



FORDHARRISON'S CONSTRUCTION INDUSTRY PRACTICE GROUP

FordHarrison's Construction Industry Practice Group is comprised of attorneys who understand the business of construction and the common labor and employment issues construction companies face. Our attorneys assist numerous union and merit shop contractors, subcontractors, industry professionals, and suppliers and are familiar with the unique issues that arise on construction work sites and in the construction industry.



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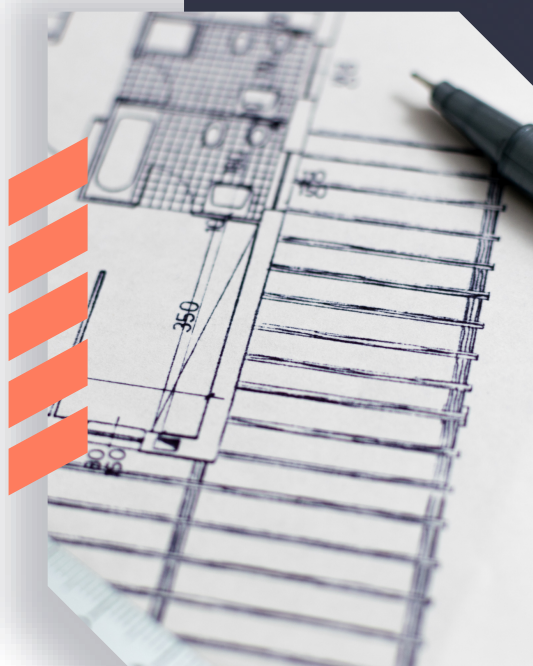
**LABOR &
EMPLOYMENT**

FordHarrison's Construction Practice

Industry Associations. An important part of our **Construction Team** is problem-solving and education – making sure that our attorneys are on top of the cutting-edge issues so that we can partner with our construction clients in a proactive way to make sure they are aware of, and have a plan to deal with, the latest legal or regulatory changes that affect their business. One way we do this is through our involvement in industry associations such as Associated Builders and Contractors (ABC), the Associated General Contractors of America (AGC), the National Electrical Contractors Association (NECA), the National Utility Contractors Association (NUCA), and similar industry groups. Through involvement in these associations, our attorneys not only stay on top of what the hot issues are, they also play an active role in problem-solving and developing strategies to deal with these issues. Another way we partner with our clients is through education, both through our involvement in industry association conferences (such as the annual ABC Legal Conference) and our direct efforts to educate our clients on the hot issues. For example, we publish email alerts on significant developments as soon as they happen.

Construction Industry Clients:

- American subsidiaries of an international general contractor involved in road building and other large construction projects
- Numerous American general contractors and real estate developers
- Architectural, engineering, and design-build firms
- Mechanical, electrical, and plumbing companies, shell and mason contractors
- Cement form subcontractors, electrical subcontractors, and various subcontractors in other trades
- Painting and waterproofing contractors
- Crane rental and crane subcontractors
- Heating, ventilation, and air conditioning contractors
- Clients in the manufactured housing industry and production home builders
- French, Irish, Brazilian and domestic-owned cement and heavy building materials manufacturers, including ready-mix concrete, aggregates, gypsum and sheet rock



Our **Construction Team** partners with construction industry clients on many labor and employment issues. Although our attorneys handle matters in all aspects of labor and employment law, our **Construction Team** is especially focused on the following areas that are prevalent in the construction industry:

Labor Relations. Significant NLRB rules and decisions less favorable to management (such as the NLRB “quickie election” rule) make it important for construction employers to stay informed and think strategically. The appearance of pickets at a construction site can also cause considerable disruption, particularly if the job utilizes both union and non-union contractors. Our attorneys have the expertise to set up the necessary “gates” to allow our contractors to effectively deal with this scenario. We can also help our clients maintain a union-free workplace through positive employee relations training, best practices, and strategic winning campaigns. For unionized construction employers, we effectively negotiate favorable terms for collective bargaining agreements (including project labor agreements), handle arbitrations, help deal with work stoppages or strikes, and defend against unfair labor practice charges.

