



CAPABILITIES / LABOR & EMPLOYMENT

## Labor Arbitration

We proactively partner with clients to address employee issues arising from collective bargaining relationships, and develop strategies to effectively resolve the issues in an efficient manner with favorable outcomes.

### OVERVIEW

*“When arbitration is necessary, we work with clients to develop a strategy where our clients are in a position to prevail at arbitration.”*

— Michael Pepperman

Our Labor and Employment attorneys help protect and preserve the prerogatives of management within the context of a positive, inclusive work environment, whether union or non-union. Our attorneys have earned a national reputation for resolving difficult labor-related issues.

Employees covered by a collective bargaining agreement typically cannot be disciplined or terminated except for just cause, which has a very specific meaning in labor law. The burden is on the employer to prove just cause. Clients worry about facing labor arbitrations when they need to discipline or terminate an employee because of cost and the potential that they may have to reinstate the employee or pay the employee back pay for lost time. We counsel clients and work with them concerning such employees to ensure they have taken the proper steps with respect to the employee being disciplined to meet the just cause standard.

### Our Value

Early intervention and client counseling are key. Our attorneys help create strategies concerning the issues covered in a collective bargaining agreement, whether it is just-cause terminations or other covered conditions of employment, such as wages.

Our members are partners to their clients, developing a high level understanding of our clients’ business and operational needs. This is an important step in helping clients manage potential labor legal liability.

## Our Clients

We partner with our clients concerning issues covered by a collective bargaining agreement to effectively address and resolve the issues, generally making arbitration of those issues unnecessary. In the event that arbitration is unavoidable, early intervention and counseling help develop case strategies to place our clients in the best position to prevail at arbitration.

## Our Focus

We are adept at collective bargaining and labor contract administration, grievance handling, and labor arbitrations. Employers regularly turn to us for representation involving claims of unfair labor practice in proceedings before the National Labor Relations Board. In addition, we have developed effective policies and procedures for preparations for picketing, work stoppages and disruptions, strikes, lockouts and labor injunctions, as well as for maintaining security and productivity during union workplace disruption.

## EXPERIENCE

- We represented an employer facing the challenge of terminating a shop steward who had threatened a supervisor and continued to use profanity after being instructed to stop. We worked with the employer and union to amicably settle the matter where the shop steward would resign with no expectation of reemployment for a nuisance value separation payment and neutral reference.

In addition, we have prevailed in matters on behalf of the following clients:

- A transportation provider, where the employees who were terminated engaged in a work stoppage prohibited by the collective bargaining agreement.
- A transportation provider, where the employee had a significant accident that the employee failed to report.
- A manufacturer that closed a location and was not obligated to pay the extra year of vacation pay that the union claimed was owed to the 40+ employees who had been let go.
- A transportation provider, where the employee was terminated after she refused to come to work and perform available light-duty work.
- A clinical services provider, where the employee who was terminated refused to complete clinical notes and other required documentation.
- An emergency medical services provider, where the employer terminated the employee for insubordination.

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