

# Labor & Employment

## Overview

Carlton Fields represents employers of all sizes in all types of employment disputes, including state and federal court actions, administrative charges and hearings, arbitrations, class and collective actions, and informal mediations. Our clients in this area operate in a wide range of industries, such as health care, financial services, hospitality, construction, not-for-profit and academic institutions, and in the public sector.

## Litigation and Dispute Resolution

We regularly represent and defend employers and management in litigation involving a variety of claims, including employment discrimination of all kinds, sexual and other types of harassment, retaliation, wrongful discharge, whistleblower, wage and hour disputes, family and medical leave, breach of contract, emotional distress, and negligence. Our lawyers have appeared before state and federal courts, state human rights agencies, the Equal Employment Opportunity Commission, the National Labor Relations Board, OSHA, arbitration panels, and various administrative tribunals. With a niche in class action defense, we offer clients the resources to defend employment class actions and other complex litigation matters.

<a href="#">Learn more about our Discrimination practice</a>	<a href="#">Learn more about our Wage &amp; Hour practice</a>
--	---

## Counseling, Training, and Risk Avoidance

Our lawyers also counsel and train employers on the most effective litigation avoidance practices. We keep our clients informed of the latest developments in labor and employment law, which is constantly changing and varies by locale. For example, our attorneys counsel employers on use of biometric technologies and data, analytics and robotic technologies for recruitment and hiring, privacy and security. By working as a team with our clients, we help ensure compliance. Our efforts enable them to limit, and sometimes completely avoid, exposure to liability in costly lawsuits and government audits. With this goal in mind, our employment lawyers are dedicated to reviewing and advising clients on their employment and pay policies and practices. Our efforts include, for example, assistance with drafting and implementing employment policies and procedures; preparing employment agreements; training supervisors, managers, and human resource

professionals on employment law compliance; and conducting audits of overtime and other pay practices. We tailor our services to the individual needs of each client.

## Immigration

We provide comprehensive immigration services for employers in the pharmaceutical, manufacturing, technology, retail, and communications industries. We help employees process and prepare nonimmigrant work visas, such as H-1Bs, L-1 intracompany transferee visas, and E-2 visas for investors. Additionally, we help process immigrant permanent residence applications via employment-based visa petitions/labor certification (PERM). We also counsel employers on immigration policies and help them develop programs. In addition, we conduct I-9 audits and training, draft I-9 and corporate compliance policies; and defend I-9 audits and ICE investigations. Our immigration clients include artists, athletes, and entertainers; and EB-5 investors, regional centers, and developers. Learn more about our [Immigration Planning and Compliance](#) practice.

## Internal Investigations and Employee Relations

Our lawyers' accessibility, guidance, and advice enables our clients to take maximum advantage of the brief window of opportunity that exists to address workplace problems, which are, in some cases, unavoidable despite training and counseling. The speed with which an employer responds to workplace problems, and how effectively it remedies them, frequently determines whether a lawsuit is filed. Prompt, effective solutions can avoid exposure to liability altogether, while a slow, ineffectual response can sometimes result in an award of punitive damages.

## ERISA

We help clients with ERISA Plan design, administration, and interpretation; and with regulatory compliance, monitoring and advocacy. Our representation includes profit sharing, 401(k), money purchase, and defined benefit pension plans. We draft, amend, and terminate ERISA plans to maximize benefits and minimize costs. And we prepare alternative plans that give our clients options that can boost benefits. We also assist with deferred compensation plans, including incentive stock options, nonqualified stock options, and cafeteria plans. The firm's ERISA litigators regularly defend clients in complex arbitration, litigation, and mediation. We also help them administer their plans. This work includes representing ERISA plans, which are legal entities subject to suit under ERISA, and the defense of fiduciaries such as employers and plan administrators. Our lawyers regularly speak at conferences and seminars and write on the topic of ERISA. Three of our partners co-authored the *Handbook on ERISA Litigation*, which is frequently cited by courts in ERISA decisions. We have also acted as ERISA counsel to leading trade associations, and prepared amicus briefs on their behalf in cases before the U.S. Supreme Court and federal circuit courts of appeal, including *Harris Trust*, *Mertens*, and *Sereboff*. Additionally, we acted as lead counsel before the Supreme Court in *Knudson v. Great-West Life & Annuity*

*Insurance Co.*, 534 U.S. 204 (2002), a case clarifying the limited circumstances in which monetary relief is available under ERISA for breach of fiduciary duty claims.

Learn more about our <a href="#">Employee Benefits, Compensation and ERISA</a> practice.	Learn more about our <a href="#">ERISA Employee Benefit Plan Litigation</a> practice.
--	---

## Trade Secrets/Non-Compete Litigation and Consulting

We help clients protect trade secrets, and litigate claims regarding breach of restrictive covenants and fiduciary duties, unfair and deceptive trade practices, and violations of various computer and data security laws. Due to the multifaceted nature of this practice, we rely on our team's extensive experience in intellectual property, labor and employment, and litigation. Additionally, our lawyers possess deep knowledge and experience regarding e-discovery, and applicable state and federal computer, internet, and privacy statutes. Learn more about our services regarding [restrictive covenants and trade secrets](#).