Workplace Safety. The construction industry is one that is targeted by OSHA in a variety of ways. OSHA compliance and the potential for unexpected OSHA inspections are ongoing concerns for construction employers. From assisting with workplace investigations to workplace violence to emergency preparedness policies and training, FordHarrison can meet your workplace safety challenges.

Employment Discrimination and Retaliation Claims. With their diverse workforces, compliance with employment discrimination statutes can be a major concern for construction employers. We represent employers before local, state and federal agencies and in courts across the country, including defense of claims of discrimination based on race, color, gender, religion, national origin, age, disability and other protected classifications. We also assist clients in responding to and investigating employee claims of discrimination, sexual or other harassment, and retaliation, including workers’ compensation retaliation.

Wage and Hour. Coping with the intricacies of federal and state wage and hour regulations and the recent wave of wage hour collective actions has been a significant challenge for all employers, including those in the construction industry. We help to ensure compliance with regulations regarding minimum wage, overtime, working off the clock, meals and breaks, waiting and “on call” time, reporting time pay, split shifts, uniforms/dress codes/appearance standards, wage deductions, employee classifications, and exempt status issues. If faced with a DOL audit or wage and hour lawsuit, our attorneys have successfully helped clients avoid liability and, when appropriate, negotiated liability-limiting settlements.

Labor Relations

Workplace Safety

Employment Discrimination and Retaliation Claims

Wage and Hour



Counseling and Policy Development/Review. FordHarrison helps construction employers minimize the risks of liability for labor or employment claims by helping clients make the right decisions at the front end and develop and implement legally compliant policies to direct those decisions and avoid any policy-related problems or complaints. When issues do arise, our **Construction Team** is accessible to answer questions and provide timely, client-focused advice and solutions.

Training. The actions of a single “rogue” employee on a construction site can expose the employer to significant liability in today’s increasingly regulated and litigious world. The near continuous onboarding of employees in the construction industry makes it critical to have established, ongoing training programs. To help our clients avoid potential labor and employment claims, FordHarrison provides construction industry-targeted training in key areas such as discrimination and harassment (including specific state-mandated training); diversity and sensitivity in the workplace; effective hiring, discipline and discharge practices; FMLA/ADA/workers’ compensation interplay; and wage and hour regulations.

Immigration. Foreign workers comprise a significant percentage of the available work force in the construction industry. Our immigration attorneys devote the majority of their time to assisting clients in obtaining temporary visas, permanent resident status, labor certifications and temporary work permits for foreign workers. Our immigration lawyers also have significant experience with I-9 compliance and responding to ICE audits and investigations, which often require an expedited and expert response.

Affirmative Action Plans/OFCCP Audits. Construction employers who perform Davis Bacon work may be required to file Affirmative Action Plans. Our AAP/OFCCP attorneys have experience working with clients to draft these plans and update them as needed. In addition, the Department of Labor has increased its use of OFCCP audits to secure large-scale relief for employees who may not qualify to bring a class or collective action. At the same time, the OFCCP has pledged to drastically expand its compliance audits to include more on-site investigations and to scrutinize more employee-specific compensation data.

Employee Benefits. Qualified retirement plans and many types of welfare plans contain discrimination rules that require such plans to cover a broad base of employees and to provide nondiscriminatory benefits. In the construction industry, employers may find it challenging to satisfy these rules during periods of high turnover. Our employee benefits attorneys can discuss plan design options and alternatives to help you meet legal requirements. Moreover, our employee benefits attorneys can address all of your employee benefits needs, whether they relate to ERISA, COBRA, HIPAA, qualified retirement plans, nonqualified executive compensation or welfare benefits.

Counseling and Policy Development/Review

Training

Immigration

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Employee Benefits

