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[www.capehart.com](http://www.capehart.com)



## **CAPEHART SCATCHARD'S LABOR AND EMPLOYMENT GROUP (INCLUDING NEGOTIATIONS)**

As solicitor and labor relations counsel to numerous public entities and private companies, Capehart Scatchard has developed the depth of experience and ability to provide a broad range of legal services in labor and employment matters, including the areas of grievance/arbitration hearings, union negotiations, and matters before many state and federal agencies including the Public Employment Relations Commission (PERC) and Civil Service Commission. Capehart Scatchard's attorneys also appear on a regular basis before the federal and state courts of New Jersey in defending all types of labor and employment matters brought against public and private entity clients. We have also been deeply involved in labor contract preparation and review, public employee disciplinary hearings, policy review and drafting, the defense of claims involving employment discrimination, wrongful discharge, and compliance with the New Jersey Law Against Discrimination, CEPA, the New Jersey Family Leave Act, and the Paid Family Leave Act as well as the federal Family and Medical Leave Act, Americans with Disabilities Act, NJ SAFE Act, Civil Rights Acts and wage and hour matters.

Capehart Scatchard Labor Group attorneys recognize the diverse workplace issues facing today's employers. We work with management to address the wide variety of legal and human resource challenges which abound. Understanding our clients' businesses and operational philosophies is key to assisting them in developing proactive policies and procedures to avert liability, minimize employment claims, and foster a productive and healthy workplace. In addition, the firm provides clients with useful tips as to how to keep the workplace, and workplace policies, in compliance with state and federal employment laws via our [HRResource Blog](#).

Our public and private sector clients rely on us for guidance and counsel on many labor and human resource issues including:

- ◆ Social media issues/policies
- ◆ affirmative action issues
- ◆ Affordable Care Act (a/k/a Obamacare)
- ◆ Americans with Disabilities Act claims/policies
- ◆ breach of contract issues
- ◆ claims under the New Jersey Law Against Discrimination and Title VII of the Civil Rights Act
- ◆ collective bargaining, negotiation and arbitrations
- ◆ confidentiality, non-competition and trade secret issues
- ◆ constitutional claims
- ◆ defamation claims
- ◆ discipline and termination issues
- ◆ drugs and alcohol in the workplace issues
- ◆ employee benefits

- ◆ employment discrimination including sexual harassment, age, gender, race, religion, natural origin, sexual orientation and disability discrimination in both federal and state courts
- ◆ employee manuals
- ◆ employee relations policies including the preparation and implementation of employment contracts and noncompete agreements
- ◆ Fair Labor Standard Act and state wage and hour claims
- ◆ Family Medical Leave Act matters
- ◆ Family Leave Act matters
- ◆ grievance and arbitration presentations
- ◆ occupational safety and health matters, including hearings
- ◆ unemployment compensation hearings
- ◆ whistleblower claims
- ◆ workplace violence issues
- ◆ wrongful termination claims/litigation

In addition, our employment attorneys regularly provide representation in the following areas:

- ◆ PERC and NLRB matters (unfair practice charges, representation petitions, unit clarification petitions, scope petitions, fact find presentations, interest arbitrations);
- ◆ Negotiating, drafting, interpreting, and administering collectively bargained agreements, including development of salary guides and benefit packages;
- ◆ Superior Court injunction matters.
- ◆ Civil Service and Title 40A disciplinary actions.

We also have vast experience and represent our clients before the numerous federal agencies responsible for administering the current myriad of labor and employment laws such as the National Labor Relations Board, the Equal Employment Opportunity Commission, the Occupational Safety and Health Review Commission as well as before various state boards and agencies such as the Department of Education, PERC and the New Jersey Division on Civil Rights.

When handling employment disputes, our labor and employment attorneys work diligently to provide advice to avoid legal minefields in this often volatile and ever expanding area of employment law. Once litigation becomes inevitable, however, the Group's attorneys have achieved significant success concerning workplace disputes in state and federal trial and appellate courts.

Moreover, our attorneys represent a wide range of businesses in both the public and private sectors, such as large privately and publicly-held service corporations, small businesses, printing companies, oil refineries, manufacturers, utilities, transportation industries, boards of education, moving and storage companies, governmental agencies, and other public entities.

Our lawyers are committed to providing employers with quality counsel and developing and implementing winning and cost-effective strategies to ensure our clients achieve their business goals.

Some of our representative matters have included:

- ◆ Defending many claims of wrongful discipline or termination for both private and public employers.

- ◆ Representation of public entities, business organizations and individuals in administrative hearings before the Office of Administrative Law, PERC and other state agencies concerning civil service and civil rights matters, pension issues, wage and hour disputes and other labor issues, and unemployment claims.
- ◆ Preparing employment manuals and other employment-related policies for public entities and private businesses, including drug testing policies and disciplinary policies, and counselling clients on compliance with all labor and employment language.
- ◆ Successfully defending public entities in sexual harassment cases.
- ◆ Defending claims of breach of labor agreement terms and conditions for both private and public employers.
- ◆ Defense of WARN Act claims.
- ◆ Defense and prosecution in Restrictive Covenant/Non-Compete cases.
- ◆ Defense of claims on behalf of an employer against former employees and/or outside contractors (negligence, breach of contract, fraud, etc.)
- ◆ Internal shareholder disputes over control of the company and/or disbursement of profits.
- ◆ Defending companies against various discrimination claims (inter alia, involving allegations of age, race, sex, harassment and other types of prohibited EEO conduct) before the EEOC, the New Jersey Division on Civil Rights, and before state and federal courts, including many jury trials.
- ◆ Defending private organizations in connection with union representation attempts.
- ◆ Defending public schools in public contracting challenges.
- ◆ Defending private manufacturers in claims of sex, same-sex, and religious hostile atmosphere, and age discrimination.
- ◆ Defending local school boards in whistleblower suits.
- ◆ Successfully representing public entities in addressing allegations of violation of federal and state wage and hour laws.
- ◆ Successfully defending challenges to layoffs and promotional decisions made by public and private entities.
- ◆ Successfully prosecuting claims to enforce non-compete and other kinds of business confidentiality requests.

