WINSTON & STRAWN LLP

Labor & Employment

长期以来，温斯顿劳工、劳动、管理人员薪酬及员工福利事务部门（EBEC）被评为全美优秀业务团队，定期取得地区性和全国性的各类奖项。

本所劳工和劳动业务团队有着逾75年经验，近60名律师，是全美最大，经验最丰富的团队之一，在全美的多业务律所中处于领先地位。团队服务国内外各类型、各种规模用人单位，从财富百强企业，到私人控股初创企业，均是本所服务对象，包括为多家大型企业担任全国性、地区性或首选代表律师。本所律师以高效率和优秀业绩知名，可处理一系列重大劳工和劳动法问题，包括大型集体诉讼和集体行动，重点办理工资和工时，以及美国《员工退休金法案》（ERISA）诉讼案等业务。团队在传统劳工法务领域同样历史悠久，属最富经验团队之一，服务内容包括办理各类重大、复杂的劳动纠纷。此外，本所长期办理的业务包括单原告劳动诉讼案件、商业秘密、不正当竞争和竞业禁止问题相关事项、重要事宜咨询和合规事务法律意见，以及其他日常劳动事务。

作为本所EBEC团队的重点业务领域，员工福利和管理人员薪酬方案业务既相互独立，又有一定联系。本所服务企业、董事会、私募股权公司、高管人员等客户，就管理人员薪酬事宜的法务、设计、草拟、协商和合规等各个方面提供法律意见。本所也就创新型和传统型员工退休和医疗福利方案，为公司、商户、受信人、高层人员、行政管理人员、政府实体、金融机构等提供法律意见。经过在EBEC领域逾50年历练，团队凭借其深厚经验，深入掌握员工福利法律的演变历程，把握高层薪酬市场动态，为客户提供更佳服务。

Key Contacts

Michael Roche

Areas of Focus

Affirmative Action & OFCCP Compliance

Our affirmative action & OFCCP compliance team helps clients pilot myriad obligations faced by today's growing number of federal contractors. From affirmative action plan (AAP) development to compliance counseling, we bring deep experience and practical solutions to support federal contractors as they face increased scrutiny in their efforts to comply with federal and other affirmative action laws.

California Employment Counseling & Litigation

California maintains a unique body of employment laws and regulations that are continually evolving, and employers with operations in California are expected to keep up. Our California labor and employment attorneys stay ahead of these changes, offering substantive experience and smart defense to clients navigating the complexities of the state's labor and employment system.

We handle lawsuits in both the California state and federal court systems. From high-stakes class and collective actions, arbitrations, and single plaintiff cases to administrative agency matters, our attorneys have been successful. In the high-volume field of wage and hour class actions, we have defended nearly every type of allegation, as well as claims under California Unfair Competition Law — Section 17200. We have even defended cases with putative classes of more than 200,000 employees, prevailing at all phases of litigation, including at conditional certification, decertification, summary judgment, trial, and on appeal.

With our extensive employment litigation experience in California serving as a foundation, we also provide counseling, training, and compliance advice to our clients' in-house counsel, human resource professionals, managers, and supervisors.

Discrimination, Harassment, Retaliation & Wrongful Termination Litigation

With employment litigation serving as a cornerstone of our Labor & Employment Practice, we have succeeded at every phase of litigation, including motions to dismiss, summary judgment, jury and bench trials, and appeals. Our team of nationally recognized employment litigators strategically counsels clients on the impact of employment litigation over the entire business. Moreover, our clients benefit from our experience serving as national and regional employment counsel and litigating in state and federal courts throughout the country, including the U.S. Supreme Court.

We have defended hundreds of employers in litigation filed by single plaintiffs, as well as in major class and collective actions. This experience includes defending allegations of age, sex, race, religion, and other types of discrimination; wrongful termination cases, including those involving whistleblower claims; and matters involving harassment claims, ERISA violations, FMLA, FLSA, WARN, violation of the ADA, and MPPAA litigation, among other areas. We also assist clients in conducting effective internal investigations and audits so that disruptions to the day-to-day course of business are minimized and litigation is prevented.

Employment Law Advice, Counseling, Training & Due Diligence

To help employers minimize the threat of potentially cumbersome employment litigation, our attorneys assist with the gamut of our clients' day-to-day labor and employment challenges. For example, our team is relied upon to review proposed personnel actions—including discipline, promotions, terminations, and layoffs—for potential discrimination claims. We also provide due diligence on employment issues that are critical to the successful completion of a merger, acquisition, divestiture, asset sale, or other corporate transaction; provide assistance in employee benefit matters; review employee handbooks; counsel clients on employment policies and procedures; provide advice on executive employment agreements and separations; and assist with audits and compliance activities, such as the design, maintenance, and implementation of affirmative action plans.

