

Employment Law - U.S.

Cohen & Gresser represents employers, from startups to multinational companies, and executives across the United States and abroad in nearly every aspect of employment law, from risk management and counseling on day-to-day personnel matters, to complex employment litigation, arbitration, and mediation.

On the risk management side, we regularly provide advice on employment policies and practices, including drafting offer letters, employee handbooks, social media and privacy policies, and advising on reductions in force and restructuring, leave management and accommodations, and compliance with state and federal law. We also routinely provide strategic guidance in connection with talent acquisition and on-boarding, termination, executive compensation, compliance with the various state laws on background checks and drug testing, discipline and performance management, and diversity and inclusion initiatives. Our attorneys are highly skilled in the drafting and negotiation of separation and release agreements, employment contracts, confidentiality, consulting and work for hire agreements, and restrictive covenants.

Our attorneys have conducted workplace investigations for public and private corporations arising from allegations of individual discrimination, harassment, retaliation, hostile work environment and pay equity, as well as for audit committees and other special committees. A key outcome of successful investigations is the creation and implementation of appropriate corrective actions that can help minimize future liability. To this end, C&G partners with its clients to recommend appropriate disciplinary actions, and any necessary policy, operational and compliance changes.

The firm was also appointed by the U.S. District Court for the Eastern District of New York to monitor the Fire Department of New York and is helping address its hiring and employment practices, including overseeing the recruitment, testing, hiring, training, and promotion of entry-level firefighters.

When litigation is unavoidable, we know how to try cases, and we know how to win. The firm's U.S.-based Employment Law group advocates for employers and executives in state and federal court actions as well as before the Equal Employment Opportunity Commission, the New York State Division of Human Rights, and the New York City Commission on Human Rights. We have significant experience defending employers and key employees against the full range of federal, state and administrative employment claims. We have successfully handled matters centering on restrictive covenants, including non-compete and non-solicit agreements, trade secrets, wrongful termination, discrimination, wages and benefits, and whistleblowing and retaliation claims.

Employer-Related Representations

Represented global financial institution in defeating class action litigation relating to alleged employment discrimination.

Defended cosmetics company against claim of discrimination on basis of race in selection of preferred vendors brought by preferred vendor applicant; matter settled on favorable terms after filing of pre-discovery motion for summary judgment.

Represented multinational food and beverage corporation in putative class action arising out of executive deferred compensation plan.

Defended technology company against lawsuit alleging various business and employment related torts brought by former executives.

Defended media conglomerate in employment discrimination action in New York federal court.

Represented the board of directors of a large non-profit organization in an internal investigation, including assessing and implementing personnel changes as a result of the investigation.

Represented background check company in relation to New York Attorney General investigation for employment discrimination.

Represented global delivery services company in multidistrict putative class action litigation seeking to reclassify independent contractors as employees.

Advised board of directors of a major financial institution in connection with a class action concerning executive compensation.

Represented insurance company in litigation over complex employee compensation issue.

Represented semiconductor manufacturing company in dispute against three former employees alleging theft of proprietary information and violation of confidentiality agreements.

Represented oil company in dispute with shareholder regarding executive compensation.

Represented consumer products company in class action lawsuit involving pension claims before the 6th Circuit.

Represented Philadelphia-based investment advisory firm in connection with litigation alleging breach of fiduciary duty and violations of ERISA.

Represented public company and its chief executive officer in a dispute arising from a covenant not to compete that the chief executive officer allegedly entered into with his prior employer. Following a two-week bench trial, all claims were dismissed.

Represented major cosmetics company in litigation arising from the departure of a highly ranked executive to work for a competitor.

Executive and Employee Representations

Represented former chief financial officer with respect to a complex options dispute with his former employer. Client prevailed both before the district court and the U.S. Court of Appeals for the Second Circuit.

Advised group of physicians in connection with departure from former practice and association with new hospital; reviewed and evaluated non-compete, shareholder, and employment agreements related to previous practice.

Represented senior partners and staff of target company in negotiating the terms of their employment by the company's acquirer.

Represented principals of financial consulting firm in action by former employer alleging "raiding" of employees and usurpation of corporate opportunities.

Represented senior corporate executive in lengthy dispute regarding options. Following cross-motions for summary judgment before the Chancellor in the Delaware Chancery Court, the Chancellor ruled in favor of client, rejecting the corporation's positions in their entirety.

Represented financial advisor in employment and trade secrets dispute.

Represented investment banking executive in a successful action for compensation and payments on termination.