Should you have any questions or would like additional information about Capehart Scatchard's Labor & Employment Group, please contact Ralph R. Smith, 3<sup>rd</sup>, Esq. at [rsmith@capehart.com](mailto:rsmith@capehart.com) or 856.914.2079.



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## CAPEHART SCATCHARD: AN OVERVIEW

In 1876, the law firm today known as Capehart Scatchard was founded in Camden, New Jersey by Thomas French, a self-educated lawyer. More than a hundred forty years later, we at Capehart are proud of our rich heritage which is both a source of confidence and a continuing ethical guide. We have earned and maintained our superb reputation for more than a century by providing our clients with quality legal services and by keeping a step ahead in areas of developing law. We anticipate our clients' needs, keep apprised of legal developments and counsel preventative action to avoid trouble, now and later.

### Our Approach

Our firm's commitment of providing clients with superior legal services in a prompt manner and at a reasonable cost is based on a three-tier approach: first, a sound technical knowledge of the law; second, a practical understanding of how to work efficiently with a "can do" attitude and not create obstacles; and third, the interpersonal skills needed to communicate well and frequently with clients. That commitment is still firmly in place today.

In an era when clients must justify every expense, we pursue cost-efficiency without sacrificing positive legal results. Capehart Scatchard has a long-standing commitment to staffing client matters according to the task at hand, utilizing shareholders and associates where appropriate to deliver the best work product and service in an effective and cost-efficient manner. We avoid needless paperwork and procedures, and concentrate instead on charting smart courses of action, either to avoid lawsuits or lay a solid case foundation.

### Scope of Service

Capehart Scatchard is a diversified general practice law firm of 85 attorneys practicing in five offices in more than a dozen major areas of law. We serve large and small businesses, public entities, non-profit organizations and academic institutions, governments and individuals.

Our primary areas of practice are:

- ◆ Alternative Energy
- ◆ Appellate
- ◆ Banking and Financial Services
- ◆ Bankruptcy/Creditors' Rights
- ◆ Business and Tax
- ◆ Cannabis
- ◆ Casualty & Professional Liability
- ◆ Defense
- ◆ Commercial
- ◆ Construction
- ◆ Data Privacy & Security
- ◆ Dram Shop & Security
- ◆ Elder Law
- ◆ Franchising
- ◆ Healthcare
- ◆ Insurance
- ◆ Labor and Employment
- ◆ Litigation
- ◆ Real Estate and Land Use
- ◆ Regulatory and Governmental Affairs
- ◆ School Law (*including special education*)
- ◆ Wills, Estates & Trusts
- ◆ Workers' Compensation

Every matter is assigned and supervised by a skillful attorney. Legal teams including attorneys, paralegals, and support staff are formed in order to properly handle complex and unique legal challenges, as well as repetitive matters.

## Our People

Capehart Scatchard recognizes one of its greatest assets: its people. We have created the right mix of professionals at every level to make this philosophy work. Our lawyers bring impressive credentials from other firms or positions in government or business to join with Capehart lawyers who have established outstanding track records during their long careers with us. Our attorneys are supported by trained paralegals, secretaries, and administrative personnel working in a modern facility with state-of-the-art technology.

Our professionals understand clients' needs for effective and efficient service, and we strive to exceed their expectations. The relationship between client and attorney must be based upon respect, trust, and mutual confidence. We value clear, open communication in order to help our clients understand their legal matters and the services we are providing. Capehart Scatchard endeavors to understand a client's needs, and to then tailor our level of service to achieve the client's objectives.

## Our Resources

- ◆ **Location.** Capehart Scatchard's main office is located in Mt. Laurel, which offers quick access to Interstate 295, State Highways 38 and 73, and the New Jersey Turnpike, and enables the firm to efficiently serve its clients.

In addition to the firm's main office in Mt. Laurel, New Jersey, the firm also maintains four other offices at the following locations.

Hamilton, NJ  
New York, NY

Holmdel, NJ  
Philadelphia, PA

Among other things, our attorneys represent clients in administrative, regulatory, governmental affairs, and litigation matters which involve various departments, agencies, and independent commissions and/or authorities of state, county, and local government.

- ◆ **Technology.** Lead by our seasoned staff of information technology specialists, Capehart Scatchard delivers the best of breed technology to provide superior quality of service to our clients.

We provide a highly-secure network using the latest in firewalls, security filters, and user authentication. With our internet-based application server, we give attorneys and staff the ability to access all firm software creating a virtual office. Using a sophisticated case management suite, we are able to organize all case-related information, allowing us to provide immediate feedback to our clients. In order to maintain the highest level of client satisfaction, we deploy a wide selection of communication tools including e-mail, desktop faxing, video conferencing, on-line collaboration, and electronic filing.

We bring the power of information technology to bear on every aspect of what we do. Our primary goal is to respond to our clients' needs with the highest quality work product, created in the most efficient way possible, as quickly as possible.

- ◆ **Library Capabilities.** Through the use of electronic technology, our attorneys have access to thousands of legal and non-legal databases. Our full-time professional information specialist uses the many resources and formats available to provide our attorneys and clients with accurate, timely and cost-effective information. The services provided by our library enable us to effectively and efficiently respond to our clients' needs.