

# Labor & Employment

## Overview

Munsch Hardt's Labor & Employment practice has extensive experience counseling the most sensitive employment matters so clients can focus on running their business. Our team of experienced attorneys handle the full range of matters arising from the employer-employee relationship, from dispute avoidance and daily organizational matters, to government audits and litigation. We provide responsive and comprehensive strategies to tackle every adversarial and operational challenge clients encounter, including:

- Compliance Audits
- Covenants Not to Compete
- Disability & FMLA Compliance
- Discrimination & Retaliation Claims
- Restrictive Covenant Agreements
- Employment Agreements
- Employment Manuals & Related Forms
- ERISA & Employee Benefits Claims
- FLSA Wage & Hour Claims
- Labor-Management Relations
- Non-Subscriber Work Injury Defense
- OSHA Citations & Appeals
- Reductions in Workforce
- Fair Credit Reporting Act (FCRA)
- Trade Secret Protection & Litigation
- Workplace Investigations
- Wrongful Termination Claims
- Merger and Acquisition Due Diligence and Counsel

Short of litigation, we provide effective and common sense guidelines to help clients operate within the complex web of federal, state and local employment laws when making business decisions that affect employees on all levels of the organization. While our attorneys are experienced before local, state and federal courts, as well as various administrative bodies, we believe the best approach to employment issues is to prevent them from happening in the first place. Our lawyers work with clients in developing a sound strategy for building the foundation of the employment relationship. We are involved in the formulation of employment applications, personnel manuals and the various forms new employees sign prior to beginning their employment. Our attorneys also conduct training of supervisors and managers, assuring they are prepared to properly administer and oversee the employer's standards of behavior and performance. All of these steps can be critical in defending future litigation. This integrated counsel approach aims to minimize the likelihood of employment claims and lawsuits, and maximize the employer's ability to prevail in trial or administrative forums if disputes do ultimately arise.

When it comes to employment disputes, we work with employers to seek resolution through creative and efficient measures. However, when such resolution is not possible, our experienced litigators are prepared to guide employers through all aspects of the litigation process. We understand the process and outcome of such a dispute not only impacts a client's bottom line, but also sends a powerful and lasting message to their employees and in some cases your competitors. Our lawyers are trusted advisors who will counsel on the practical business consequences of pursuing litigation, work to identify the option that is most appropriate for each client and develop and implement strategies to help prevent similar issues in the future.

We offer unique experience handling traditional labor law matters, including counseling clients on union organizing efforts and proceedings before the National Labor Relations Board (NLRB). Unionized companies rely on our Firm for assistance with negotiations, contract administration, resolution of grievances and arbitrations and defense of NLRB administrative actions. By maintaining working relationships with both union representatives and governmental agencies, and dealing with them in a direct and forthright manner, we enhance the credibility and effectiveness of our clients goals in addressing workplace challenges and opportunities. It is a thoughtful and cost-effective approach that typifies the strength of our Firm's employment practice.

## Why We're Different

Munsch Hardt lawyers have managed nearly every conceivable employment issue and fact scenario on multiple occasions. The breadth and depth of this experience enables us to step in and evaluate situations quickly, thus allowing clients to confidently make business decisions with a focus on solutions to remedy the situations and get back to business.

## Experience

### Employment Counsel + Litigation

Represented an embedded federal contractor in all matters of employment and traditional labor to assist in bringing multiple on-going disputes to resolution. Employment related issues had a broad range and history involving all areas of the operation, including allegations of systemic discrimination and harassment, wage and hour issues and whistleblower claims. All litigation and remedial actions were closely monitored and approved by a Federal agency. Representation resulted in no pending litigation or ADR matters against the contractor for the first time in more than a decade.

### Non-Solicitation Agreements

Successfully represented a large energy services company in persuading the trial court to deny a former employee's special appearance in a trade secrets case. In mediation, the matter settled with the opposing party signing a one-year, non-compete and non-solicitation agreement.

### Traditional Labor Law

Represented an aviation and aerospace company in the strategic planning and negotiations for the consolidation of four jet engine overhaul facilities, as well as the decision and effects bargaining with two incumbent unions that represented employees for more than 50 years. Successfully litigated another claim by a third union that they held representational rights at the consolidated facility.