## Experience

- Obtained complete defense verdict after a seven-day federal jury trial in case brought by a former employee against her former employer for violations of the Family Medical Leave Act (retaliation), the Florida Civil Rights Act (handicap, race, age, national origin, and sex discrimination), the Americans with Disabilities Act (handicap discrimination), the Age Discrimination in Employment Act (age discrimination), and Title VII (race, national origin, and sex discrimination).
- Secured the reversal and entry of judgment as a matter of law from the Eleventh Circuit on behalf of an employer whose former employee had obtained a jury verdict of a sexually hostile work environment and retaliatory termination.
- Procured summary judgment, and decision affirming same on appeal, for medical center accused of discrimination in violation of the Americans with Disabilities Act and Rehabilitation Act, intentional infliction of emotional distress, and violations of state statutes, for the medical center's failure to provide a sign language interpreter to hearing-impaired patient and his hearing-impaired wife.
- In a case in which a former employee alleged he was discharged because his wife sued his employer for sex discrimination and retaliation, established new law that "marital discrimination" under the Florida Civil Rights Act includes only the state of being or not being married, and does not include the status of being married to a specific individual.

- Obtained complete defense verdict, after six-day federal jury trial, in Section 1981 race discrimination case brought by a physician who was denied medical staff privileges at hospital.
- Counseled financial services firms on classification of employees and independent contractors.
- Defended broker-dealers before state department of labor in a dispute over classification of its financial representatives as independent contractors instead of employees.
- Obtained dismissal at EEOC and states' human rights commissions of discrimination claims against numerous clients.
- Obtained a defense jury verdict of an Americans with Disabilities Act action for a major insurance company.
- Advised life insurance company on acquisition of agents from competitor.
- Obtained injunctive relief and money damages for financial company in a case in which departing salesperson stole trade secrets and manipulated or destroyed electronic data.
- Assisted international manufacturing company with downsizing and closure of U.S. plant.
- Conducted investigation of copyright piracy and theft of IT software and equipment by corporate employees.
- Won summary judgment for *Fortune* 500 pharmaceutical company in breach of employment contract case.
- Obtained federal district court summary judgment in age discrimination complaint filed by a former senior executive of a major financial company; the decision was affirmed by the circuit court of appeals.
- Obtained summary judgment on a claim by a former senior executive of a major financial company seeking severance benefits.
- Investigation of whistleblower complaints.
- Defense of broker-dealer in FINRA arbitration over claims by former representative of wrongful discharge, defamation, breach of contract, and interference with business expectations.
- Obtained dismissal of state court action by airline pilot based on ruling that his fraud and intentional infliction claims were preempted by the Railway Labor Act.
- Obtained L-1 nonimmigrant visa petition approvals in two weeks for Japanese manufacturing company's engineer, project manager, and product development scientist.



- In collaboration with attorneys in the Corporate and Tax group who represent a Turkish company with several foreign affiliates, obtained E-2 (employee) visa for Turkish managing director within two weeks of submission from the U.S. Consulate in Istanbul.
- Conducted internal I-9 audits of construction company's workforce of more than 500 current employees and 500+ terminated employees.
- Written I-9 company policy for companies in the construction and real estate development industry.
- Obtained an O-1 visa (exceptional ability) and O-2 (essential support personnel) for a well-known tennis professional and assistant coach from Chile.
- Obtained E2 (investor) visa for Brazilian nationals opening numerous franchise locations for the No. 1-ranked hair care franchise in the United States.

## Insights

04.18.2024

10 Tips for Navigating Privacy, Cybersecurity, and AI in the Workplace

---

01.24.2024

California Courts Lack Authority to Strike PAGA Claims on Manageability Grounds, but Due Process Could Be a Ticket Out

---

12.20.2023

New Merger Guidelines Cap Off a Year of Hostility to Employers — 2023 Closes With Antitrust Agencies' Most Radical Foray Yet

---

11.08.2023

DOL Tries Once Again To Define What Constitutes Investment Advice Under ERISA

---

09.28.2023

NLRB Stacks Deck in Favor of Employees: Employers Must Play Cards Defensively or Go Bust

---

08.05.2023

Employers Should Prioritize Reviewing Their Handbooks in Light of New NLRB Decision

---

06.29.2023

New Florida Immigration Law and E-Verify Requirements for Employers

---

06.10.2023

2 Ways Calif. Justices' PAGA Ruling May Play Out

---

06.02.2023

NLRB Ratchets Up Campaign Against Noncompete Agreements

---

04.26.2023

Companies See Big Rise in Labor & Employment Class Actions and Defense Spending

---

03.10.2023

California Employers May Wish to Update Their Arbitration Agreements in Light of New California Court of Appeals Decision Involving PAGA

---

02.23.2023

NLRB New Rule Affects How All Employers Should Approach Severance Agreements and Other Employment Contracts

---

02.17.2023

Ninth Circuit Rejects California Ban on Mandatory Arbitration as a Condition of Employment

---

01.28.2023

Decision Against McDonald's Includes Important Lessons For Employers About Sexual Harassment in the Workplace

---

01.06.2023

FTC Proposes Nationwide Ban on Noncompete Agreements for All Employers: How to Comment on This Proposed Rule

---

01.04.2023

Firefighter Who Allegedly Dealt Drugs Done in by Lying

---

10.26.2022

EEOC Releases Updated “Know Your Rights” Job Discrimination Poster

---

09.08.2022

Terminal Funding Annuities Smooth Rough Seas for Defined-Benefit Plans

---

08.02.2022

New Cases Apply Title IX to Independent Schools: Tips for Schools and Next Steps

---

06.23.2022

U.S. Supreme Court: FAA Preempts California Labor Law to Extent It Prevented Enforcement of Individual Arbitration Agreement

---

05.16.2022

Companies Report Rise in Labor and Employment Class Actions: Will the Trend Continue Through 2022?

