

OUR PRACTICE

Labor Law

Dealing with the federally-protected rights of employees to engage in concerted activity and other forms of protected group conduct can be fraught with turmoil and become problematic for both the unionized and non-unionized company. Employers need highly experienced attorneys dedicated to representing solely the interests of management, and that's what Baker Donelson attorneys do.

Non-unionized employers come to us for our commitment to a philosophy of preventive labor relations. We help with management communications and other tools known to keep union attempts at bay. But when those non-unionized companies are targeted by unions, we first advise supervisors and management on what they can and cannot say or do, as well as what they should say or do in attempting to convince employees not to sign unionization cards and not to vote for a union. Then, we provide aggressive representation, helping clients orchestrate and oversee effective counter campaigns with materials, handouts, videos, etc., and handling all associated litigation.

We represent companies before the NLRB, the United States Department of Labor (DOL), state labor agencies and arbitrators. We partner with clients to negotiate collective bargaining agreements, arbitrate matters of just cause discipline and contract interpretation matters, and conduct extensive tailored training on numerous labor relations matters including dealing with devious union organizing tactics such as "salting" and corporate campaigns. We also counsel and advise management in strike contingency planning, strike management, procurement of needed state court injunctive relief, and on the use of offensive and defensive lockouts.

We have successfully represented a wide variety of employers, including transoceanic shipping companies, waste management companies, service companies, hospitals, construction companies, manufacturers, tugboat operators, and food processors. Unions against which our attorneys have successfully advocated include:

- United Brotherhood of Boilermakers
- United Steelworkers Union
- Plant Protection Association International
- International Brotherhood of Electrical Workers
- International Brotherhood of Teamsters
- American Federation of State, County and Municipal Employees
- Sheet Metal, Air, Rail and Transportation Union
- International Association of Machinists
- Service Employees International Union
- United Food and Commercial Workers Union
- International Union of Operating Engineers
- League of International Federated Employees



Case Studies

- Chicken processing plant rejects union after campaign featuring dancing chicken - Labor
- Baker Donelson helps electrical component manufacturer quell union rumors - Labor



Representative Matters

- Obtained dismissal of 9 out of 10 unlawful discharge allegations in NLRB trial even though the opposing party's (NLRB's) published win rate in unfair labor practice litigation is 90%.

- Represented cable services company in two separate union campaigns, in Alexandria, Virginia and Rockville, Maryland. After the company defeated the union in the Virginia election, the union withdrew its election petition in Maryland. Both were considered major victories by the client.
- Successfully counseled a health care provider in countering a union organizational drive by advancing a position that all petitioned for Registered Nurses were statutory "supervisors" and, therefore, excluded from the coverage of the National Labor Relations Act. This matter was precedent setting.
- Lead counsel for employer in multiple unfair labor practice trials before NLRB.
- Secured withdrawal of NLRB election petition in union's effort to organize government contractor.
- Represented employers in successfully resisting union organizing efforts in telecommunications, logistics and food processing industries.
- Represented major paper company in arbitral forum regarding work assignment claims brought by labor organization under collective bargaining agreement.
- A team of attorneys represented a large water treatment systems manufacturer in Knoxville in an NLRB election campaign against the United Brotherhood of Boilermakers. The union was defeated by a vote of 79 percent to 21 percent, due to the extra effort by Baker Donelson attorneys in directing the campaign and assisting the company in approving campaign materials and speeches. The union put on a vigorous campaign with off-site meetings, handbills and home visits. Because of the one-sided vote, the union filed no objections to the election and the NLRB certified the election results.
- Baker Donelson attorneys have guided a global logistics company through two elections: The first election was in favor of the company by a landslide, and the second one's outcome is in litigation. Our attorneys have also counseled the company on labor matters all over the country and have defended them from more than 200 unfair practice allegations brought by the United Steelworkers Union. Representation involved trial and appellate litigation at regional levels of NLRB, the NLRB in Washington, D.C., and four cases pending at the U.S. Court of Appeals for the D.C. Circuit.
- A Baker Donelson attorney guided Guardsmark through a union election in Livonia, a suburb of Detroit. The union was Plant Protection Association International (PPAN), which represented the guards at worldwide car manufacturer all over the country. The union vote result was 78 percent against to 22 percent for the union.
- Represented an abatement labor and environmental clean-up company in obtaining dismissal of NLRB charges by approximately ten employees.
- Defended one of the world's leading manufacturers of residential and commercial water heating equipment on two unfair practice labor charges, ending in both charges being dismissed.
- Defended a nuclear and fossil fuel contractor on an unfair practice labor charge.
- Successfully defended unfair labor practice charges against Meharry Medical College.
- Successfully orchestrated and conducted campaigns to counter organizing drives in numerous and varied industries. In several instances, our attorneys' efforts have thwarted union campaigns prior to the filing of petitions with the NLRB.
- Defended, as co-counsel, Fortune 100 corporation against collective action brought on behalf of several unionized facilities pursuant to Fair Labor Standards Act.
- Negotiated collective bargaining agreements throughout the United States for a number of major American corporations.
- Designed and implemented in-house training for numerous service, manufacturing, warehouse and other clients with respect to the proper methods and means to proactively prevent union organizational attempts, assess union vulnerability, and extensive training of supervisors in working with today's diverse workforce.
- Regularly counseled clients on proactive labor relations to assure compliance with the governmental regulation of employment as well as employment crisis management.

- Regularly representing employers in pre-election representation hearings before the NLRB regarding components and scope of proposed bargaining unit. In addition, assist employer clients in overseeing NLRB-sponsored union elections.
- Represented major waste management company in defense of unfair labor practice charges brought against subsidiary in Minnesota by the NLRB, which were dismissed after litigation before an Administrative Law Judge (ALJ).
- Represented major waste management company in litigation of unfair labor practice charges brought against subsidiary by the NLRB in Milwaukee, Wisconsin, which settled during the course of litigation.
- Represented major waste management company in coordination of election campaign opposing the Teamsters who were petitioning to represent a unit of employees in Omaha, Nebraska.
- Represented major waste management company in coordination of election campaign opposing the International Union of Operating Engineers, which was petitioning to represent unit of employees at a facility near Los Angeles.
- Represented major waste management company in coordination of election campaign opposing the Teamsters at a facility in Kentucky, plus representation during a post-election objections hearing involving the same subsidiary.