We add value to our client relationships by providing on-site training and advice regarding the preventative actions that our clients can take to minimize their risk of litigation. We have developed a library of more than 50 customizable training programs addressing topics such as lawful discipline and termination, harassment avoidance, wage and hour concerns, social media in the workplace, privacy, and other issues.

Traditional Labor Law

Our strong traditional labor law team is supported by the resources of a full-service law firm. Our rich history in traditional labor law dates back to the 1940s when then our Labor Department chairman, George Christensen, served as a key author of amendments to the National Labor Management Relations Act—also known as the Taft-Hartly Act. Since then, our experience has grown to span a wide spectrum—from high-profile and complex labor disputes, union avoidance, and corporate campaigns to advising clients on the hot-button issue of retiree benefits. Drawing from the experience of more than 30 labor and employment attorneys, we have partnered with private and public unionized and nonunion clients worldwide to meet their traditional labor law needs.

We advise our nonunion clients on positive employee relations for the maintenance of nonunion status, to avoid employment litigation, and to build a better long-term management-employee relationship. Our practice representing unionized clients is focused on litigation before the National Labor Relations Board (NLRB) and federal courts, including the U.S. Supreme Court, as well as arbitration matters in various public and private forums. Our attorneys also successfully represent clients, including multi-employer bargaining associations, in litigation involving state court injunctions against labor organizations for mass picketing. Notably, we have been adverse to all of the largest unions in the United States, including the Teamsters, United Auto Workers, Services Employees International Union, International Association of Machinists, United Food and Commercial Workers, United Steelworkers of America, and others.

Our industry experience is deep. We have assisted clients in the manufacturing, energy, construction, and health care sectors in traditional labor matters. In particular, union-organizing in the health care industry is on the rise, and we are able to integrate our robust Health Care Practice attorneys into our matters representing hospitals and health systems. This cross-practice team understands the challenges facing clients in this dynamic industry from all angles and can aptly assist with traditional labor matters relating to organizing drives and bargaining unit issues.

Wage & Hour Matters

No matter how large or small, employers are subject to the liabilities of maintaining a payroll, and they turn to our team for sound advice and counsel when wage and hour issues arise. Whether it's defending a high-stakes wage and hour class action lawsuit, reviewing and/or revising job descriptions, conducting classification audits, or providing onsite/online preventative programs, the experience of our team is relied upon by major employers worldwide to help them make smart decisions while minimizing risk. Our clients belong to some of the most targeted sectors in this area of law—banking and finance, retail, restaurants, manufacturing, construction and health care.

Even though maintaining compliant wage and hour policies and procedures may be an employer's first defense against disruptive and costly litigation, lawsuits in this area are inevitable. One of the most active areas of our practice is the representation of employers in wage and hour class and collective actions. We have an exceptional track record of success in defending these types of cases, including defeating them at the certification stage and, when necessary, fighting through to a favorable verdict at trial. We have triumphed over all types of allegations, including alleged misclassification claims, meal and rest period claims, chargebacks, seating, off-the-clock work, incentive pay, tip pooling, and payroll practices.

In addition to litigation, our lawyers provide comprehensive counseling to employers regarding wage and hour issues, such as job classification and exempt and independent contractor status, among others. Likewise, we regularly conduct wage and hour audits to ensure our clients' policies and procedures are aligned with federal and state governing laws and regulations. Where we identify areas of potential risk, we help clients efficiently implement change without interruptions to their business. To assist with ongoing preventative measures, we provide on-site or online training for our clients' in-house counsel, human resource professionals, managers, and supervisors.

> “Strong labor and employment practice that maintains an impressive reputation for its handling of litigation.”

Chambers USA

> “The best class action wage and hour lawyers in California.”

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- Environmental, Social & Governance (ESG)
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- Secured Landmark Equal-Pay Settlement for Current and Former USWNT Members
- Chart Industries Acquisition of Howden
- GenNx360's Majority Investment in Whitsons Culinary Group
- Lightyear Capital Closes on Sale of Datalot to Centerfield
- Secured Settlement in California Wage & Hour Class Action
- Early Mediation Leads to Quick Settlement in Wage & Hour Class Action
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