

LABOR & EMPLOYMENT

OVERVIEW

Bartko Pavia's labor and employment practice group ("L&E Group") delivers hands-on, high-level counsel to a diverse range of clients. From healthcare providers, technology companies, media outlets, fashion retailers, law firms, small business owners, celebrities and high-profile individuals, and executives.

Acting as trusted outside general counsel for several companies, we provide comprehensive advice on human resources matters of all types including advice regarding the many federal state and local statutes and regulations governing the employment relationship including the many anti-discrimination laws wage and hour laws and other labor regulations. We help businesses build strong foundations by drafting employee handbooks, creating company policies, preparing offer letters, and crafting separation agreements. More than advisors, we're problem-solvers, prepared to assess risk areas and offer clear, decisive guidance that supports our clients' long-term goals.

Our team has successfully represented employers in defending against civil and regulatory claims concerning a range of issues, including claims for discrimination, hostile work environment, and retaliation, actions alleging violation of overtime laws, lawsuits involving the Family and Medical Leave Act, the Americans With Disability Act, and other federal, state and local laws.

The firm also represents executives in contract negotiations and high-level disputes.

ADVICE & COUNSEL

Bartko Pavia's Labor and Employment ("L & E") group is committed to providing employers with comprehensive advice and counsel as a true partner to businesses. Navigating the complexities of employment law can be a daunting task for employers of all sizes. We help our clients make informed strategic decisions, manage risks, and maintain policies and procedures in an ever-changing legal landscape with hands-on personalized attention. Our business-centric approach

provides us with expertise to better assist employers in operating their businesses with confidence, minimizing the risk of liability. Bartko Pavia's L&E group regularly advises clients regarding a wide range of employment issues, including:

- **Employment discrimination and harassment:** We help employers prevent and address discrimination and harassment in the workplace, including claims based on race, ethnicity, gender, religion, age, disability, and sexual orientation.
- **Wage and hour compliance:** We assist employers in complying with complex wage and hour laws, including minimum wage, overtime pay, and recordkeeping requirements. We also offer wage audits to measure compliance so that these issues can be remediated before they materialize into a lawsuit.
- **Leaves of absence and accommodations:** We advise employers on their obligations under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), and other state and local laws governing leaves of absence and accommodations.
- **Hiring and termination:** We provide guidance on hiring practices, background checks, employee handbooks, disciplinary procedures, and termination decisions, including large-scale reductions in force and targeted terminations.
- **Employment-related agreements:** We draft and review employment contracts, offer letters, incentive, bonus, and commission plans, severance agreements, and other employment-related agreements.
- **Workplace policies and procedures:** We help employers develop and implement compliant workplace policies and procedures, including policies addressing timekeeping, meal and rest breaks, anti-discrimination/harassment, sick leave, extended leave, and remote workplace arrangements.

Training: We conduct training on employment law topics, including sexual harassment prevention and payroll compliance.

CRISIS MANAGEMENT

Bartko Pavia's L&E attorneys guide employers through difficult times, providing comprehensive crisis management services to minimize risks, protect reputations, and restore workplace stability. When an employment crisis strikes, organizations face a multitude of challenges, including potential legal liability, tarnished reputations, and workplace disruptions. We are here to be your trusted advisor, understanding the personal and professional stakes in these cases and handle each with thoughtful decisiveness with our clients' best interests in mind. The L&E

Group has a deep understanding of the complex legal and reputational issues that arise from employment crises, including:

- **High-profile discrimination and harassment allegations:** Bartko Pavia's L&E attorneys help employers respond effectively to high-profile allegations of discrimination and harassment. They oversee all steps of the response, from conducting a prompt and thorough investigation to addressing concerns from employees and implementing corrective measures.
- **Whistleblower complaints and investigations:** The L&E group advises employers on the unique challenges of handling whistleblower complaints and investigations, ensuring compliance with legal requirements and protecting whistleblowers from retaliation.
- **Workplace violence and threats:** Bartko Pavia's L&E attorneys assist employers in developing and implementing workplace violence prevention plans, responding to threats and violent incidents, and providing support to affected employees.

When a crisis arises, Bartko Pavia's L&E group works closely with its clients to assess the situation, develop a crisis management plan, and implement that plan to protect the organization's reputation and prevent future crises. Throughout the crisis management process, the L&E attorneys provide compassionate support to their clients, offering guidance and assistance until the client feels assured that the matter is resolved.

EMPLOYMENT LITIGATION

Our seasoned employment lawyers are also trial lawyers with a proven track record of success in court, arbitration and before federal, state and local regulators. Some of their successes include:

- A 7-figure settlement and public apology on behalf of an entertainment executive wrongly accused of sexual harassment.
- A defense victory in arbitration brought by the chief compliance officer of a financial services company.
- Obtaining jurisdiction over Russian executives leading to resolution of a trade secret case and return of stock and IP from Luxembourg.
- Defeating class certification and winning numerous summary judgments in class actions in the apparel, cosmetics, entertainment, healthcare, defense, newspaper and tech industries.
- Securing a favorable settlement on behalf of multiple plaintiffs in a complex wage and hour actions.

We are committed to understanding the unique dynamics of each client's situation, offering thoughtful, business-forward strategies that set us apart. For each case, we offer thoughtful counsel and decisive action, staying focused on delivering the best possible outcomes for our clients.

The L&E Group prides itself on initial investigation strategies that create cost-efficient and favorable business-centric results for clients. They carry that approach through all phases of litigation, providing personalized, efficient representation to their clients throughout the duration of each case.

