# Employer Services

Attorneys in Foster Swift's Employer Services Practice Group thrive on helping private and public sector employers adhere to the myriad of federal and state tax laws, employment laws and regulations. This broad area of the law is regularly categorized into: Employment and Labor Relations Law, Employment Litigation, Employee Benefits and Workers' Compensation.

## EMPLOYMENT AND LABOR RELATIONS

As mentioned above, attorneys in this practice group take a proactive approach in advising you and your business whenever possible. Preventive action and early identification of work-place problems allows us the benefit of working with our clients to develop practical and creative solutions—before problems give rise to expensive and time-consuming litigation. In fact, working with employers to negotiate sound contracts or develop and implement clear and pragmatic employment policies is a significant part of our practice.

Our expertise in the myriad of federal and state laws that regulate the relationship between employer and employee has prompted many employers to enlist our assistance in meeting the challenges presented by such laws as:

- The National Labor Relations Act and other laws regulating the collective bargaining relationship
- Title VII, Age Discrimination in Employment Act, Michigan's Elliott-Larsen Civil Rights Act, and other employment discrimination laws
- The Americans with Disabilities Act, Michigan's Persons with Disabilities Civil Rights Act, and other disability discrimination laws
- The Family and Medical Leave Act and other leave laws
- The Fair Labor Standards Act, Michigan's Payment of Wages and Fringe Benefits Act, and other wage and hour laws
- Michigan's Occupational Safety and Health Act and other workplace safety laws

Few firms, if any, have our depth of knowledge of the National Labor Relations Act as two of our of attorneys are former attorneys with the National Labor Relations Board (NLRB).

### PRACTICE CONTACT(s)

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## **RELATED PRACTICES**

Discrimination - Unlawful Harassment Employee Benefits Employee Stock Ownership Plans (ESOPs) Employment Law Employment Litigation ERISA Labor Relations As an employer, you face new challenges every day. Part of our commitment to you is making ourselves readily available when you need us on the broad range of issues that may call for prompt action including:

- Recruitment and hiring
- Collective bargaining and contract interpretation
- Grievance administration and arbitration
- Discipline and discharge
- Individual employment contracts
- Wage and hour claims, including overtime issues
- Leaves of absence
- Unemployment compensation
- Workplace safety and health
- Trade secret and non-compete contracts
- Unfair labor practice charges

# **EMPLOYMENT LITIGATION**

Over the years, our Labor & Employment Law attorneys have represented employers in discrimination, wrongful discharge, and other employment disputes before state and federal courts and administrative agencies, as well as in arbitration, mediation, and other alternative dispute resolution systems. Click here for more information.

# **EMPLOYEE BENEFITS**

Foster Swift's employee benefits practice offers a full range of tax, labor law, and litigation services relating to employee benefit plans. We advise clients that are subject to ERISA, as well as clients such as state and local governments and qualifying church organizations that are exempt from ERISA. We provide advice to employers regarding the corporate governance and fiduciary duty aspects of implementing and administering an employee benefit plan. And, we have expertise in the growing area of international employee benefit planning, including the taxation of employee benefit plans pursuant to tax treaties.

Our work covers all kinds of qualified retirement plans. We also have an extensive practice relating to nonqualified top hat plans, excess benefit plans, Internal Revenue Code Section 409A compliance, funded nonqualified deferred compensation and rabbi trust issues, and the securities law (SEC and blue sky) implications of nonqualified deferred compensation arrangements. **Click here** for more information.

Clients will tell you it's the *combination* of the following five qualities that set the Employment Labor and Benefits lawyers apart from their peers:

**1. Proactive**. Everyone in this practice area has a proactive mindset. While capable of stepping in at any stage of an issue, the greatest benefit to our clients is when we can engage in preventive planning and implementation.