---

05.11.2022

DOL Stakes Out New Fiduciary Concept: Plaintiffs Would Uproot It

---

05.11.2022

401(k) Climate Change and Crypto Considerations: DOL Nurtures the Former but Clips Crypto at the Roots

---

02.24.2022

Second Circuit Dismisses Appeal of Order Compelling Arbitration in Labor Dispute, Extends Prior Holding in *Cheeks v. Freeport Pancake House Inc.*

---

02.22.2022

Ninth Circuit Concludes Domino’s Drivers Are Exempt From FAA

---

02.10.2022

Sexual Harassment Claims, Individual and Classwide, Can No Longer Be Forced to Arbitration by Employers

---

02.01.2022

CT Court Reverses Decision, Drops Hartford Probationary Police Officer's Bias Claim

---

02.01.2022

SDNY Confirms Arbitration Award in Employment Dispute, Finds Arbitrator Did Not Manifestly Disregard Law

---

01.15.2022

The Status of Vaccination Mandate Laws: What Is Being Enforced?

---

12.01.2021

Friday the 13th Lawsuit Scares Up Lessons on Employees vs. Independent Contractors

---

11.10.2021

Jamaica's Data Protection Act: What Your Business Needs to Know for 2022

---

11.10.2021

Preparing for New Federal Vaccine Mandates: What Businesses Need to Know

---

11.05.2021

Health Care Worker Vaccine Mandates: New Strings Attached for Federal Funds

---

10.29.2021

DOJ's New Enforcement Team May Intensify Push to Recover Cyberattack Payments

---

10.14.2021

COVID-19 Accommodation Trends Relating to Vaccination and Remote Work

---

10.07.2021

What Contractors Need to Know About Vaccination Mandates and New "Safer Federal Workforce" Guidance

---

09.27.2021

Performance Feedback in the Age of Cancel Culture

---

09.16.2021

Construction Contractor Compliance Update: Government Audits, Vax Mandates, and More

---

09.10.2021

White House Announces Vaccine Mandates for Large Employers

---

07.30.2021

Full-Blown OFCCP Construction Contractor Compliance Evaluations May Soon Be on the Horizon  
– Are You Ready?

---

07.24.2021

Federal Court Upholds University's Vaccine Mandate

---

06.22.2021

Practical Issues for Transitioning to a Post-Pandemic Workplace

---

06.21.2021

New Salary Range Disclosure Law May Create Headaches for Connecticut Employers

---

04.01.2021

Doctor Alleges Wrongful Termination, Defamation

---

03.31.2021

Creating an Effective (and Legally Defensible) Metrics-Driven Workplace Diversity, Equity, and Inclusion (DEI) Program

---

03.26.2021

OSHA's COVID-19 National Emphasis Program Will Increase Targeted Inspections Beginning March 26

---

03.08.2021

Federal Legislation to Bar Discrimination Based on Sexual Orientation or Gender Identity Passes in the U.S. House, Is Under Consideration in the Senate

---



03.01.2021

California Supreme Court Prohibits Rounding Meal Break Time

---

02.26.2021

OSHA to Investigate Whistleblower Retaliation Complaints Under Newest Antitrust and Money Laundering Laws

---

02.25.2021

Department of Labor Imposes Additional Requirement on Employer-Provided Health Services

---

01.22.2021

President Biden Directs OSHA to Escalate COVID-19 Safety Precautions

---

01.21.2021

Addressing Political Activism When Tempers Flare in Workplace

---

01.21.2021

California's COVID-19 Exposure Notification Law May Spread to Other States

---

01.15.2021

The New OFCCP: Which of Trump's Policy Directives Will Be Dropped After Biden Takes Office?

---

12.31.2020

COVID-19 Workplace Vaccination Campaign Additional Resources

---

12.31.2020

COVID-19 Workplace Vaccination Campaign Messaging Strategy Checklist

---

12.31.2020

Developing a COVID-19 Workplace Vaccination Campaign: Common Questions and Answers

---

12.18.2020

Mandating COVID-19 Vaccines in the Workplace: EEOC Issues Updated Guidance

---

12.15.2020

DOL to Plan Sponsors: “It’s All About the Benjamins!”

---

12.15.2020

Arbitration Provision Survives Agent Termination

---

11.12.2020

Gauging the Impact on Employers of the 2020 Presidential Election: Part Two

---

11.02.2020

The Latest on EO 13950: The Fate of Workplace Diversity Training May Rest on the Election

---

10.06.2020

Gauging the Impact on Employers of the 2020 Presidential Election - A View from the Nation's Capital

---

10.02.2020

COVID-19 Workplace Concerns Prompt New Employer Obligations in California

---

09.29.2020

Tips for Fine-Tuning Workplace Vaccination Policies During Pandemic

---

09.22.2020

Ledgers and Law: Beyond Face Masks: HR and Employment Considerations During and After a Pandemic

---

09.14.2020

DOL Revises and Clarifies Temporary Rule Relating To the Families First Coronavirus Response Act

---

09.14.2020

Federal Judge Blocks Significant Portions of DOL's Joint Employer Rule

---

09.03.2020

California Bill Extending Employment and B2B Compliance Obligations for CCPA Heads to Governor Newsom's Desk

