Labor and Preventive Practices
Jackson Lewis attorneys are among the most prominent and successful legal practitioners of preventive labor relations law in the nation. We literally wrote the book, Winning NLRB Elections, advising fellow attorneys and employers with respect to the nuances of NLRB representation case law. We have advised employers across the country with respect to how they may legally best preempt union organizing and corporate campaigns for over 55 years.

Jackson Lewis is a law firm that offers strategic and practical legal advice to employers through the many laws that impact on every aspect of an employer’s decision and ability to develop and implement a comprehensive preventive labor relations program. Jackson Lewis has been retained to offer legal advice to many employers who have succeeded in winning NLRB elections or in averting union elections altogether. Our labor attorneys have represented clients in thousands of matters before arbitrators, mediators, the National Labor Relations Board, state labor boards, government agencies, and state and federal courts. On a daily basis, we offer legal advice and counsel to employers regarding corporate campaigns, neutrality agreements, union organizing, protected concerted activity, NLRB elections, legislative and regulatory initiatives such as the NLRA Notice Posting requirement, contract negotiations, grievance and arbitration proceedings, unfair labor practices, traditional and third party economic activity pressures (such as picketing, bannering or hand billing), public appeals (including through social media sites), work stoppages, purchase/sales, reductions and reorganizations, as well as the entire range of pre- and post-hire employee relations issues.

Services Provided To Both Union-Free and Unionized Employers

- Providing legal advice to company Boards of Directors and executive teams as they develop their strategic, comprehensive preventive labor relations programs that are legal and appropriate in today’s changing workplace;
- Conducting management legal/human resources preventive labor relations assessments that analyze the legal implications of an employer’s labor and employee relations policies and practices, and make legal recommendations for employer best practices;
- Advising on the development of employee handbooks, supervisory and policy manuals, social media policies, alternative dispute resolution and other problem solving procedures, employee orientation programs, and communication programs so that all such documents and policies are state of the art and comply with all legal requirements;
- Designing and conducting management/supervisory educational programs where effective legal advice is offered to guide employers so they maintain an issue-free environment and improve management skills while remaining in full compliance with the law;
- Providing legal advice including on-site management counseling during corporate campaigns, union organizing, picketing and other related activities; and
- Conducting ongoing legal training and counseling for managers and supervisors where advice is offered on lawfully effective means to respond to union organizing by being knowledgeable about management’s legal rights and exercising those rights.
Services Provided To Partially or Fully Unionized Employers

- Providing legal representation during collective bargaining negotiations either “at the bargaining table” or “behind the scenes” as legal counselors and advisors, including:
  - analyzing contracts, grievance history and arbitration awards to legally advise and recommend strategies for contract negotiations and long-term labor relations management based on changes in the law, bargaining trends and our client’s needs;
  - meeting with and advising management about legally appropriate strategies to achieve the client’s collective bargaining goals;
  - advising clients regarding lawful communications with employees, the press, public officials and others about negotiations;
  - advising and/or representing employers if federal, state or city mediators become involved in the bargaining process; and
  - advising clients about contingency plans to meet the legal challenges for continued operations in the event of a work stoppage, strike or other cessation of work.

- Providing representation during the term of a collective bargaining agreement, including:
  - representing clients during grievance and arbitration proceedings;
  - educating front-line management where legal advice is offered to properly and effectively administer the collective bargaining agreement;
  - communicating with union officials (or advising our clients to do so) about unanticipated or critical issues that arise during the term of the contract; and
  - advising clients regarding the legal strategy surrounding mid-term modifications to the collective bargaining agreement.

- Representing clients in deauthorization, decertification, and unit clarification proceedings before the National Labor Relations Board.

Corporate Campaign Experience

Jackson Lewis has a wealth of experience advising management on how to preempt or neutralize the effects of corporate campaigns through legally effective means. Our attorneys were pioneers in defending and prosecuting lawsuits surrounding the first corporate campaigns against non-union construction firms, and we advised national and regional employers in the first massive corporate campaigns involving health care employers. Since then, Jackson Lewis has provided legal advice to for-profit and not-for-profit organizations facing corporate campaigns in virtually every industry. As a result of our breadth of experience, we are well positioned to provide clients with up-to-date legal advice regarding corporate campaign strategies and tactics throughout the country.