## Trade Secrets

Successfully defended an employer's request for a temporary injunction against a former employee that sought to prevent employee from contacting their former and current customers under the Texas Uniform Trade Secrets Act.

## Fair Labor Standards Act

Successfully represented an energy services company in an FLSA suit against the Department of Labor (DOL), in which the DOL investigated the energy services company for wrongly misclassifying its employees as independent contractors, ordering the company to pay more than \$6.2 MM in fines and back pay. The judge ruled in favor of the energy services company, dismissing the agency's enforcement action and validating the company's business model and use of independent contractors. Following the ruling, the energy services company sued the government under the Equal Access to Justice Act (EAJA), to recover attorney's fees. The Fifth Circuit court ultimately issued an opinion stating the DOJ acted in bad faith, thus ordering the DOL to pay more than \$1 MM in attorney fees.

## OSHA Investigation

Represented a real estate developer in an investigation by the Occupational Safety and Health Administration (OSHA) into an accident and resulting fatality on client's construction site. Guided client through the OSHA investigation process and defended client's rights and interests in communications with OSHA. OSHA ultimately closed its investigation without issuing any citations.

## Practice Leaders



**Sameer Karim**

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## Related People

Claire Carroll  
Casey Carter  
Sofia Colorado  
Jordan Curry  
William Finegan  
Michael Harvey  
Matt Holley  
James Jordan

Sameer Karim  
Karen Lee  
Pooneh Momeni  
Laura Murray  
Daniel Pipitone  
Courtney Sauer  
Richard Schwartz

## Related Practices

Labor & Employment  
Covenants Not to Compete  
Employment Litigation  
FLSA  
OSHA  
Trade Secrets  
Traditional Labor Law

## Related Industries

Admiralty & Maritime  
Financial Services  
Construction  
Energy  
Health Care  
Hospitality  
Insurance  
Manufacturing  
Real Estate  
Retail  
Technology & Telecommunications  
Transportation  
Restaurants

## Achievements

- *Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Employment Law - Management, Metropolitan Tier Ranking (2020-2024)
- *Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Litigation – Labor & Employment, Metropolitan Tier Ranking (2011-2024)

## Newsroom

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**Press Release:** Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

**In The News:** Midland Jury Rejects FLSA Overtime Claim Against Oilfield Services Co.

**In The News:** Overtime Pay Collective Action Fails to Overcome Federal Exemption

**Press Release:** Munsch Hardt Wins Fair Labor Standards Act Case for Oil and Gas Client Flowco in Jury Trial

**In The News:** NLRB: Employers No Longer Can Require Silence as Condition of Severance Agreements

**Press Release:** Munsch Hardt Attorneys Named to D Magazine's Best Lawyers Under 40 List

**In The News:** What HR Professionals Need to Know About the WARN Act

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2023 "Best Law Firms" List by U.S. News - Best Lawyers®

**Press Release:** Munsch Hardt Named to 2022 "Best Law Firms" List by U.S. News – Best Lawyers®

**Article:** Suffering Work, a New Road to the Meaning of Employment

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2021 "Best Law Firms" List by U.S. News - Best Lawyers®

