



MCGINNIS
LOCHRIDGE

LABOR & EMPLOYMENT PRACTICE GROUP

Litigation | Counsel | Training



ABOUT OUR PRACTICE

Labor & Employment

McGinnis Lochridge's Employment Law Practice Group partners with employers of all sizes—both private and public—to navigate the ever-changing landscape of workforce management. Our attorneys deliver strategic counsel and skilled representation across the full range of employment law matters, from regulatory compliance and risk mitigation to complex litigation. Whether advising on federal and state anti-discrimination laws, wage and hour requirements, leave policies, worker classification, restrictive covenants, or workplace safety, we provide the practical, forward-thinking guidance employers need to make confident decisions. Our team also assists with drafting employee handbooks and policies, managing terminations and reductions in force, conducting workplace investigations, and addressing whistleblower and retaliation claims. With deep experience in Texas-specific employment statutes and a thorough understanding of the federal regulatory framework, we help our clients stay ahead of legal developments and build stronger, more resilient workplaces.





EMPLOYMENT LITIGATION

Although our primary goal is to reduce the risk of litigation, our Labor & Employment Practice Group is comprised of experienced trial lawyers who have represented employers and employees in state and federal courts throughout the United States, at both the trial and appellate levels, as well as in mediations and arbitrations. We also routinely represent employers on administrative matters, investigations, and lawsuits before several administrative agencies. Our Practice Group defends employers in administrative matters involving claims of discrimination, harassment, and retaliation, represents employers in Wage and Hour audits and OSHA investigations, and advises and represents employers with respect to hearings related to unemployment taxes.

Administrative agencies we work with include:

- Equal Employment Opportunity Commission (EEOC)
- Texas Workforce Commission (TWC)
- Department of Labor (DOL), including the Wage and Hour Division
- Office of Federal Contract Compliance Programs (OFCCP)
- Texas Education Agency (TEA)

ADVICE, COUNSEL, & TRAINING

Our team's depth of knowledge and expertise enables us to develop practical solutions for our clients on matters ranging from everyday workplace issues to complex, highly sensitive matters. Several members of the group are former in-house counsel with years of first-hand experience in formulating practical solutions to potential employment problems and working side-by-side with large and small employers on a wide range of employment law matters.

Our Labor & Employment Practice Group lawyers have deep experience advising clients on compliance with employment laws, developing best practices, and pre-litigation counseling. We also advise, counsel, and conduct internal investigations for our clients regarding federal and state laws and regulations, including:

- Anti-discrimination laws (Title VII and state laws, such as TCHRA)
- Wage and hour laws (FLSA & Texas Payday Act)
- FMLA
- ADA (Title I & Title III)
- ADEA
- Pregnancy Discrimination Act (PDA)
- Affirmative Action Plans (AAP) and OFCCP compliance
- COBRA
- ERISA
- Privacy issues
- Employee and independent contractor classifications
- Various restrictive covenants such as non-competition, non-solicitation, and non-diversion agreements
- Trade secrets and misappropriation of confidential information
- Reductions in force and organizational changes (WARN ACT, OWBPA)

TRANSACTIONAL SUPPORT & POLICY DEVELOPMENT

We have extensive experience advising on employment matters related to mergers and acquisitions, such as transferring or terminating employees and obligations related to ERISA plans. We also develop key documents including employee handbooks for large and small employers, performance-evaluation materials and performance-improvement plans, employment contracts, non-disclosure, non-solicitation and non-competition agreements, and severance and separation agreements.

MANAGEMENT TRAINING & EDUCATION

Our group trains client management teams on employment law compliance and regularly offers seminars for employers and trade associations in which we illuminate employment law issues and recent developments. We conduct company-wide anti-harassment and anti-discrimination training for employers, as well as training on numerous other topics including diversity, wage and hours, FMLA, ADA, conducting investigations, and onboarding.

DEVELOPMENT OF EMPLOYMENT POLICIES & PROCEDURES

In addition to advising and counseling employers on employment discrimination matters, we assist with developing policies and procedures designed to achieve compliance with:

- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Pay equity laws
- Affirmative action laws (including EO 11246, VEVRAA, and Section 503)
- Texas Commission on Human Rights Act (TCHRA)
- Texas Workers' Compensation Act