Among the services we offer are:

- Strategic and practical legal advice for companies faced with corporate campaigns.
- Legally counseling clients concerning assessments so clients may lawfully address and eliminate legitimate workplace issues. Such assessments typically include legal recommendations for identifying all stakeholders and assessing their vulnerability to legal, political, financial or social pressure; reviewing company policies and practices; interviewing members of the management team; and assisting and advising in the development of legally “pro-active” and “best response” policies and practices for adoption by the client.
- Defense of union claims brought in federal and state courts as tactics in corporate campaigns.
- Implementation of offensive litigation when appropriate.
- Legal advice to public relations and crises communication specialists to assist in depicting our client’s actions legally, positively and accurately.
- Bargaining unit analyses to advise our clients as to the legal requirements to establish potential units that best meet the employer’s operational goals.
National Leadership on Legislative Initiatives

Jackson Lewis has taken a national leadership role on behalf of our clients in advocating fair and appropriate labor policy at the legislative, regulatory and judicial levels. Over the past decade, our attorneys have filed *amicus curiae* briefs with the U.S. Supreme Court and other federal and state courts and the National Labor Relations Board in major cases affecting our clients and U.S. labor policy, filed comments during rule-making with the National Labor Relations Board and U.S. Department of Labor, and testified before the U.S. Senate and U.S. House of Representatives committees and subcommittees and the NLRB on labor issues. Most recently, we worked closely with various associations to file comments on the NLRB Notices of Proposed Rulemaking (“NPRM”) relating to the NLRA Notice Posting Requirement and “Quickie” Elections. We also provided special briefings and e-communications to educate our clients regarding the details and ramifications of each NPRM.

Premier Management Training Programs

Jackson Lewis provides management education for high profile corporations from every industry. For the past 30 years, our nationally known legal seminar series has consistently been rated one of the most successful programs of its kind ever presented. Our day and one-half intense, interactive seminar entitled “Remaining Union Free: A Counter-Organizing Simulation” is designed to teach and advise executives and managers how they may develop and implement a legally effective issue avoidance strategy.

At Jackson Lewis, we believe the best way to educate and advise managers is through interactive training. During our training sessions, we “role-play” and use other techniques to draw participants into the presentation and educate them concerning what they may legally say to their employees. In addition to our Remaining Union Free program, Jackson Lewis offers interactive executive, management and supervisory training and legal advice on: the NLRA Notice Posting requirements, new and existing laws affecting the workplace; positive employee relations; collective bargaining agreement administration; union organizing campaign management; and many other topics.

Our Labor Publications Set the Industry Standard for Excellence

Jackson Lewis started as a traditional labor law firm and has over 55 years of experience in advising clients with respect to preventive labor relations. Our publication *Winning NLRB Elections: Avoiding Unionization Through Preventive Employee Relations Programs* sets the industry standard and is one of the most popular legally practical texts ever published on the subject. We also have authored other leading legal advice and reference tools for the management community, such as the *Employer Guide to Union Organizing Campaigns*, published by Aspen Publishers in 2007, and *Responding to Union Organizing Campaigns*, part of the Matthew Bender Business Law Monograph series since 1984. Our national newsletter, *Preventive Strategies*, is read by thousands of human resources executives and in-house counsel. In addition, we have authored publications designed specifically to legally advise health care employers, including *Establishing Preventive Labor and EEO programs – A Step-By-Step Guide for Health Care Employers* and *Strike Preparation Manual – A Step-by-Step Guide to Winning Strikes and Maintaining Patient Care Services*.

Contact Jackson Lewis

To learn more about our services, please visit us online at jacksonlewis.com.
About Jackson Lewis P.C.

With over 765 attorneys practicing in nearly 55 locations throughout the U.S. and Puerto Rico, Jackson Lewis provides creative and strategic solutions to employers in every aspect of workplace law. Recognized as the 2014 Law Firm of the Year in the category of Litigation – Labor & Employment, and ranked in the First Tier nationally in the categories of Employment and Labor Law on behalf of Management in U.S. News – Best Lawyers® “Best Law Firms,” our firm has one of the most active employment litigation practices in the U.S.