---

08.11.2020

When Terminated Employees Steal: Cases of Purloined Company Documents

---

07.06.2020

What the Supreme Court's LGBT Ruling Means for Future EEOC Title VII Enforcement

---

06.26.2020

Six Tips to Step up Employment Policies After the Blockbuster Supreme Court LGBT Ruling

---

06.09.2020

Guess What? The EEOC Doesn't Always Need an Individual Charge to Investigate Possible Discrimination at Your Workplace

---

05.26.2020

5 Employment Policies to Draft or Redraft With Coronavirus Hindsight

---

05.15.2020

When Referrals Are Felonies: Health Care Providers Should Review Their Referral Practices to Avoid the DOJ's Wrath

---

05.07.2020

EEOC's Recent COVID-19 Guidance Clarifications Underscore Legal Perils of Barring At-Risk Individuals With Disabilities From Returning to Work

---

05.01.2020

Return-to-Work Series: Will COVID-19 Force a Change in Workplace Flexibility Programs and Expectations?

---

04.28.2020

Fourth Circuit Affirms Summary Judgment for Employer on Hostile Work Environment Claim, Vacates for Employer on Retaliation Claim

---

04.16.2020

District Court Compels Arbitration for Claims Against Supervisor Despite Plaintiff's Claims Regarding Never Seeing or Signing Agreement Containing Arbitration Clause

---

04.14.2020

Using the EEOC's "Interactive Process" Framework to Address COVID-19 Reasonable Accommodation Requests

---

04.13.2020

Intel's Intel Doesn't Prove Actual Knowledge: Court Rejects Short ERISA Statute of Limitations

---

04.09.2020

OMB Approves Construction Contractor "Compliance Check" Scheduling Letters — With All Signs Pointing to Increase in Construction Contract Audit Activity

---

04.03.2020

Practical Workplace Issues: The Latest from DOL and the EEOC Regarding COVID-19

---

03.31.2020

Third Circuit Addresses Interplay Between LMRA and FAA and Affirms Arbitration Award in Favor of Union Under Collective Bargaining Agreement

---

03.23.2020

Workforce Sheltering in Place? Keeping Privacy in Place During COVID-19

---

03.21.2020

Understanding the Key Employer Requirements of the Federal Families First Coronavirus Response Act

---

03.20.2020

Practical Answers to Real-World COVID-19 Workplace Questions (Part Two)

---

03.19.2020

New York Enacts Temporary COVID-19 Worker Leave Bill; Final Version Deletes Proposed Permanent Paid Sick Leave Program

---

03.19.2020

My Clients Are Canceling Contracts and Demanding Refunds, but I've Already Paid Commissions to My Sales Force ... What Do I Do?

---

03.18.2020

Do I Still Get Paid? California Employers Facing Tough Questions After Shutdowns Due to COVID-19

---

03.18.2020

Practical Answers to Real-World COVID-19 Workplace Questions (Part One)

---

02.28.2020

NLRB's Joint Employer Rule Signals a Welcome Return to Sensible Workplace Regulation

---

02.14.2020

Construction Contractors Take Note: OFCCP's Industry-Focused Technical Assistance Guide (TAG) May Prove Helpful in Preparing for Anticipated "Compliance Check" Reviews

---

01.15.2020

Recent EEOC Enforcement Activity Underscores Importance of Proactive Workplace Harassment Prevention

---

01.07.2020

Who Me? Couldn't Be: Eleventh Circuit Finds Plaintiffs Lack Standing to Sue Ala. Attorney General in Equal Protection Lawsuit

---

12.30.2019

Recession Preparation 101: Plan for Potential Layoffs Ahead of Time

---

11.14.2019

Prudent Process Defeats DOL

---

09.13.2019

California Employers Win Major Damage Limitation in Wage and Hour Suits

---



08.13.2019

Labor and Employment Cases Top the Class Action List in Latest Carlton Fields Survey

---

07.19.2019

Fifth Circuit Bars Notice of FLSA Collective Actions to Arbitration-Bound Employees

---

07.01.2019

S1:E11 - Not All Fun and Games: Employment Issues in the Esports and Gaming Industry

---

05.20.2019

A Primer on Employment Taxes

---

05.17.2019

Gender Diversity with Mediators, Arbitrators, and Expert Witnesses

---

05.15.2019

Opt-Out Arbitration Program Binds Employees in Wage and Hour Class Action

---

04.19.2019

Name, Sex, and (Not) DOB? Connecticut Bill Could Ban Asking About Age

---

04.04.2019

Building an Ark: Protecting Employee Data in the Data-Breach Era

---

04.04.2019

Circuit Court Rules Insurance Agents Are Not “Employees” Under ERISA

---

04.01.2019

Caps Off to You: DOL Proposes Raising Salary Cap

---

03.20.2019

Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses

---

03.18.2019  
Trial Checklist

---

03.07.2019  
EEO-1 Pay Data Collection Stay Held "Arbitrary and Capricious"

---

01.18.2019  
Seventh Circuit: Class Arbitration Is For Courts to Decide, Not Arbitrators

---

12.18.2018  
Sixth Circuit Holds Employer Has No Duty to Notify of Conversion Options

---

12.13.2018  
U.S. Immigration Policy and Procedural Changes Impacting Foreign Students

---

11.28.2018  
The Future Of LGBT Protections: Will High Court Weigh In?

---

11.19.2018  
Three Takeaways from the DOL's New Labor Condition Application Form

---

11.07.2018  
Policy and Practice Changes Impact the O-1 Visa

---

10.11.2018  
The EEOC Finds Workplace Harassment Pervasive and Identifies It as A Priority

---

10.01.2018  
In California, a New Era in U.S. Privacy

---

05.08.2018  
Fifth Circuit Dashes Delivery Driver's Bid to Keep Wage Hour Claims Out of Arbitration

---

04.23.2018

More Product Liability and Antitrust Class Actions, Rising Class Action Spending Among Trends in Latest Class Action Survey