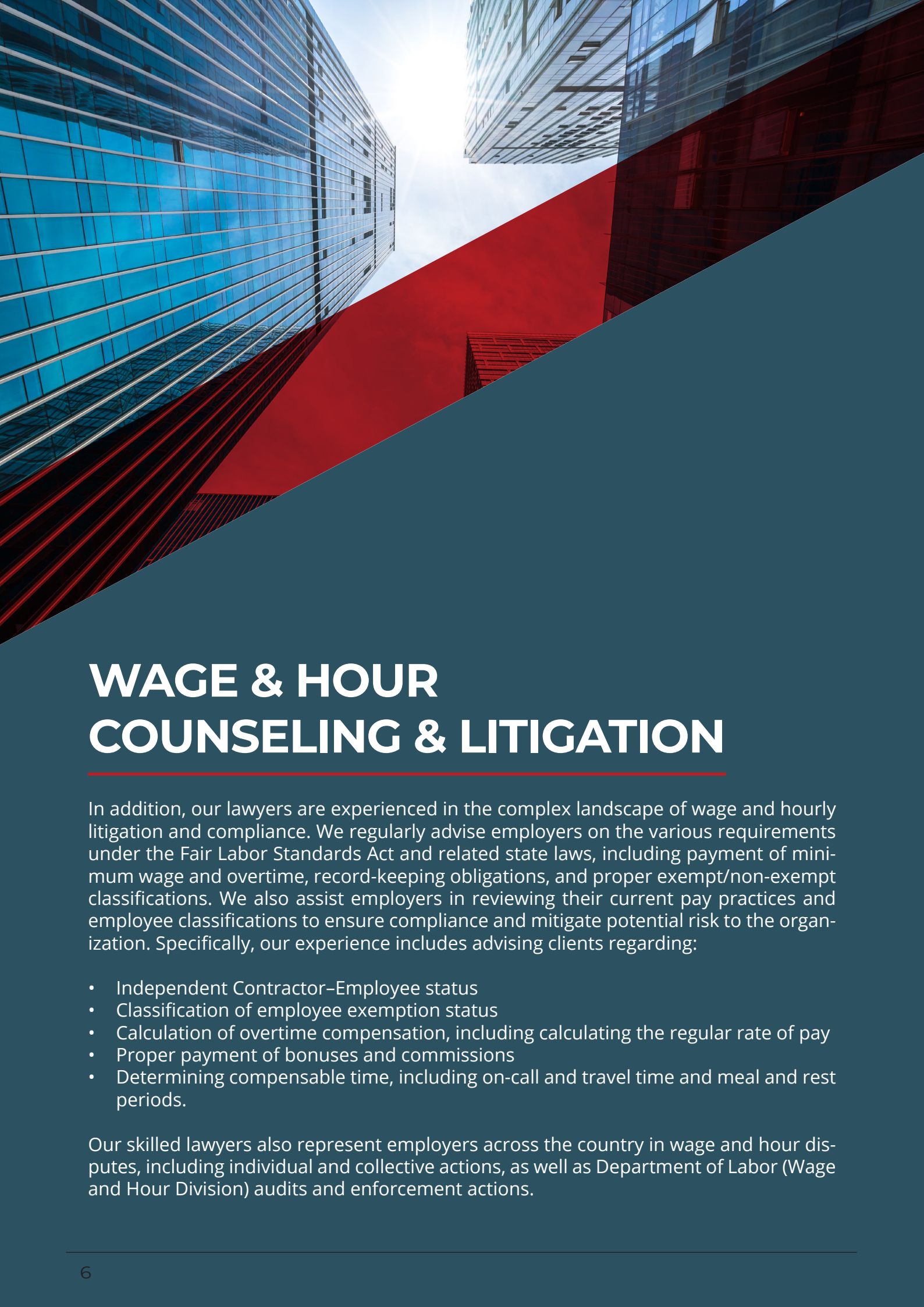
We also routinely assist employers with developing tools to help them in all stages of the employment process, including onboarding, training, leaves of absence, discipline, and separation/termination, to ensure our clients have the best legal and human resources support available. We also help our clients conduct internal audits to ensure compliance with all applicable employment laws.

EMPLOYMENT AGREEMENTS & RESTRICTIVE COVENANTS TRAINING

We negotiate, prepare/draft, and review agreements for hiring all levels of employees, including:

- Executive agreements
- Separation or termination agreements
- Independent contractor agreements
- Staff leasing or professional employer organization (PEOs) agreements
- Non-competition agreements
- Non-solicitation agreements
- Non-diversion agreements
- Confidentiality agreements

We also advise and counsel clients regarding executive compensation arrangements. Additionally, we represent employers and assist with the enforcement of restrictive covenants, including non-competition, non-solicitation, non-diversion, and confidentiality provisions/agreements in the courtroom and other proceedings.



WAGE & HOUR COUNSELING & LITIGATION

In addition, our lawyers are experienced in the complex landscape of wage and hourly litigation and compliance. We regularly advise employers on the various requirements under the Fair Labor Standards Act and related state laws, including payment of minimum wage and overtime, record-keeping obligations, and proper exempt/non-exempt classifications. We also assist employers in reviewing their current pay practices and employee classifications to ensure compliance and mitigate potential risk to the organization. Specifically, our experience includes advising clients regarding:

- Independent Contractor–Employee status
- Classification of employee exemption status
- Calculation of overtime compensation, including calculating the regular rate of pay
- Proper payment of bonuses and commissions
- Determining compensable time, including on-call and travel time and meal and rest periods.

Our skilled lawyers also represent employers across the country in wage and hour disputes, including individual and collective actions, as well as Department of Labor (Wage and Hour Division) audits and enforcement actions.

WRONGFUL DISCHARGE & EMPLOYMENT LAW TORTS

We advise and counsel private and public employers regarding employee termination and non-renewals, including claims for breach of contract, retaliatory discharge, discrimination, defamation, Sarbanes-Oxley, whistleblower, Sabine Pilot discharges, and claims for workers' compensation retaliation.

EMPLOYER LIABILITY & WORKERS' COMPENSATION DEFENSE

Our lawyers advise and represent employers in matters involving workers' compensation laws, including non-subscriber provisions and cases alleging gross misconduct, intentional wrongdoing, and retaliatory discharge.

TEXAS PAYDAY ACT & UNEMPLOYMENT BENEFITS CLAIMS

Our employment attorneys also have broad experience advising employers on requirements of the Texas Payday Act and the Texas Unemployment Compensation Act, including related representation before the Texas Workforce Commission.

THE TEAM

Introducing



FELICITY A. FOWLER
Practice Group Chair
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Felicity has more than 30 years of experience representing employers in all facets of employment law, including litigation, arbitrations, injunctive relief, administrative proceedings, counseling and trainings.



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