

Labor and Employment

Legal Advocates for Management

McGlinchey Stafford's dynamic team of employment lawyers keeps pace with the ever-changing laws and regulations affecting private and public companies. Our team provides comprehensive representation to clients throughout the nation. From a practical, business-minded standpoint, we help employers develop proactive approaches to avoid costly litigation or investigations. When litigation is the path, our team offers extensive skill and experience in litigation to best represent our clients' interests.

Our Labor & Employment team is based in states with some of the nation's toughest climate for employers, including California and New York. We have counseled clients nationwide and successfully resolved numerous complicated matters covering all aspects of employment law. And when the need arises, we're able to draw upon the bench strength and experience of McGlinchey Stafford attorneys in other disciplines, from coast to coast.

To deliver exceptional client service, we get to know our clients well and are available around the clock — we know employment law issues do not follow a nine-to-five schedule. Dedicated to personalized assistance, our team develops institutional knowledge of our clients' cultures and business philosophies, and, when appropriate, visits our clients' workplaces. We collaborate with in-house teams to provide training and prevention programs and keep executives apprised of critical updates and litigation trends affecting their workplaces.

As part of our client-focused approach, we encourage creative alternative fee arrangements that help maximize budgets and enable clients to forecast spending on outside labor and employment counsel.

Areas of Focus

Administrative Hearings and Investigations
Counseling, Compliance, Training, & Employee Benefits
Employment Litigation and Arbitration

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Experience

[Represented shipyard and related affiliates in \\$20M-plus asset sale](#)

Represented a shipyard and its related affiliates in the sale of their assets in a transaction in which the aggregate consideration included, and substantially exceeded, the \$20 million contributed by the purchaser.

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
- January 18, 2019 [Supreme Court rules interstate transportation workers exempt from FAA arbitration requirements](#)
 On Tuesday, January 16, the United States Supreme Court unanimously ruled that interstate transportation workers are exempt from the arbitration requirements of the Federal Arbitration Act (FAA) and cannot be forced to arbitrate.
 McGlinchey Labor & Employment Alert
- November 30, 2018 [We Are Not Out of the Woods: Some 401\(k\) Plan Amendments May Be Needed in 2018](#)
 Although the IRS announced on November 28, 2018 that no plan amendments are required in 2018 to 401(k) plan documents in order to maintain their tax-qualified status, this announcement is not the whole story if a plan allows hardship distributions, or a plan sponsor wants to apply forfeitures against qualified non-elective (QNEC) or qualified matching contributions (QMAC).
 McGlinchey Labor & Employment Alert
- September 25, 2018 [U.S. Fifth Circuit Holds that Louisiana Charter Schools are Subject to the NLRA](#)
 On September 21, 2018, the U.S. Fifth Circuit Court of Appeals ruled that a Louisiana charter school is subject to the National Labor Relations Act (NLRA) like most other privately controlled employers.
 McGlinchey Education Law 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
- March 16, 2018 [Louisiana Supreme Court Issues Landmark School Decision](#)

The Louisiana Supreme Court issued a landmark decision on March 13, 2018, upholding the constitutionality of the allocation of state and local Minimum Foundation Program (MFP) funding to New Type 2 charter schools pursuant to La. Const. art. VIII, § 13. *Iberville Parish Sch. Bd. v. Louisiana State Bd. of Elementary & Secondary Educ.*, No. 2017-C-0257 slip op. (La. March 13, 2018).

McGlinchey Labor & Employment Alert

January 19, 2018

[Is the New FMLA Tax Credit Worth It?](#)

Employers who pay employees while they are on Family and Medical Leave Act (FMLA) leave can receive a new tax credit under new Internal Revenue Code Section 43S, but the limitations on the applicability of the credit may make this tax deal more trouble than it is worth.

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

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

June 24, 2019

[The Biggest Misunderstandings about Arbitration Clauses Post-Epic Systems: How Practitioners are Now Approaching Class Action Waivers and Enforceability](#)

ACI 32nd National Forum on Wage & Hour Claims and Class Actions
New York, NY

June 24, 2019

[Hypothetical Scenarios on Equal Pay, Family Leave, and the #MeToo Movement: The Unwritten Rules for Addressing Highly Sensitive, Complex Challenges](#)

ACI 32nd National Forum on Wage & Hour Claims and Class Actions
New York, NY

Recent News

June 12, 2019

[McGlinchey Stafford’s Labor & Employment Law Team Hosts “Bring Your Own Policy” Breakfast](#)

McGlinchey News Release

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

March 13, 2019

[McGlinchey Stafford Attorney Camille Bryant named 2019 Pathfinder by Leadership Council on Legal Diversity](#)

McGlinchey News Release

- November 1, 2018 [McGlinchey Stafford's Practices Ranked Among Top in Nation in U.S. News/Best Lawyers' "Best Law Firms" 2019](#)
McGlinchey News Release
- 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 30, 2018 [Return of the Opinion Letters](#)
Human Resource Executive
- 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