

Hospitality

INDUSTRY GROUP

- Representing hospitality clients in all aspects of labor and employment matters
- Advice, counsel, litigation, and negotiation on regional, national, and international issues
- Training and compliance tailored to the hospitality industry

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Ogletree Deakins' Hospitality practice is as diverse as the clients we serve. From bed-and-breakfast inns to destination resorts, and from fast casual restaurants to fine dining concepts, we understand our clients' needs and challenges and share their commitment to providing exceptional quality, service, and value.

Our Hospitality Industry Group offers an extensive range of services to local, national, and international hoteliers and restaurateurs, as well as management companies and franchisees, in all phases of their operations.

DEPTH AND EXPERIENCE

Talent acquisition and management: Hiring and retaining a strong, qualified staff is of paramount importance. To this end, we assist our hospitality industry clients in preparing and updating employment agreements, applications, and handbooks, and arbitration, noncompetition, nondisclosure, and severance agreements. We also provide comprehensive immigration services for those clients seeking assistance with the international transfer of skilled employees, and those who require guidance with I-9 compliance.

Employment-related audits: Hospitality employers are subject to a wide array of administrative rules and regulations that may vary from state to state, or from country to country. To help our clients navigate these rules, we conduct comprehensive employment audits to identify and understand these important obligations and to develop efficient compliance solutions. We also assist clients with administrative agency audits, including those conducted by the U.S. Department of Labor (DOL) and local workforce agencies.

Wage and hour: Our attorneys have experience advising and representing hospitality employers in a wide range of wage and hour issues, including tip credit, tip pooling, percent-of-work, and misclassification issues. Our attorneys have in-depth knowledge of key federal laws, including the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and comparable state laws. Our attorneys include former officials of federal and state labor agencies, including the DOL's Wage and Hour Division (WHD) and the California Labor and Workforce Development Agency.

Employee benefits: The Affordable Care Act has significantly impacted the hospitality industry by greatly increasing the number of employers that are now required to provide healthcare coverage to their employees. Our employee benefits attorneys guide our clients through the applicable rules and regulations, provide assistance with compliance, and prepare benefits plans.

Training: Employee and management training is an integral part of risk mitigation, and we provide individually-tailored training programs for hospitality clients of all sizes. We not only provide training in particular subject matter areas, such as the Americans with Disabilities Act (ADA) or FMLA, but we also provide training on issues of discrimination and harassment prevention, the conduct of effective investigations, workplace sensitivity, employment-related risk mitigation, and basic human resources skills. We also specialize in developing training programs mandated by government agencies.

Workplace health and safety: Workplace accidents are not only unfortunate, but also can result in negative publicity, regulatory citations and fines, increased insurance rates, and even a business shutdown. We develop safety and health programs, provide safety and health audit services and action plans, handle Occupational Safety and Health Administration (OSHA) inspections, and litigate OSHA citations.

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Employee relations counseling: We listen to our clients' issues, understand their needs and goals, and work closely with them to develop practical solutions to resolve workplace issues and mitigate risk. We counsel employers on every facet of employment law, including issues arising under the ADA, FMLA, FLSA, Age Discrimination in Employment Act (ADEA), Older Workers Benefit Protection Act, Uniformed Services Employment and Reemployment Rights Act (USERRA), Worker Adjustment and Retraining Notification Act (WARN), Occupational Safety and Health Act, Title VII of the Civil Rights Act of 1964 and Section 1981 of the Civil Rights Act of 1866, Employee Retirement Income Security Act (ERISA), state-specific employment laws and statutes, and international employment law, to name but a few.

Restrictive covenants: Unfair competition is a serious concern for the hospitality industry where the protection of trade secrets and confidential information, including recipes, preparation techniques, expansion and recruiting plans, and service models, can mean the difference between success and failure. Our attorneys routinely advise clients on and prepare noncompetition and nonsolicitation agreements. We also pursue, as well as defend against, unfair competition claims.

Traditional labor management: Organizers continue to develop new strategies for influencing and shaping the employment relationship in the hospitality industry. We offer both offensive and defensive assistance with labor issues. On the proactive side, we work with our hospitality clients to develop positive employee relations strategies to minimize the risk of unionization. When unions target a client, we provide strategic guidance in union campaigns and elections, assist with strike preparations, advise on and are involved in the collective bargaining process, and handle labor arbitrations and National Labor Relations Board (NLRB) proceedings.

Administrative proceedings: We represent hospitality clients in proceedings involving the U.S. Equal Employment Opportunity Commission (EEOC), local and state workforce commissions, and related entities with respect to charges of discrimination, claims for unpaid wages, and claims related to employee misclassifications.

Litigation and ADR: Each client's litigation philosophy is as unique as its brand. In partnership with our hospitality clients, we develop litigation strategies designed to incorporate each client's philosophy and maximize success. We handle single- and multi-plaintiff litigation, as well as class and collective actions. For those clients that utilize alternative dispute resolutions (ADR) programs, we routinely mediate and arbitrate cases.

VALUE

Ogletree Deakins is a leader in offering value-based billing for clients. We work closely with our hospitality clients to develop fee arrangements that are tailored to their needs, and are happy to discuss alternative fee agreements that may be of interest to our clients.



With offices across the United States, in Europe, and in Mexico, the firm represents a diverse range of clients.

We operate efficiently without compromising our commitment to service.

Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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