- **2. Focus**. Each is recognized as a master in several related sub-areas of the larger practice area.
- **3. Teamwork**. Excellent work does not happen in a vacuum. Foster Swift attorneys find that working together with the employer to plan, identify challenges and opportunities and take appropriate action is the optimal approach.
- **4. Service**. Our attorneys are accessible and timely. Furthermore, we are committed to keeping you abreast of changes in the laws and regulations; we do so through complimentary newsletters, e-blasts, seminars and webinars.
- **5. Talent**. This group is comprised of attorneys highly regarded for their skills and experience in employment, labor and benefits law not just in Michigan but throughout the Midwest. Each shareholder in the group has been recognized by a peer review organization. Several have been selected as *Best Lawyers*, rated by *Martindale-Hubbell*, and named *Michigan Super Lawyers*.

The above recipe has resulted in our attorneys providing hundreds of clients from every industry top-quality, effective and cost-effective employment, labor and benefits counsel.

Foster Swift has been named a Tier 1 firm in **Labor Law - Management** in Detroit by *U.S. News – Best Lawyers* ® "Best Law Firms" 2016. 2017, 2018, 2019 and 2020.

# **PUBLICATIONS & ALERTS**

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Returning in 2023: Legal Strategies for Women Business Leaders, EIN Newswire, March 28, 2023

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21 Attorneys Selected to 2022 Michigan Super Lawyers and "Rising Stars", *Michigan Super Lawyers*, August 12, 2022

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National Employee Benefits Day Gains Traction as Employers Compete for Employees, *Global Newswire*, April 5, 2022

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Firm Welcomes New Chief Operating Officer, Grand Rapids Business Journal, July 29, 2021

Foster Swift Attorneys Offer Advice for Those Interested in Law School, Detroit Legal News, April 29, 2021

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Impact of COVID on Michigan's Workers' Comp Law, Foster Swift Employer Services E-blast, April 6, 2021

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Legal Requirements For Employer Benefit Plans, Michigan Business Network, September 29, 2020

Johnson Presents on ESOPS as a Succession Strategy, September 22, 2020



When Employees Need to Home School, *Material Handling & Logistics (MH&L)*, September 10, 2020 Birach Voted into SBM Section, June 22, 2020

Workers' Comp Defense Blog Provides Michigan Case and Legislative Updates, April 13, 2020

Minimizing Legal Impact of Coronavirus for your Organization, Foster Swift Legal Update E-blast, March 17, 2020

Sanders Named to 2020 "Leaders in the Law", February 24, 2020

Hammond Speaks at NLRB Labor Law Symposium, October 1, 2019

42 Foster Swift Attorneys Listed as Best Lawyers® 2020, August 15, 2019

Hammond to Deliver Webinars on Important Employment Issues, *Ingham County Legal News*, January 22, 2019

Three Foster Swift Attorneys Named to dbusiness 2019 Top Lawyers, November 14, 2018

Mamat Named to ACG Detroit Board of Directors, September 24, 2018

45 Foster Swift Attorneys Listed in Best Lawyers in America© 2019, August 15, 2018

Johnson Selected to "Women in the Law" Class of 2018, Grand Rapids Business Journal, August 2, 2018

Foster Swift Employment Attorney Named an Up and Coming Lawyer for 2017, Dbusiness, November 8, 2017

46 Foster Swift Attorneys Named to 2018 Best Lawyers in America®, August 21, 2017

Attorneys Clifford Hammond and Jonathan Schwartz Join Foster Swift's Southfield Office, October 11, 2016

# **EVENTS**

Classification: Employees vs. Independent Contractors in a New Era, Second Wednesday Sessions, April 10, 2024

The Commissioner's Role in Union Negotiations, *County Road Association of Michigan: 2024 Highway Conference & Road Show*, March 20, 2024

Preparing for New Independent Contractor Rules, Michigan Business Network, February 16, 2024

Be Intentional About Your Repurchase Obligation, ESOP Association - Great Lakes Regional Conference, October 17, 2023

Employee Drug Testing, Fall 2023 Labor & Employment Law Update Webinar, October 12, 2023