---

03.31.2018

Enforcement of DOL's New Best Interest Contract Exemption's Anti-Arbitration Condition is Enjoined

---

02.20.2018

FLSA Conditional Certification Standard Bites Plaintiffs

---

02.19.2018

Tax Incentive for Paid Family Medical Leave May Alleviate FMLA Benefit Complications

---

02.01.2018

Practical Insights on DOL Guidance Affecting Retirement, Medical and Disability Plans

---

12.21.2017

Parking Is Now A Taxable Expense

---

12.21.2017

Parking Is Now A Taxable Expense

---

12.18.2017

Minimum Wage in the Many 'States' of California

---

12.05.2017

The DOL's Fiduciary Rule: An Update and Practical Advice

---

11.29.2017

Matt Lauer Too? Unlike Cats, VIPs No Longer Have Nine Lives

---

11.20.2017

Tax Reform and Accumulated Leave (aka "Special Pay") Plans

---

10.02.2017

The DOL Fiduciary Rule: Charting a Course, Avoiding Collisions & Potential Litigation Q&A #3

---

09.26.2017

The Fiduciary Rule Status Update

---

09.18.2017

Retirement Plan and Leave Donation Programs During States of Emergencies

---

08.15.2017

The DOL's Fiduciary Rule

---

07.11.2017

Are your Workers Employees or Independent Contractors?

---

06.27.2017

New Criminal History Hiring Regulations for California Employers

---

06.23.2017

The DOL Fiduciary Rule: Charting a Course, Avoiding Collisions & Potential Litigation

---

12.21.2016

Remind Employees to Update Beneficiary Designations

---

12.15.2016

The Potential Impact Of a Trump Presidency on Employers (Webinar)

---

11.23.2016

Injunction Placing New Overtime Rule on Hold Affects Employers in Every Industry

---

11.10.2016

The Potential Impact Of a Trump Presidency on Employers

---

09.22.2016

2018 Diversity Visa Lottery Program: Cuba, Ecuador, and Guatemala Eligible to Register

---

09.02.2016

Ivanka Trump Intern Controversy Offers Key Reminders for Businesses

---

08.31.2016

Changes To Florida's New Anti-Corruption Law Take Effect October 1

---

08.22.2016

Heal Thyself: Insider Threats to Heed, Especially for Industries with Large Amounts of Personal Information

---

07.29.2016

California Supreme Court Holds that Whether Arbitration Will Proceed on Class Basis is an Issue for Arbitrator, not Court

---

05.18.2016

DOL Raised The Bar: Final White Collar Overtime Exemption Rule Doubles Salary Threshold

---

04.05.2016

California Supreme Court Rules Employers Must Provide Suitable Seats to Workers When Reasonably Permitted by the Job and Circumstances

---

03.30.2016

The Aftermath of Tyson Foods: Lessons for Employers

---

03.18.2016

High Court's Amgen Ruling Reaffirms Heightened Pleading Standard For ERISA Stock-Drop Suits

---

02.29.2016

SCOTUS v. the Ninth Circuit on Failure to Enforce ERISA Stock-Drop Pleading Standard

---



02.09.2016

Employers May Face Significant Changes to Federal EEO-1 Reporting Requirements

---

01.22.2016

Florida Appellate Court Finds Widow Could Independently Bring FCRA Discrimination Claim After Her Husband's Death

---

12.15.2015

Supreme Court Confirms Enforceability of Class Action Waivers

---

10.30.2015

"Contractor?" I do not think that employers' liability exclusion means what you think it means

---

10.22.2015

McCarran-Ferguson Lands A Jab On Federal Arbitration Act

---

10.12.2015

4 Reasons Why Companies Can Ask Exempt Employees to Work for 'Free'

---

10.05.2015

What Employers Must Know About Wage and Hour Law

---

10.01.2015

5 Workplace Safety Tips to Protect Employees from Violent Co-Workers (While Complying with Employment Laws)

---

09.30.2015

California Employment Law and Arbitration: The Battle Intensifies

---

09.15.2015

9 Things Employees Should Do to Prevent Data Breaches

---

08.27.2015

Two Key Insurance Considerations For Startups

---

08.27.2015

5 Workplace Safety Tips to Protect Employees from Violent Co-Workers (While Complying with Employment Laws)

---

08.24.2015

Unpaid Internships: Tips for Avoiding Legal Liability

---

08.11.2015

Hiring Considerations for Startups: A Checklist

---

08.03.2015

An HR Challenge: Finding and Fixing Overtime Misclassifications in 4 Steps

---

07.28.2015

10 Tips for Minimizing Company Liability for Terminating Employees who Steal Trade Secrets

---

07.20.2015

DOL Guidance Suggests Many Independent Contractors are Misclassified and Should be Covered by The FLSA

---

07.01.2015

Department of Labor Issues Long-Anticipated Rule Increasing Salary Level Test Applicable to White Collar Exemptions Under the FLSA

---

06.15.2015

For Life Insurers and Agents – A Summary of Predicted Litigation Under the DOL's Proposed Fiduciary Rule

---

06.15.2015

Sixth Circuit Holds No Disgorgement of Profits Based on Wrongfully Denied ERISA Disability Benefits

---

06.04.2015

What Does the Supreme Court's *Tibble* Ruling Mean for Practitioners and ERISA Fiduciaries?

