



LABOR AND EMPLOYMENT

The Labor and Employment attorneys at Burke, Warren, MacKay & Serritella understand the challenges of managing a workforce and the necessity of spot-on advice to maintain a productive workplace environment. Recruiting and retaining key personnel while dealing with problem employees is a part of doing business. Our attorneys represent management—public and private, large and small, profit and not-for-profit—in the entire spectrum of employment-related matters, with a focus on preventing problems before they occur. We have represented a wide range of industries and employers, from Fortune 100 companies to small entrepreneurs.

Our attorneys advise clients regarding federal, state, and local laws prohibiting discrimination in the workplace to minimize the likelihood of employment discrimination claims. We use our decades of experience and in-depth understanding of complex law to assist clients with improved employment practices and procedures, including drafting employee handbooks and related documents. We also work to identify and correct potential problems before they become expensive confrontations, including training managers and supervisors regarding applicable legal requirements.

When claims are made, we aggressively defend our clients in front of administrative agencies and federal and state courts in individual, collective and class action litigations, and, if necessary, on appeal in a wide range of cases including age, race, gender, religion, disability and national origin discrimination, sexual harassment, and wage and hour disputes arising under various statutes, including the Fair Labor Standards Act and the Illinois Wage Payment and Collection Act.

We also regularly represent clients in investigations before administrative fact-finding tribunals and in public hearings conducted by federal, state, and local agencies, including the EEOC, the Illinois Department of Human Rights, the Illinois Human Rights Commission, and the Chicago Commission on Human Relations.

PROFESSIONALS

Rachel E. Bossard
Chase E. Bullock
Jay S. Dobrutzky
Danielle J. Gould
Nicholas A. Gowen
Morgan M. Hess
Christopher E. Kentra
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Frederic A. Mendelsohn
Elizabeth M. Pall
Marissa N. Pinto
Stephen H. Pugh
Kenneth H. Richman
Blake A. Roter
Aaron H. Stanton
Eric P. VanderPloeg

RELATED PRACTICES & INDUSTRIES

Class Action
Institutional Risk Management & Internal Investigations
Litigation



With the ever-expanding erosion of the employment-at-will doctrine, we are also actively involved in counseling and defending employers against the many common law and statutory claims that are potentially available to applicants and current and former employees. For example, we have represented employers in situations involving express and implied contracts, breach of fiduciary duty claims, retaliatory discharge claims, and whistle-blower protection.

We also help our clients protect their valuable information, including trade secrets, customer lists, key personnel, and proprietary information, by drafting and enforcing non-competition and non-solicitation agreements, confidentiality agreements, and other employment-related contracts.

Finally, we are experienced in the unique concerns confronting employers with unionized workforces, serving as lead counsel in labor negotiations and handling complex NLRB and appellate litigation. We advise and represent clients in collective bargaining, arbitrations, and union representation matters and counsel our clients during labor disputes, including strike contingency plans and effective responses to boycotts and "corporate campaigns."

Whatever our clients' needs may be—solving problems, negotiating, analyzing, or litigating—we are trusted advisors serving as the first step in handling any employment issue.

Employee Benefits

Burke Warren's Employee Benefits attorneys offer a wide range of compensation and employee benefits services to help maximize those benefits within budgets and within tax and benefit law guidelines. We assist in designing, documenting, implementing, revising, and terminating employee benefit arrangements, including pension and profit sharing, 401(k)s, health and welfare, executive compensation, and stock option plans. In addition, we counsel plan trustees regarding plan administration, including documenting investments, determining the eligibility of and obligations to beneficiaries, and working with accountants and actuaries.

Our benefits clients come from both the private and public sectors and include major corporations, closely held businesses, single and multiple employer plans, collectively bargained plans, governmental agencies, and religious and other tax-exempt organizations. Plans vary from unfunded plans to those with assets of more than \$2 billion. The common element in all of our plan clients is the desire and need to maximize benefits at the lowest possible cost, while complying with applicable law.

IRS and U.S. Department of Labor

Employee benefits involve considerable interaction with the Internal Revenue Service, the U.S. Department of Labor, and state agencies. Our attorneys are experienced in working with the IRS to obtain determination letters for our clients' qualified plans and have represented clients before both the IRS and U.S. Department of Labor in conjunction with plan audits.

Litigation

All interested parties want benefits plans to work smoothly and without litigation. However, when disputes arise and settlements cannot be reached, our benefits and litigation attorneys work together to achieve the best possible result for our clients.



Mergers and Acquisitions

Employee benefits plays a significant role in mergers and acquisitions. Buyers need to know the benefit costs and obligations accompanying an acquisition, and sellers want to see their loyal employees protected after the closing. Both parties want a seamless transition from the seller's benefit package to the buyer's benefit package. Benefit plans may have to be adopted, amended, or terminated. We work closely with clients to ensure that the benefits portion is properly addressed to meet the client's goals.