**Speech:** FTC Regulation of Non-Compete Provisions in Employment Agreements

**Article:** FTC Regulation of Non-Compete Provisions in Employment Agreements

**Article:** Car Crash: California's Imbroglio With Uber and Lyft Will Have Lasting Effects on Gig Economy

**Article:** Sexual & Gender Discrimination in the Oilfield

**Press Release:** Munsch Hardt Announces 2020 Shareholder Promotions

**Newsletter:** COVID-19: Return-to-Work Checklist for Employers

**Speech:** Hotel Owners + The Novel Coronavirus Webinars

**Article:** Dallas Paid Sick Leave Ordinance Blocked by Federal Judge

**Newsletter:** COVID-19: What Employers Need to Know (March 27, 2020)

**Newsletter:** COVID-19: Essential Businesses

**Article:** The Families First Coronavirus Response Act

**Newsletter:** COVID-19: What Employers Need to Know (March 18, 2020)

**In The News:** What's Happening in Washington & How It Could Affect Your Company

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®

**In The News:** Retailer Conn's Says Ex-Counsel's New TCPA Suit Improper

**Article:** Legal - Responding to OSHA's Multi-Employer Citation Policy

**Press Release:** Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

**Newsletter:** Austin Paid Sick Leave Ordinance

**Speech:** Shareholder Dan Pipitone to Discuss Labor Matters at TWC Conference

**Speech:** Michael Huddleston and Nolan Knight Present at Advanced Insurance Law Conference

**In The News:** Law360 Covers Addition of Craig Harris in Dallas Office

**Press Release:** Experienced Trial Lawyer Craig Harris Joins Munsch Hardt's Growing Litigation Practice

**Article:** Redefining Labor

**Article:** Mass Layoffs And Plant Closings, Oh My!

**Press Release:** Introducing Munsch Hardt's Newest Shareholders

**Article:** Employment Agreements Mitigate Construction Litigation Concerns

**Press Release:** Karim Completes Board Certification from the TBLS

**Speech:** Guide to the Department of Labor's FLSA Update

**Article:** Ninth Circuit Invalidates Class Action Waivers Paired With Mandatory Arbitration Agreements

**Speech:** 2016 Employment Law and Construction Law Updates

**Speech:** 5 Tips for Compliance with FLSA on Overtime

**Speech:** 2016 Employment Law Update

**Press Release:** Munsch Hardt Earns Top-Tier Rankings in 2016 Best Law Firms List

**Article:** Regulations cause offshore companies to examine independent contractor status

**In The News:** Employer wins fight with feds on worker classification

**Speech:** Employment Handbook: Do's and Don'ts

**In The News:** Government to Pay \$1.5 MM in Attorney Fees in FLSA Suit

**In The News:** DOL Settles Oil Field Service Co.'s Bad Faith Case For \$1.5 MM

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2016'

**In The News:** Appeals court finds 'government overreach' in DOL's handling of Eagle Ford case

**In The News:** Appeals court says Labor Department acted in bad faith in contractor case

**Article:** Fifth Circuit Overrules NLRB on Collective Action Waivers

**Article:** Updates to OSHA's Reporting and Recordkeeping Requirements

**Speech:** End-of-Year Labor & Employment Seminar

**Press Release:** Munsch Hardt Attorneys Recognized as 2014 Super Lawyers

**Speech:** Workplace Harassment: The Distinction Between Rude and Unlawful Behavior

**Speech:** Discrimination, Harassment and Retaliation: Awareness and Prevention

**Article:** Supreme Court Sides with Employers in Contraception Mandate Case

**Press Release:** Munsch Hardt Announces Three Promotions

**In The News:** Munsch Hardt attorney already making a difference with labor-law ruling

**In The News:** Latest labor law case has big impact on energy sector

**In The News:** Judge chews our Labor Department over its handling of wage case

**In The News:** DOL Dinged \$600K For Oil Field Service Co.'s Atty Fees

**In The News:** Munsch Hardt Poaches Two Attorneys From Houston's Old Guard

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

**Press Release:** Munsch Hardt Expands Dallas Presence

**Speech:** View From the Top: U.S. Supreme Court Update

**Press Release:** Munsch Hardt Ranks Among U.S. News – Best Lawyers 2014 “Best Law Firms”

**Press Release:** Munsch Hardt Attorneys Selected As 2013 Super Lawyers

**Speech:** Employment in the Energy Sector, Key Terms in Employment Agreements and Workplace Policies

**Press Release:** Best Lawyers 2014 Recognizes Munsch Hardt Attorneys

**Speech:** The Dos and Don'ts of Hiring and Firing

**Press Release:** U.S. News Best Lawyers Announces 2013 Spring Best Lawyers

**Press Release:** U.S. News Best Lawyers Recognizes Munsch Hardt Attorneys as Texas' Best

**Newsletter:** March Employment Insights

**Article:** U.S. Supreme Court Docket – Cases to Watch

**Press Release:** U.S. News - Best Lawyers Best Law Firms Features Munsch Hardt

**Press Release:** Munsch Hardt Attorneys Recognized by Thomson Reuters Super Lawyers 2012

**Speech:** Update on Texas Non-Competition Law

**Speech:** VP On A Forklift: Wage & Hour Regulations