---

05.29.2015

Due Diligence in Cross-Border Acquisitions Paving the Road to Enter or Run Away From a Deal in Brazil

---

05.22.2015

USCIS to Accept Employment Authorization Applications from Certain H-4 Dependent Spouses

---

05.20.2015

Supreme Court Clarifies Scope of Fiduciary Duty Under ERISA

---

04.10.2015

Employment Settlement "Don't Reapply" Clauses Threatened by Ninth Circuit Expansion of California's Business and Professions Code Section 16600

---

03.25.2015

Florida Supreme Court Thwarts Attempt to Circumvent "Exclusive Remedy" Provision

---

03.10.2015

A Different Kind of Data Breach—Loss or Disclosure of Company Information by Employee Theft

---

02.27.2015

Key Employment And Immigration Issues Facing Banks Today

---

01.28.2015

A New Year, New Obligations for Employers

---

01.22.2015

Divorce and Beneficiary Designations—Florida Law Changes

---

01.20.2015

Employment and Labor Law Road Map for Employers Entering the U.S. Market

---

01.15.2015

In Florida, Recognition of Same-Sex Marriage Will Impact Employers

---

01.15.2015

A Primer on the Intentional-tort Exception to Employers' Workers' Compensation Immunity

---

01.08.2015

The Benefits of Settling Employee Wage Claims Through the Department of Labor

---

12.17.2014

Employment and Immigration Issues Facing Banks

---

12.17.2014

NLRB Rejects Ban On Personal E-mail At Work

---

10.27.2014

Treasury Department and IRS Allow Lifetime Annuity Contracts as Investments by Target Date Funds

---

08.28.2014

What Fifth Third Bancorp v. Dudenhoeffer May Mean for ERISA Stock-Drop Litigation

---

07.08.2014

First Circuit Finds for Life Insurer in ERISA Class Action Challenging Retained Asset Accounts to Pay Life Insurance Benefits

---

07.03.2014

How to Avoid Emerging Wage & Hour Risks: Exempt or Non-Exempt, Contractor Liability & Minimum Wage Hikes

---

07.02.2014

Employers Fight Back Against Whistleblowers

---

06.23.2014

California Law on Arbitration Changes... Again

---

06.02.2014

Employers: Are You at Risk for Immigration and I-9 Audits?

---

05.27.2014

Managing the Risks of a Mobile Workforce

---

05.22.2014

Wage and Hour Lawsuits Pose an Ongoing Threat

---

05.06.2014

Tips to Ready Employers When Immigration Agencies Come Knocking

---

05.06.2014

10 Practical Compliance Tips for Growing Companies

---

03.31.2014

Sixth Circuit Revisits Controversial ERISA Decision

---

12.02.2013

Hiring and Retaining Individuals with Criminal Histories

---

10.15.2013

Number of Employees as an Element of Florida's Private Sector Whistle-blower Act: Guidance from Federal Employment Case Law

---

09.23.2013

8 Tips to Help Health Care Providers Minimize Possible Wage Liability for Student Interns

---

09.23.2013

Risky Business: "Bring-Your-Own-Device" and Your Company

---



09.05.2013

Treasury and IRS Provide Guidance for Same-Sex Married Couples

---

07.31.2013

How to Control a Reduction in Force

---

07.17.2013

Top Ten Ways to Avoid/Minimize Employer Liability for Overtime Pay

---

05.28.2013

Labor Department Intends to Require Added Information on 401(k) Statements

---

05.09.2013

Steps to Consider Before Hiring an Employee from a Competitor to Minimize the Likelihood of Litigation

---

04.18.2013

Supreme Court Finds Equitable Defenses Do Not Override ERISA Plan Terms

---

04.02.2013

IRS Temporarily Liberalizes Requirements for Employment Tax Partial Amnesty Program

---

03.14.2013

Second Circuit Finds Jurisdiction Under ERISA to Decide Insurer's Counterclaim for Overpaid Plan Benefits

---

01.30.2013

Discussion Draft of Application Privacy, Protection, and Security Act (APPS Act) Released

---

11.16.2012

NLRB Tackles Social Media Policies and a Firing Related to a Facebook Posting

---

08.01.2012

Labor Department Modifies Disclosure Regarding Brokerage Windows in Participant-Directed Plans

---

04.24.2012

Legislative Changes Give Georgia Employers Cause to Review the Restrictive Covenants in Their Employment Contracts

---

02.08.2012

Second Circuit Vacates Class Certification Order in Long-Running ERISA Retirement Plan “Revenue Sharing” Case

---

02.03.2012

Department of Labor Issues Final Regulation Relating to Fee Disclosures by Service Providers to Plan Fiduciaries

---

01.10.2012

NLRB Rules Against Class Action Waivers

---

12.30.2011

Department of Labor, Fair Labor Standards Act PowerPoint

---

08.09.2011

Chronic Absenteeism and Employer Policy Violations Now Preclude Employees from Collecting Unemployment Compensation Benefits

---

07.01.2011

Employers Take Risks When Asking for Access to Social Media Sites

---

03.31.2011

ADAAA Regulations Alert

---

03.15.2011

Florida Likely to Require Employers to Use E-Verify

---

03.08.2011

Hiring the Unemployed

---

03.04.2011

Supreme Court: Don't Retaliate Against One Employee to Get Back at Another

---

03.04.2011

"Cat's Paw" Defense Diminished

---

02.15.2011

No Overtime For Pharmaceutical Sales Reps

---

11.04.2010

Tips for Preparing and Handling an OSHA Inspection

---

10.01.2010

Federal Government Cracking Down on Distracted Driving by Workers

---

01.18.2010

Must Unexpected Bill from '05 be Paid

---

08.03.2009

New EEOC Guidance On Separation Agreements

---

07.29.2009

Can Medical Records Be Accessed On Computer?

