23.2020

Michigan Enacts COVID-19 Business Immunity and Employee Protection Laws

Authored article, 9.9.2020

Finality of Judgment

Client alert, 8.25.2020

Supreme Court's Decision in *Intel Corporation Investment Policy Committee v. Sulyma* - Disclosure Alone Does Not Beget Actual Knowledge

Client alert, 6.25.2020

Supreme Court's Decision in *Thole v. U.S. Bank* a Win for Fiduciaries of Defined Benefit Plans

Authored article, *Corporate Counsel*, 4.16.2019

America's Opioid Crisis: What Employers and Their Counsel Need to Know

Client alert, 1.28.2019

Labor and Employment Alert: Illinois Supreme Court Holds that the Biometric Information Privacy Act Does Not Require Actual Injury

Client alert, 5.21.2018

Labor and Employment Alert: Supreme Court Upholds Arbitration Waivers Barring Class Actions

Authored article, *Employment Law360*, 1.5.2018

Conducting Harassment Investigations With Outside Counsel

Client alert, 6.20.2016

Labor and Employment Alert: New Jersey Supreme Court Holds Public Policy Trumps Freedom of Contract

Client alert, 6.7.2016

Labor and Employment Alert: Seventh Circuit Issues Surprising Ruling Backing NLRB's Prohibition on Class/Collective Action Waivers

Client alert, 5.25.2016

Labor and Employment Alert: Supreme Court Issues Bright-Line Rule for Constructive Discharge Cases

Client alert, 5.9.2016

Labor and Employment Alert: EEOC Issues Fact Sheet that Opens Bathrooms to All

Client alert, 4.19.2016

Labor and Employment Alert: Court Rules That Gun-In-Trunk Law Is an Exception to Employment-At-Will

Client alert, 4.18.2016

Labor and Employment Alert: California Supreme Court Holds That Sitting Down On the Job May Be Required

Client alert, 3.30.2016

Labor and Employment Alert: Second Circuit Says HR Manager May Be Individually Liable For FMLA Violations

Client alert, 10.7.2015

Labor and Employment Alert: A Small But Meaningful Change to California's Private Attorneys General Act for Employers

Authored article, *Retail Law360*, 9.14.2015

Your Insurance May Not Cover Website Disability Claims

Client alert, 6.4.2015

Labor and Employment Alert: Sixth Circuit Holds That Plaintiff's Own Testimony is Good Enough to Defeat Summary Judgment Under the FLSA

Authored article, 4.27.2015

Believe It or Not, NLRB Protects Foul Facebook Attack on Supervisor

Authored article, *TLNT.com*, 11.25.2014

Troubling Questions After Record \$185 Million Discrimination Award

[Client alert, 10.20.2014](#)

Labor and Employment Alert: Fair Credit Reporting Act – Attention to Detail Matters

[Client alert, 10.17.2014](#)

Client Alert: Issues for Employers to Consider in Confronting Ebola

[Client alert, 10.9.2014](#)

Labor and Employment Alert: Supreme Court Set to Rule on Whether Security Checks Should Be Paid

[Authored article, *Law360*, 9.25.2014](#)

Bonus Dispute Makes DOL Seem Like 'Department Of Languor'

[Authored article, *Texas Lawyer*, 7.7.2014](#)

NLRB, Fifth Circuit Sacrifice Employee Privacy for Speculation

[Client alert, 3.21.2014](#)

Labor and Employment Alert: New Rules Regarding Affirmative Action Obligations for Disabled and Veteran Workers Take Effect March 24, 2014

[Client alert, 3.14.2014](#)

Labor and Employment Alert: President Proposes Changes to Overtime Regulations, Now What?

[Authored article, *Houston Business Journal*, 3.14.2014](#)

No Good Deed Goes Unpunished When Hiring Convicted Criminals

[Client alert, 9.3.2013](#)

Labor and Employment Alert: OFCCP Releases Final Regulations Regarding Disabled And Veteran Workers

[Authored article, *Law360*, 7.11.2013](#)

Facebook Password Bills Are Pointless And Unfair

[Client alert, 11.19.2012](#)

Labor and Employment Alert: Washington State Supreme Court Holds that Missed Rest Breaks May Result in Overtime Liability

[Authored article, 10.31.2012](#)

Employees' Use of Smart Phones and Home Computers Increases Wage and Hour Risks

[Client alert, 5.1.2012](#)

Labor and Employment Alert: EEOC Issues New Guidance on Employers' Use of Arrest and Conviction Records

[Client alert, 4.30.2012](#)

Labor and Employment Alert: EEOC Decision Recognizes Discrimination Based on Transgender Status as a Form of Discrimination under Title VII

Client alert, 4.18.2012

Labor and Employment Alert: Federal Appeals Court Enjoins Notice Posting Rule; NLRB Responds

Client alert, 4.12.2012

Labor and Employment Alert: California Supreme Court Issues Much-Anticipated Meal and Rest Break Decision

Client alert, 11.21.2011

Labor and Employment Alert: NLRB to Vote on Election Process Rule

Authored article, 10.12.2010

Case Study: Cooney v. Bob Evans Farms

Authored article, 3.31.2010

Mealey's Cyber Tech & E-Commerce Report "'I Paid for this Microphone' - When Does Ownership of the Microphone Give You Ownership of the Messages?"