INVESTIGATIONS

When allegations of workplace misconduct arise, it is crucial to have an experienced team of attorneys on your side to conduct a thorough and impartial investigation. Bartko Pavia L&E attorneys have the experience and reputation necessary to serve as impartial, effective investigators for all types of workplace misconduct, including:

- Discrimination
- Harassment
- Retaliation
- Other potentially unlawful acts

At Bartko Pavia, we understand that workplace investigations can be complex and emotionally charged and of critical concern. In addition to applying our deep understanding of employment law in our approach to these investigations, we are committed to handling each investigation with the utmost discretion and professionalism.

TRADITIONAL LABOR & COLLECTIVE BARGAINING

Bartko Pavia's L&E group represents management in complex negotiations with labor. Backed by decades of experience, Bartko Pavia's L&E group fashions creative solutions that preserve labor and management relationships. Their negotiating philosophy focuses on respect, leading to quick and fair negotiations that are sensitive to the ongoing relationship between management and labor.

The L&E group has negotiated significant collective bargaining agreements across a range of industries, including healthcare systems, manufacturing companies, nonprofits, and media organizations. They have negotiated Master Collective Bargaining Agreements, initial labor contracts, and successor agreements on behalf of their clients. The L&E group has negotiated

eight collective bargaining agreements in 75 days with six labor unions, and negotiated an initial and subsequent labor contract for a major Southern California newspaper.

The L&E group also advises clients during organization drives, providing advice tailored to the client's industry and labor environment. The L&E group helped a client defeat an attempt to organize its manufacturing unit—a decisive management victory.

The L&E group also provides counsel and represents clients through all stages of proceedings before the National Labor Relations Board.

At Bartko Pavia, we prioritize your needs, give you our full attention, and deliver business-forward solutions with both focus and efficiency. By combining unmatched legal expertise with a clear commitment to client care, we've built a practice that doesn't just solve problems—it drives meaningful results.

INSIGHTS

PRESS RELEASE | 30, OCTOBER 2025

AN RUDA SERVES AS JUDGE AT THE BERKELEY FEMALE FOUNDERS & FUNDERS SUMMIT

SPEAKING ENGAGEMENTS | 04, SEPTEMBER 2025

AN NGUYEN RUDA AND JOSIAH JENKINS PRESENT FOR THE SAN FRANCISCO EMPLOYER ADVISORY COUNCIL

Bartko Pavia's CEO & Co-Managing partner An Nguyen Ruda and associate Josiah Jenkins will present for the (SF EAC) California Employer Advisory Council on DEI: A New Four-Letter Bad Word and What It Means in this New Environment on September 11th, in San Francisco. This...

PRESS RELEASE | 13, MAY 2025

BARTKO PAVIA CEO FEATURED IN CHINESE HOSPITAL'S AAPI SPOTLIGHT

San Francisco, CA — May 2025 — Bartko Pavia LLP is proud to share that our remarkable CEO and Co-Managing Partner, An Nguyen Ruda earned a feature in Chinese Hospital's AAPI Heritage Month spotlight.

PUBLICATIONS | 30, JANUARY 2025

CLIENT ALERT: INCREASE IN SALARY THRESHOLD FOR ADMINISTRATIVE EXEMPTION FOR EMPLOYEES WORKING IN NEW YORK CITY

Starting on January 1, 2025, the minimum salary for New York City employees to meet the salary threshold for the administrative exemption is \$1,237.50 per week or \$64,350 per year.

HONORS AND AWARDS | 01, JANUARY 2025

BARTKO LLP ATTORNEYS RECOGNIZED AS BEST LAWYERS® AWARD RECIPIENTS

We're proud to announce that four Bartko, LLP attorneys have been named in the 2025 edition of The Best Lawyers in America®. Best Lawyers is the oldest and most respected lawyer ranking service, using a peer-review process to ensure credibility and trust. Since it was first published in...

HONORS AND AWARDS | 01, JANUARY 2025

BARTKO LLP EARNS RECOGNITION IN 2025 BEST LAW FIRMS® RANKINGS

We are proud to announce that Bartko LLP has been ranked in the 2025 edition of Best Law Firms®, a distinction that underscores our commitment to delivering outstanding legal services. This recognition, based on peer reviews and client feedback, highlights Bartko's excellence across...

PUBLICATIONS | 01, DECEMBER 2024

LABOR AND EMPLOYMENT LAW UPDATES 2025

As with most legislative years, 2024 was a busy year for California employment law developments. Several important new laws and regulations were enacted that will affect the operations of California employers of all sizes for years to come. We have summarized in a client...

PUBLICATIONS | 24, SEPTEMBER 2024

NEW LEGAL REQUIREMENTS FOR WRITTEN WORKPLACE VIOLENCE PREVENTION POLICIES APPLICABLE TO CERTAIN RETAIL EMPLOYERS

The recently enacted New York Retail Worker Safety Act requires retail employers with over ten employees to implement written workplace violence prevention policies and trainings that address workplace violence risk factors and prevention methods. These guidelines must be in place no...

PUBLICATIONS | 22, AUGUST 2024

FTC BAN ON NON-COMPETE AGREEMENTS INVALIDATED

A federal court has halted the implementation of a Federal Trade Commission rule that would have largely banned the enforcement of non-compete agreements between employers and employees. That rule would have gone into effect on September 4.

PUBLICATIONS | 13, AUGUST 2024

HOW TO COMPLY WITH THE FTC BAN ON NON-COMPETE AGREEMENTS

As we indicated in an earlier Client Alert on April 24, 2024, the Federal Trade Commission has issued anew rule that will ban non-compete agreements for all employers in the United States, with certain limited exceptions. The new rule remains on track to take effect on September 4,...

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