---

07.22.2009

Obama Targeting I-9 Compliance

---

07.17.2009

Eleventh Circuit: Consent to Join Doesn't Entitle a Putative Plaintiff to Discovery in a Suit Filed as an FLSA Collective Action

---

06.03.2009

New Case on Class Action Settlement

---

01.30.2009

Lilly Ledbetter Fair Pay Restoration Act ("the Act")

---

01.14.2009

Revisions to the Family & Medical Leave Act

---

11.03.2008

"I Must Dissent." Why?

---

10.17.2008

Positioning Real Estate and Lending Practitioners to Respond to the Emergency Economic Stabilization Act of 2008

---

07.01.2008

Carlton Fields Practice Alert - Guns at Work Statute

---

06.02.2008

2008 Florida Legislature Post-Session Report

---

06.11.2007

2007 Florida Legislature Post-Session Report

---

11.01.2006

Severance Pay Provisions in Employment Contracts and Fee Awards to Defendants Under Florida's Private Whistle-Blower Law

---

10.03.2006

Labor & Employment Practice Case Bulletin - October 3, 2006

---

10.02.2006

Labor & Employment Practice Case Bulletin - October 2, 2006

---

07.10.2006

Labor & Employment Practice Case Bulletin - July 2006

---

06.01.2006

Labor & Employment Practice Case Bulletin

---

05.01.2006

Summary Judgment of Employment Claims: The Requirement of an Adverse Employment Action

---

04.11.2006

Is Hospital Liable When the Doctor 'Misbehaves'?

---

04.01.2006

Disability Discrimination - Association for Disabled Americans v. Key Largo Bay Beach

---

02.20.2006

Labor & Employment Practice Case Bulletin - February 2006

---

02.01.2006

Eleventh Circuit Approves Unsigned Arbitration Agreement

---

01.01.2006

Force Majeure: Risk Allocation for Unforeseeable Events

---

01.01.2006

The Fair Labor Standards Act Cumulative Supplement

---

04.06.2005

Corporate Securities Taxation and Asset Based Financing Newsletter

---

02.01.2005

Declaratory Relief: The Antidote to Bad Faith

---

01.01.2005

The Fair Labor Standards Act Cumulative Supplement

---

09.01.2004

Employment Law Strategist

---

09.01.2004

Recent Developments from Around the States

---

05.14.2004

Mental Examinations in Federal Employment Litigation, The Florida Bar Journal, May 2004

---

11.04.2003

Current Trends in Real Estate Class Actions and Real Estate Related Discrimination Claims

---

10.21.2003

Labor & Employment Practice Case Bulletin - October 2003

---

10.01.2003

Supreme Court and Eleventh Circuit Enforce Arbitration Agreements

---

09.16.2003

Labor & Employment Practice Case Bulletin - September 2003

---

07.15.2003

Labor & Employment Practice Case Bulletin - July 2003

---

07.09.2003

Significant Appellate Decision/Labor & Employment Practice Case Bulletin - Risk to Employers Who Try Discrimination Cases

---

04.18.2003

Significant Appellate Decision - Non-Compete Agreements

---

01.01.2001

The Enigma of Workers' Compensation Immunity: A Call to the Legislature for a Statutorily Defined Intentional Tort Exception

---

09.01.2000

United States Equal Employment Opportunity Commission v. W&O, Inc.: The Eleventh Circuit Gives New Guidance as to Allowable Costs Under 28 U.S.C. S 1920

---

08.01.2000

Unequal Judicial Treatment of Employers and Employees

---

04.01.2000

ERISA Preemption and Converted Individual Policies: How Broad Should ERISA Coverage Be?

---

01.01.2000

The Americans With Disabilities Act: Turning a Blind Eye Towards Legislative Intent

---

10.01.1999

Separate Claim Removal v. Article III: Is Section 1441(c) Unconstitutional?

---

04.01.1999

Workers' Compensation Immunity and Intentional Torts: How to be "Substantially Certain" in Defending Your Case

---

03.01.1998

Beyond Noncompete Agreements, Using Florida's Trade Secrets Act to Prevent Former Employees From Disclosing Sensitive Information to Competitors

---

01.01.1995

The Developing Labor Law

---

## Our Team

## Key Contacts





James M. Sconzo

SHAREHOLDER

---

## Additional Members



Ryan P. Allen

ASSOCIATE

---

New Jersey

☎ 973.828.2625



Joan K. Archer

OF COUNSEL

---

Los Angeles

☎ 310.843.6376



Alundai J. Benjamin

ASSOCIATE

---

Hartford

📞 860.392.5055



Andrea L. Bonvicino

ASSOCIATE

---

New Jersey

📞 973.828.2622



Alicia Whiting Bozich

SENIOR COUNSEL

---

Tampa

📞 813.229.4305



Cathleen Bell Bremmer

OF COUNSEL

---

Tampa

📞 813.229.4326



Kenneth J. Cesta

OF COUNSEL

---

New Jersey

☎ [973.828.2618](tel:973.828.2618)