Employers' Use of Artificial Intelligence (AI), Fall 2023 Labor & Employment Law Update, October 12, 2023

Fall 2023 Labor & Employment Law Update, Foster Swift Going Forward Webinars, October 12, 2023

Latest in Noncompete Developments, Fall 2023 Labor & Employment Law Update Webinar, October 12, 2023

Unemployment Insurance Matters, Fall 2023 Labor & Employment Law Update Webinar, October 12, 2023

What Has Changed in the Workplace?, Fall 2023 Labor & Employment Law Update Webinar, October 12, 2023

How the New Wage and Hour Laws Impact Your Township, *Michigan Townships Association Annual Conference 2023*, April 19, 2023

Navigating the New Normal for ESOPs, ESOP Association- Michigan Chapter, April 11, 2023

Learn Recent Changes in Employment Law, *Foster Swift Second Wednesday Lunch Break*, February 8, 2023 Policy & Regulatory Education Series: Corporate Transparency Act, *Lansing Regional Chamber of Commerce*, February 7, 2023

Changes to Michigan Minimum Wage and Paid Leave with Mike Blum, Library of Michigan, February 3, 2023

Will 2023 Bring Changes to Michigan's Workers' Comp Laws?, Foster Swift Second Wednesday Lunch Break, January 11, 2023

Labor Law & Rapid Fire Look at DEI, Fall 2022 Labor & Employment Law Update Webinar, October 12, 2022

What Employers Need to Prepare for in 2023, Foster Swift Going Forward Webinars, October 12, 2022

Learn Executive Compensation Options & Negotiation, *Foster Swift Legal Strategies for Women Leaders*, June 7, 2022

Employers: Are You Ready for the Changes Coming in 2022?, *Foster Swift Going Forward Webinars*, March 10, 2022

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What Does 2022 Hold for Employers?, Foster Swift 2nd Wednesday Morning Break, January 12, 2022

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

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Businesses have big questions even as new MIOSHA guidelines are released, WDIV 4 Detroit News, May 24, 2021

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Impact of COVID on Michigan's Workers' Compensation Law, *Foster Swift 2nd Wednesday Morning Break*, April 14, 2021

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Hot Employment Law Topics for HR Teams in 2021, Foster Swift, February 25, 2021

What Happens If MIOSHA Shows Up?, Foster Swift, January 13, 2021

The Current Status of COVID Orders in Michigan, Foster Swift, November 11, 2020

Now That the Stay at Home Order is Lifted, What do Municipalities Need to Know?, *Michigan Municipal League*, June 8, 2020

Employer Guidance for a Lawful and Safe Re-Opening, Foster Swift, May 27, 2020

The Future of Benefits- The SECURE Act, *American Bar Association: Mid-Year Meeting of Taxation Section*, February 1, 2020

2019 Comprehensive Guide to Employment Law, National Business Institute (NBI, November 13, 2019

Dealing With the Troubled/Troubling Employee, *National Business Institute (Employment Law: 2019 Comprehensive Guide)*, November 13, 2019

FMLA, ADA and Workers' Compensation: Managing Leave of Absence Issues, *National Business Institute* (*Employment Law: 2019 Comprehensive Guide*), November 13, 2019

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Best Practices For Employers On Using Video Surveillance Of Employees, *Michigan Business Network*, August 22, 2019

The Shifting Sands of Employment Law, MICPA: CPEconomy Event, Frankenmuth, May 9, 2019

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Social Networking and Human Resources Hot Topics, Michigan Municipal Treasurers Association, April 27, 2017

When an Employee Dies: HR & Accounting Essentials, Michigan Chamber of Commerce, April 2015

Hiring-to-Termination: Termination & Layoff Practices, Michigan Chamber of Commerce, November 13, 2012

Hiring-to-Termination: Performance Tracking & Discipline Practices, *Michigan Chamber of Commerce*, October 3, 2012

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10 Simple Rules to Limit your Exposure to Employment Claims, *NStar Bank Community Bank/The Alternative Board*, April 2008

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