

## Administrative Hearings and Investigations

We represent clients in communications and hearings before all relevant local, state, and federal governmental and human rights agencies. Our attorneys offer extensive and regular statutory and regulatory updates and impact analysis centered on an organization's specific needs. We have experience in:

- **Department of Labor** compliance with wage and hour matters under the FLSA, leave matters under the FMLA and USERRA, and benefits under ERISA. We defend our clients in audits and investigations by divisions of the DOL.
- **Equal Employment Opportunity Commission** charge response for claims of discrimination, focusing on remedying preventable problems generated by inconsistent or erroneous filings. In these instances, we recommend alternative fee structures, including in some situations, a flat-fee arrangement, for EEOC responses that allows clients to manage the administrative process while strengthening the client's standing before administrative agencies.
- **Occupational Safety and Health Administration** compliance and defending clients before state and federal investigators, the Occupational Safety and Health Review Commission (OSHRC), and in court, addressing potential civil and criminal liability and reducing risk. With decades of experience advising the health care, manufacturing, and construction industries, we can customize our OSHA guidance.
- **Office of Federal Contract Compliance Programs (OFCCP)** representation for clients with Affirmative Action Plan obligations, and subject to oversight and audit by the OFCCP. We offer significant experience in resolving matters that result in no monetary claims. Our attorneys represent clients in connection with every aspect of OFCCP compliance, including compliance checks and reviews. We prepare Affirmative Action Plans (AAPs) from start to finish, identify the facilities to be included, assign job codes to job titles, group job titles to better represent organizational structure, conduct availability and utilization analyses, and craft the narrative portion of the plan. We defend employers in arbitration and at trial, aiming to minimize company exposure.
- **National Labor Relations Board (NLRB)** representation on claims under Section VII of the Labor Management Relations Act (LMRA).
- **California Division of Labor and Standards Enforcement (DLSE)** representation for clients in administrative proceedings before the DLSE related to wage and hour, and retaliation claims.

### Areas of Focus

Counseling, Compliance,  
Training, & Employee Benefits  
Employment Litigation and  
Arbitration

### Related Services

Counseling, Compliance,  
Training, & Employee Benefits  
Employment Litigation and  
Arbitration

## Professionals



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## Recent Publications

June 5, 2019

### Employer Beware: The U.S. Supreme Court Allows a Plaintiff to Bypass the EEOC

On June 3, 2019, in *Fort Bend County, Texas v. Davis*, the Supreme Court unanimously held that federal courts can exercise jurisdiction over discrimination claims that were never brought before the Equal Employment Opportunity Commission.

McGlinchey Labor & Employment Alert

February 4, 2019

### Deadline Extension for EEOC Survey Announced Due to Shutdown

On February 1, 2019, the Equal Employment Opportunity Commission (EEOC) announced that, due to the partial lapse in appropriations, the opening of the EEO-1 has been postponed until early March 2019. The deadline to submit EEO-1 data is extended until May 31, 2019.

McGlinchey Labor & Employment Alert

- May 29, 2018 [U.S. Supreme Court Rules That Employers Can Require Employees to Sign Collective and Class Action Waivers in Arbitration Agreements](#)  
The Supreme Court in *Epic Systems v. Lewis* recently upheld the rights of employers to require employees to sign mandatory arbitration agreements in which employees must waive their rights to bring a class or collective action against their employers.  
McGlinchey Labor & Employment Alert
- April 5, 2018 [Revised Law Says Employers Cannot Pocket Tips, Even if Not Using the Tip Credit](#)  
A specific provision was included in the congressional spending bill approved on March 23, 2018, to amend the tip credit provisions of the Federal Labor Standards Act (FLSA) to expressly provide that employers cannot keep any portion of the tips earned by their workers, regardless of whether the employer utilizes the tip credit.  
McGlinchey Labor & Employment Alert
- January 12, 2018 [Employers Beware: "Weinstein Tax" Denies Income Tax Deduction for Sexual Harassment Settlements](#)  
Beware of including nondisclosure agreements when settling sexual harassment claims, because neither the settlement payment nor the attorneys' fees related to that settlement will be deductible under new Internal Revenue Code Section 162(q).  
McGlinchey Labor & Employment Alert
- December 6, 2017 [Employer Update: Controversial DOL Regulation Regarding Tip-Pooling Headed to Repeal](#)  
Employers in service industries may soon be able to require their tipped employees to share their tips with "back of the house" employees. The catch: the tipped employees must be paid at least minimum wage with no use of the tip credit.  
McGlinchey Labor & Employment Alert
- October 31, 2017 [Employer Update: Title VII Protection for Transgender Status Up in the Air](#)  
Federal government agencies are in conflict among themselves as to whether Title VII of the Civil Rights Act of 1964 prohibits discrimination based on sexual orientation, including transgender status. Likewise, federal courts have reached differing conclusions.  
McGlinchey Labor & Employment Alert

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## Events

- June 26, 2019 [Bring Your Own Policy \(BYOP\) Breakfast](#)  
8:15 a.m. – 9:30 a.m.  
  
McGlinchey Stafford  
112 West 34th Street, Suite 1515  
New York, NY 10120

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## Recent News

- April 25, 2019 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2019](#)  
McGlinchey News Release
- March 21, 2019 [Emphasizing 'entrepreneurial opportunity,' NLRB upends Obama-era independent contractor standard](#)  
New Orleans CityBusiness
- May 7, 2018 [McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2018](#)

McGlinchey News Release

February 9, 2018

[Trump's pro-employer picks to reorient EEOC's priorities](#)  
New Orleans CityBusiness

January 19, 2018

[A Q&A with Magdalen Blessey Bickford](#)  
New Orleans CityBusiness

November 1, 2017

[McGlinchey Stafford's Practices Ranked Among Top in Nation in U.S. News/Best Lawyers' "Best Law Firms" 2018](#)  
McGlinchey News Release