Alexander D. del Russo

SHAREHOLDER

---

West Palm Beach

☎ [561.650.0332](tel:561.650.0332)



Julia E. Duffy

ASSOCIATE

---

New Jersey

📞 [212.430.5514](tel:212.430.5514)



Jorkeell Echeverria

ASSOCIATE

---

New Jersey

📞 [212.430.5521](tel:212.430.5521)





Lauren E. Fenton-Valdivia

SHAREHOLDER

---

Tampa

📞 813.229.4936



Brendan N. Gooley

SHAREHOLDER

---

Hartford

📞 860.392.5036



Michael T. Hensley

SHAREHOLDER

---

New Jersey

☎ 973.828.2613



Daniel C. Johnson

SHAREHOLDER

---

Orlando

☎ 407.244.8237





Allison Oasis Kahn

SHAREHOLDER

---

West Palm Beach

📞 [561.650.8041](tel:561.650.8041)



Roger S. Kobert

SHAREHOLDER

---

New York

📞 [212.785.9161](tel:212.785.9161)



Stephen W. Kraus

SHAREHOLDER

---

Washington, D.C.

☎ [202.965.8147](tel:202.965.8147)



Markham R. Leventhal

SHAREHOLDER

---

Washington, D.C.

☎ [202.965.8189](tel:202.965.8189)



Federico M. Maciá

OF COUNSEL

---

Miami

☎ 305.539.7299



Michael D. Margulies

SHAREHOLDER

---

New York

☎ 212.430.5511



Mac R. McCoy

OF COUNSEL

---

Tampa

☎ 813.229.4393



Janet Goldberg McEnergy

OF COUNSEL

---

Tampa

☎ 813.229.4187



Scott L. Menger

ASSOCIATE

---

Los Angeles

☎ 310.843.6326



Meredith M. Moss

SHAREHOLDER

---

Los Angeles

☎ 310.843.6304





Natalie A. Napierala

SHAREHOLDER

---

New York

☎ [212.785.2747](tel:212.785.2747)



Mark A. Neubauer

SHAREHOLDER

---

Los Angeles

☎ [310.843.6310](tel:310.843.6310)



Robert Novack

SHAREHOLDER

---

New York

📞 [212.430.5510](tel:212.430.5510)



Charlisa R. Odom

ASSOCIATE

---

Tampa

📞 [813.229.4368](tel:813.229.4368)



Justin R. Peters

ASSOCIATE

---

Los Angeles

☎ [310.843.6308](tel:310.843.6308)



Oliver M. Phillipson

ASSOCIATE

---

New York

☎ [212.380.9608](tel:212.380.9608)





Saray N. Ravelo

ASSOCIATE

---

Tallahassee

📞 850.425.3387



Alan Rosenthal

SHAREHOLDER

---

Miami

📞 305.539.7301



Gary L. Sasso

PRESIDENT AND CHIEF EXECUTIVE  
OFFICER

---

Tampa

📞 813.229.4256



Madelyn Spatt Shulman

OF COUNSEL

---

New York

📞 212.785.8048



Amrit P. Singh

ASSOCIATE

---

New York

☎ [212.380.9653](tel:212.380.9653)



Irma Reboso Solares

SHAREHOLDER

---

Miami

☎ [305.347.6843](tel:305.347.6843)



Jonathan Sterling

SHAREHOLDER

---

Hartford

☎ 860.392.5042



Charles W. Stotter

OF COUNSEL

---

New York

☎ 212.430.5512



Charles W. Throckmorton

SHAREHOLDER

---

Miami

☎ 305.539.7284



Lowell J. Walters

OF COUNSEL

---

Tampa

☎ 813.229.4194





Gwaina D. Wauldon

SENIOR COUNSEL

---

Hartford

📞 860.392.5054



James R. Wiley

OF COUNSEL

---

Tampa

📞 813.229.4325



David R. Wright

SHAREHOLDER

---

Tampa

☎ 813.229.4355



Jennifer A. Yasko

SHAREHOLDER

---

West Palm Beach

☎ 561.650.8047

## Related Practices

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Real Estate
- Corporate Law and Governance
- Cybersecurity and Privacy
- Discrimination

- Employee Benefits, Compensation & ERISA
- ERISA Employee Benefit Plan Litigation
- False Claims Act, Qui Tam, and Whistleblower Defense
- Immigration Planning and Compliance
- Litigation and Trials
- Trade Secrets / Noncompete Litigation and Consulting
- Wage and Hour
- Appellate & Trial Support
- Cannabis Law
- Education
- Telecommunications
- White Collar Crime & Government Investigations
- Ghost Restaurant Law
- Business Transactions
- Construction Litigation
- Public and Private Offerings
- Nonprofit Organizations
- Media, Entertainment, Music & Sports
- Government Affairs and Lobbying
- Hospitality
- Esports and Electronic Gaming
- Telecom: Litigation and Arbitration
- Telecom: Transactions
- Workplace Safety / OSHA
- Alternative Dispute Resolution Services



- Energy and Utilities
- Aviation
- Digital and E-Commerce Engagement and Innovation
- International Privacy Compliance
- Internal Investigations
- Class Actions

## Related Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Health Care
- Real Estate
- Telecommunications
- Securities & Investment Companies