

Energy and Utilities

Employers in the energy and utilities industries must balance the demands of providing essential goods and services with the complex workplace challenges that come with managing a large workforce necessary to reach significant numbers of local, national and global customers.

Overview

Though energy and utilities encompass a vast array of products and services, employers in these sectors contend with similar issues such as shifting market conditions, rapid technological innovation, and stringent safety and regulatory requirements. We counsel upstream, midstream, and downstream oil and gas companies, traditional, nuclear, and renewable energy providers, mining companies, and utilities providers, including telecommunications companies, on all aspects of workplace law particular to your business. In all matters, our top priority is providing legal advice and strategic solutions that enable our clients to continue to innovate and thrive in this competitive business environment.

Our experience counseling employers in energy- and utilities-related industries encompasses all aspects of workplace law, including labor relations, litigation, immigration and benefits. Some of the specific services we offer include:

- Advising on all aspects of labor relations, including union avoidance, elections, contract negotiations, labor arbitrations and Board charges;
- Representing employers in all types of employment litigation, including class and collective actions;
- Reviewing policies concerning leaves of absence, reasonable accommodation and related issues;
- Advising on affirmative action plan (AAP) preparation and OFCCP audit defense;
- Advising on compliance with federal and state wage and hour laws, as well as privacy and data security mandates across the country; and
- Advising on a broad scope of workplace safety matters, including pending and final agency rulemaking, OSHA requirements and the interplay between OSHA and other federal agencies, as well as representing clients in investigations by federal and state governmental agencies, defending OSHA citations, providing crisis management advice and counsel and conducting accident investigations, conducting safety and health audits, and providing representation in whistleblower proceedings.

Mining

Our prominent group of safety and health attorneys brings a wealth of knowledge with respect to every conceivable issue facing mining industry employers. On a daily basis, we help clients ensure compliance with federal MSHA regulations and actively monitor developments to provide up-to-date information on regulatory issues and enforcement directives. We also have the expertise to advise mining industry employers on every aspect of labor and employment law.

Our Workplace Safety and Health group has extensive experience advising clients

during on-site MSHA inspections, as well as defending companies against enforcement actions. Members of the practice group also represent employers in connection with MSHA rulemaking proceedings, seeking to ensure that responsible officials are mindful of our clients' needs in furthering our common objective of improved workplace safety and health. Where a client is adversely affected by a standard or regulation that may be inappropriate, we will represent that employer in a court challenge to the rule.

Some of the specific services we provide include:

MSHA Compliance

- Reviewing corporate safety and health policies and practices and developing compliance strategies;
- Identifying areas where employers may be at risk of non-compliance through on-site reviews and other means;
- Training managers and supervisors on their safety and health responsibilities;
- Training mining industry professionals on how to handle every facet of safety and health practices including managing legal affairs and corporate liability; and
- Reviewing compliance under MSHA recordkeeping regulations.

Representation During Agency Rulemaking Proceedings

- Assisting trade associations and employers in responding to Notices of Proposed Rulemaking published by MSHA;
- Helping to draft comments and appear on behalf of trade associations and employers in informal public hearings; and
- Advising employers on the potential impact of proposed rules on their operations.

Representation in Inspections, Investigations, Citations and Hearings Before Administrative Agencies

- Preparing management and supervisory personnel in anticipation of, and during, MSHA inspections and investigations;
- Handling all aspects of client representation associated with citations, hearings and other enforcement proceedings; and
- Helping clients handle whistleblower complaints and providing advice on how to avoid possible retaliation claims.

We also work with mining industry employers on all their workplace law needs, including labor relations, litigation, crisis management, disability and leave management, drug testing, management training, compliance reviews and policy review and development.

Telecommunications

Keeping people all over the world connected brings a multitude of opportunities and challenges for businesses in the telecommunications industry. Future technological developments in areas such as wearables and autonomous vehicles will likely intensify the potential for growth while surfacing novel legal risks. Whether you are a multinational enterprise, or an emerging wireless or broadband carrier or device manufacturer, we understand the unique regulatory context in which your business operates, as well as the possibilities for advancement that present themselves every day, and we draw upon this knowledge to provide optimal legal solutions.

We have experience representing telecommunications companies and the entities they do business with in every aspect of labor and employment law, as well as areas such as immigration, pre- and post-IPO compliance and compensation planning, and benefits. Some of the services we provide include:

- Defending the entire range of workplace law-related litigation, as well as class and collective actions across the U.S;

- Providing advice and counsel on and litigating matters involving restrictive covenants in employment agreements, confidentiality, incentive compensation and stock award agreements, employee raiding claims, unfair competition claims, and other employment-related business torts;
- Advising on workplace and customer privacy issues, including proper handling of customer complaints;
- Advising on corporate compliance matters, ranging from regulations governing giveaways and other promotions to international issues involving the FCPA and other laws and regulations; and
- Assisting with preventive measures such as company-wide audits to ensure consistent implementation of pay and promotion policies and wage and hour compliance.

Representative Clients

- Baltimore Gas & Electric (BGE)
- Commonwealth Edison (ComEd)
- Dominion Energy
- Exelon Corporation
- ExxonMobile
- PECO
- Pepco Holdings
- Performance Wellhead & Frac Components
- Thelen Sand & Gravel

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*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.