



YARCH TO CHAIR FIRM'S LABOR & EMPLOYMENT PRACTICE

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Accomplished labor & employment attorney Rachel Yarch realized that her search was over when she connected with Burke, Warren, MacKay & Serritella – a new home to nurture both her career aspirations and her substantial client list of corporate and privately held companies, not-for-profit and social services institutions.

Attracted by the Firm's position in the market, its practice areas and the clients it serves, Yarch moved in just before the New Year. "I felt that I had outgrown the boutique firm where I'd been practicing and my clients blended well with the Burke Warren client list," says Yarch. "I also wanted a greater leadership opportunity, and Burke Warren made the practice chair position available to me."

Q: Why did you choose Burke Warren? What appeals to you about the Firm?

A: I like the fact that Burke Warren is a full service firm with a diverse client base. The Firm's long history of serving corporate entities as well as non-profits made for an excellent fit. Loyalty and commitment are key to my client base, and it was essential to me that I find the best possible fit to serve all of my clients, including my non-profit clients. I like to think that my non-profit clients and I share a strong sense of mission and history.

Overall, joining Burke Warren is an exciting step forward for my career and I feel very fortunate that the firm had a need for my skill set. I'm equally excited to begin working with the Firm's clients, while offering the Firm's wide range of services to my existing clients.

Q: Why specialize in labor & employment law?



A: After a longstanding focus on litigation, I took on more of a counseling role over the past five years and realized how crucial it is for companies. Conducting day-to-day legal counseling helps me steer clients away from conflict, as opposed to arriving later to extinguish fires. Risk management and coaching are key to my client strategy and vision. I've performed client counseling for employers across the country and I really envisage that my experience will benefit the Firm.

Q: *Why does labor & employment law appeal to you?*

A: This area of law has a broad spectrum. There are so many factors – harassment, discrimination, wage disputes and more. Because all companies have employees, a labor & employment focus allows me to work with an infinite range of companies and organizations. I really enjoy meeting and getting to know new people. Labor & employment law is constantly changing and evolving, so this specialty ensures that I also have to stay abreast of the current trends in the business world. I really enjoy employee relations and I take great pleasure in working closely and sharing my knowledge with HR personnel and in-house counsel.

Q: *How would you describe the difference between labor issues and employment issues?*

A: Labor issues include union issues, overtime issues and more. Employment issues include discrimination, disability, employee relations and the like. There are many distinctions amid the similarities. Both areas include employment agreements, non-compete and non-solicitation issues, as well as other transactional issues and many types of litigation.

Q: *What would you say are the most complicated issues that you deal with?*

A: Essentially all labor & employment issues are complicated because people are complicated, but that's why I enjoy it. On the employment side, the Americans with Disabilities Act (ADA) issues are the most complex because the law is very unclear and each situation is extremely fact specific. Even the most experienced HR professionals are often uncertain how to navigate these issues, and will often need a second opinion, which is when I step in. For example, a solution may involve making an employee feel more comfortable about opening up to discuss issues whether they are medical, emotional or family based; sometimes medical professionals must be consulted to provide opinions about work restrictions and reasonable accommodations. The main objective is for all parties to feel satisfied with the solution.

Q: *Are you involved in the employee meetings?*

A: Not typically because, the vast majority of the time, I can't be a witness when I will ultimately defend the cause of action; if I am involved, it's usually behind the scenes. However, sometimes I am involved with making sure an employee termination proceeds smoothly. Usually I will coach HR personnel through investigating an internal complaint, documenting a step-by-step process, and so on. The outcome within each step of this process will typically determine what the next step should be; these consultations involve a lot of ongoing collaboration.

Q: *What issues do you think that companies should focus on right now in the area of labor and employment?*



A: I think companies really need to pay attention to changes in the Fair Labor Standards Act (FLSA.) Another hot topic is the classification or misclassification of independent contractors.

Q: *What do you consider to be your strongest suits in your area of law?*

A: I think that my emotional intelligence plays an important role in the success of my practice. I make it a priority to really connect with employees and HR personnel. It's similar to a doctor's good bedside manner. Reading people and connecting with them are important skills in all aspects of life.

Q: *What kinds of relationships do you have with your clients today and in what ways do they rely on you?*

A: I am very close with clients that I've worked with for many years. They know that they can call, text, or email me at any time. In my area of law, it's important to be "on call" for many reasons. Some clients have employees working non-traditional shifts and employment issues are often very time sensitive, so you have to be responsive. Sexual harassment allegations, for example, require that you act immediately.

Ms. Yarch represents employers in all aspects of employment law, including client counseling, training and litigation. Her experience includes representing various corporate entities, both large and small, schools, colleges, universities, nursing homes, and municipal corporations. She has trial experience in both state and federal courts, and has litigated and mediated employment law matters through various agencies, including the Equal Employment Opportunity Commission and the Illinois Human Rights Commission. In addition to employment law, Ms. Yarch has extensive experience handling complex litigated matters, including general liability, civil rights and insurance claims, from investigation through trial.

Ms. Yarch also assists employers in drafting policies and making personnel decisions in compliance with federal and state statutes. She is a frequent lecturer on employment law issues and provides training sessions on important employment topics (e.g., *Accommodating Disabilities*, *Preventing Discrimination Claims* and *Preventing Sexual Harassment in the Workplace*).

To learn more about Rachel's practice, please contact her at ryarch@burkelaw.com or 312/840-7029.