

Transportation

Employers in this sector face unique challenges, including managing a dispersed workforce and meeting a myriad of safety, wage and hour and other compliance mandates.

Overview

We bring together a multidisciplinary team of seasoned labor and employment attorneys with significant industry-specific experience to meet all the workplace law needs of domestic and multinational shipping, trucking and warehousing companies. With offices across the U.S., we are familiar with all applicable federal, state and local laws relevant to employers in these industries and represent them on a daily basis before regional and local courts and government agencies.

Some of the specific services we provide include:

- Advising clients on all aspects of a legally-compliant drug testing policy, including compliance with U.S. Department of Transportation drug testing regulations;
- Representing clients during occupational safety and health enforcement actions and advising on OSHA and local safety and health requirements, including operator safety requirements at both the federal and state level;
- Advising on all aspects of wage and hour compliance, including misclassification, pay practices and owner-operator issues, and defending class and collective actions involving misclassification issues, minimum wage and overtime claims, meal and rest break claims and off-the-clock work allegations;
- Providing practical advice and solutions on all aspects of disability and leave management as well as workplace privacy issues including those particularly relevant to employers in the transportation industry;
- Assisting clients in working with federal government agencies and achieving their regulatory compliance goals;
- Drafting employment-related documents, including employment and severance agreements, handbooks and policy manuals, non-compete and non-disclosure agreements;
- Drafting independent contractor agreements and assisting clients in preserving the independent contractor status of their owner-operators;
- Representing and advising employers on the entire range of labor relations issues in non-unionized, partially and fully unionized workforces;
- Defending against discrimination, harassment, retaliation, whistleblower and other employment-related claims; and
- Formulating employee benefit programs and providing full-service counseling on employee benefits issues including but not limited to issues arising out of multi-employer pension plans.

Airline and Airline Service Providers

Our airline and airline service provider practice is comprised of experienced attorneys with a wide range of backgrounds representing employers in all facets of these industries. We bring to each representation a clear understanding of the business complexities and the often unique legal requirements faced by employers in this sector.

We have significant experience representing both airlines (domestic and foreign) as well as airline service providers which employ an ever-growing number of employees. Some of the specific services we provide include:

- Advising on union organizing and National Mediation Board (NMB) elections, including providing representation before the NMB in connection with election petitions;
- Providing representation in collective bargaining negotiations and mediation;
- Counseling with regard to contingency planning in the event of potential self-help and providing representation with regard to self-help activity;
- Providing representation in grievance arbitration before system boards;
- Establishing and defending the status of airline service providers as “derivative carriers” in proceedings before the NLRB and the NMB;
- Counseling clients on legality and compliance with local minimum wage and labor harmony requirements often uniquely imposed by airport authorities;
- Counseling clients subject to the RLA on their obligations under federal and state wage and hour laws;
- Advising clients in all aspects of preventive counseling, including human resource decisions, application of leave of absence provisions, reasonable accommodations, employee policies, benefits advice and related issues;
- Representing clients in all aspects of litigation, whether employment discrimination, retaliation, whistleblower or claims related to the RLA; and
- Providing a full array of immigration services to clients with employees transferring from overseas to work in the United States.

Distribution and Warehousing

Employers in the distribution and warehousing industry face a myriad of challenges similar to other businesses that play a role in moving materials and finished products between manufacturers and consumers. Yet, beyond traditional concerns such as worker safety and wage and hour mandates, third-party warehousing and logistics providers also confront complex decisions about the role of emerging technologies such as robotics and worker wearables, as well as best practices for utilizing data analytics to guide workflow, pricing and inventory optimization.

Our combined experience advising distribution and warehousing companies, as well as a wide range of transportation sector clients, provides us with the industry-specific knowledge to help you stay ahead of the competition while complying with all legal mandates. We also collaborate with attorneys in our online commerce industry group to provide the most up-to-date and tailored legal advice. Some of the specific services we provide include:

- Advising on the entire range of labor and employment litigation and counseling issues;
- Reviewing and developing enterprise-wide strategies for safeguarding data and maintaining compliance, including data breach response;
- Counseling on predictive analytics and other data-driven solutions that comply with applicable workplace laws, such as how to use cutting-edge machine learning models to make talent recruitment and retention decision;
- Reviewing wage and hour policies and practices for compliance with state and federal laws, including all applicable minimum wage requirements; and
- Advising on all aspects of workplace safety and health.

Shipping

Even in our increasingly cyber-world, as it has for centuries, the shipping industry plays a vital role in the global economy by facilitating the exchange of goods from around the world. As an inherently global business, shipping companies are also particularly susceptible to market conditions, such as oil prices and demand for imports, as well as international developments, such as the geopolitical climate and calls for

environmental stewardship. At the same time, shipping companies face unique workplace law issues, including heightened safety mandates and the complexities of managing a dispersed workforce.

We help our shipping industry clients minimize workplace disruptions so they can focus on keeping our global economy afloat. In all matters, our goal is to provide legal advice and practical solutions that allow our clients to maintain their competitive edge while complying with all legal obligations. Some of the specific services we provide include:

- Conducting internal investigations and advising on the design and implementation of compliance policies that take into account the highly-regulated shipping environment, and comply with the laws of multiple states and countries;
- Assisting clients in working with federal government agencies and achieving their regulatory compliance goals;
- Advising on cross-border compliance matters;
- Advising on the entire range of labor and employment litigation and counseling issues; and
- Advising on all aspects of workplace safety and health.

©2022 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

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