Client alert, 8.31.2009

Client Alert: Ohio Supreme Court Divided on Whether State's Gender Discrimination Law Applies to Women Who Are Lactating

Authored article, 7.23.2009

"The 6th Circuit Rejection of 'Third Party Retaliation'"

Client alert, 9.2008

Labor and Employment E-Alert: The Americans with Disabilities Act Expanded: More Medical Conditions and More People to be Covered

Client alert, 3.2008

Labor and Employment E-Alert: Ohio Civil Rights Act Expanded To Prohibit Discrimination On The Basis of Military Status

Client alert, 12.2007

Labor and Employment Law E-Alert: Ohio Civil Rights Commission's Proposed Pregnancy Rules on Hold

Client alert, 12.2007

Labor and Employment Law E-Alert: New Ohio Supreme Court Decision Sharply Limits Coolidge Case - Workers' Compensation Claimants Not Immune from Absenteeism Policies

Authored article, *Business First*, 10.19.2007

"Changes to Pregnancy and Maternity Rules Sure to Affect Businesses"

Authored article, *Midwest In-House Counsel*, 7.2007

"When Does a Pay Disparity Violate Federal Law?"

Authored article, *Ohio Matters*, July 2007

Supreme Court's Discrimination Decision May Elevate the Importance of Water Cooler Talk

Speaking Engagements

Event, 4.25.2024

2024 Cincinnati Labor and Employment Seminar

Event, 11.16.2023

2023 Vorys Legal Education (VLE) Seminar

Event, 9.29.2023

2023 Workers' Compensation Annual Client Briefing

Event, 9.13.2023

AF&PA Fall 2023 General Counsels Coordinating Committee Meeting

Event, 9.6.2023

Grow in Ohio: Ohio Labor and Employment Laws: What Companies Need to Know

Event, 8.30.2023

Grow in Ohio: Navigating the Complexities of the Ohio Workers' Compensation System

11.12.2021

COVID-19 Vaccination Mandates & Incentives for the American Bar Association

Event, 10.20.2020

Knueve Speaks at the 2020 RILA Retail Law Conference

10.12.2020

Vorys at Work: 2020 Conference

2.11.2020

WAHRA's Membership Meeting

Top 10 Employment Law Developments of 2019

Event, 10.17.2019

Knueve and Smith Speak at the 2019 RILA Retail Law Conference

4.18.2019

2019 Cincinnati Labor and Employment Law Update

3.22.2019

American Bar Association Panel

10.25.2018

Houston Northwest Chamber of Commerce Lunch & Learn

9.7.2018

Workers' Compensation Annual Client Briefing

9.7.2018

The Ethics of Settlement

11.10.2017

25th Annual Texas Minority Counsel Program (TMCP)

4.29.2015

2015 Labor & Employment Update

Hosted by Vorys, Sater, Seymour and Pease LLP

10.24.2014

Akron Labor and Employment Law Conference

11.6.2013

Vorys Labor and Employment Law Conference

10.26.2012

Recent Labor Law Developments for the Health Care Employer

Presented by Vorys, Sater, Seymour and Pease LLP

5.17.2012

Hot Topics in Employment Law

Presented by the Association of Corporate Counsel, Northeast Ohio Chapter and Vorys, Sater, Seymour and Pease LLP

3.28.2012

2012 Ohio Safety Congress and Expo

Presented by the Ohio Bureau of Workers' Compensation

12.13.2011

Employment Laws Made Simple

Presented by the National Business Institute

9.27.2011

Unemployment Insurance 101: Assessing and Responding to Claims for U.I. Benefits

Presented by Lorman Education Services

3.20.2010

Navigating the Jungle of Ethics, Laws and Regulations

Presented by the Ohio Association of Occupational Health Nurses, Inc.

2.23.2010

Take Five Breakfast Series: Social Networking and Related HR Issues for Businesses

Presented by Lorain County Community College and Vorys, Sater, Seymour and Pease LLP

6.16.2009

Using Social Networks: How to Limit Liability and Increase Business Benefits

Presented by the Center for Competitive Management