

Labor and Employment Law

Procopio Labor and Employment Law attorneys work with you to strengthen and protect your business with legal strategies that fit the vision, mission and values of your organization. We help employers develop strategies, assess risks and make wise workplace decisions. We understand that a “one-size-fits-all” service model does not meet the best interests of our clients. Instead, we provide customized counseling and strategic employment litigation services to address the short and long-term business objectives of our clients – an approach we’ve demonstrated time and again to be infinitely more successful and cost-effective than other options.

Our Services

Preventive Counseling and Training

Our employment law counseling team can help you navigate difficult workplace situations and develop strategies to avoid liability, create effective defenses to litigation and strengthen your business. These include, but are not limited to:

- Pre-employment screening procedures and hiring documentation
- Employment contracts, arbitration and commission agreements
- Executive compensation
- Trade secret protection and prevention of unfair competition
- Electronic communications and social media policies
- Employee policies and handbooks
- Accommodating medical and religious issues in the workplace
- Preventing harassment, discrimination and retaliation
- Workplace violence and substance abuse
- Office romance and love contracts
- Workplace investigations
- “Right-sizing” and reductions in workforce
- Performance management and “rightful” terminations



- Employment wage and hour audits
- Strategic counseling on mergers and acquisitions
- Pre-litigation resolution
- Mediation

Employment Litigation

Our approach to litigation focuses on customized strategies that deliver winning outcomes to our clients through favorable settlements, summary dismissals and victory at trial or arbitration.

- Wrongful termination
- Discrimination and harassment
- Whistleblower retaliation
- Wage and hour
- Independent contractor misclassification
- Breach of contract
- Defamation and invasion of privacy
- Unfair competition and trade secret misappropriation
- Union arbitration

We provide customized counseling and strategic litigation services to address the short and long-term business objectives of our clients.

Class and Representative Action Litigation

Our [class action team](#) tailors its defense strategies to achieve the best litigation and business outcomes for our clients. Whether defeating class certification or leveraging early settlement from a position of strength, we achieve excellent litigation results.

- Exemption misclassification
- Off the clock work



- Payroll deductions
- Meal and rest period compliance
- Bonus and overtime miscalculations
- Vacation pay forfeitures
- Commissions
- Independent contractor misclassification
- Private attorney and general representative actions

Government agency claims

Our team also represents clients in administrative proceedings before the following agencies:

- California Department of Fair Employment and Housing
- California Labor Commissioner
- California Unemployment Insurance Appeals Board
- Equal Employment Opportunity Commission
- National Labor Relations Board (NLRB)
- Occupational Safety and Health Administration(OSHA)
- Other California and federal agencies
- U.S. Department of Labor

Representative matters

- Employment Discrimination. Won summary judgment in a contentious pregnancy discrimination case in state court resulting in expeditious dismissal of case.
- Federal Labor Standards Act (FLSA) collective class action: Secured a global settlement of the case involving the consenting plaintiffs for a fraction of the defense costs in the wake of winning a case-changing motion to compel arbitration.
- Anti-Strategic Lawsuit Against Public Participation (SLAPP): Obtained early dismissal (i.e. before



discovery commenced) of an age/race discrimination case in state court by filing a case-ending anti-SLAPP motion.

- Hybrid employment and consumer class action. Eviscerated a high-profile mold contamination class action in federal court after victoriously defeating class certification.
- California wage and hour class action. Implemented an aggressive “gut the class” defense strategy resulting in a stunning settlement of .05 percent of the original demand.

Testimonial

One of the things I value about Procopio is its wide range of legal expertise. While I've appreciated the responsive, practical entity and contract drafting work and military subcontract expertise provided by the firm's Business Team, I was grateful when the firm's Labor and Employment team stepped in on short notice and solved a particularly thorny labor and employment challenge for us. Procopio is a firm I can count on to get the job done in a timely and effective manner, no matter the ask.

-- Patrick "Paddy" Gough, Chief Operating Officer, PKL Services, Inc.

