



## Labor & Employment

### **Business-Minded Approaches to Employment Issues**

Bracewell has one of the most highly regarded labor and employment practices in the nation. Our team advises clients in multiple industries on a range of matters, which has earned us the reputation as a top practice in *Chambers USA* and *Legal 500 US*.

We represent public and private employers across a wide breadth of industries, such as energy, manufacturing, financial services, healthcare, hospitality, staffing, media and technology. We also handle industry-specific issues regarding employment and labor matters in the energy sector, including wage-and-hour litigation and OSHA claims.

Our team brings a business-minded approach to employment-related issues, which enables us to obtain favorable settlements and avoid lengthy trials. We help clients on substantial matters nationwide involving class actions, wage and hour issues, age discrimination and race discrimination. We also handle whistleblower cases, as well as ERISA- and Fair Labor Standards Act (FLSA)-related litigation, collective bargain and union organizing.

Our lawyers regularly advise clients on compliance with state and federal regulations. We work with clients to develop responses to emerging issues such as the COVID-19 pandemic, as well as developments in the law.

We have broad experience advising profit and non-profit organizations, healthcare systems, public and private institutions, religious organizations, professional sports teams and hospitality companies.

In addition, we work alongside other practices within the firm to provide a full spectrum of services to our clients, from major M&A transactions to criminal proceedings involving labor and employment issues.

## **Agreements**

We help employers balance the need to attract and retain key employees with the protection of valuable proprietary information and intellectual property. Our lawyers identify risks relating to information, customers, employees and contractors and to recommend strategies to secure the greatest protections possible.

When former employees or contractors violate the terms of these agreements or policies, we institute litigation and take swift action to minimize potential losses through a variety of legal options, including assertions of rights, demand letters, cease and desist instructions, temporary restraining orders, and preliminary and permanent injunctions.

## **Class Actions and Collective Actions**

The Bracewell team has years of experience in employment class and collective actions and multiple-plaintiff litigation, including:

- wage and hour, discrimination and other workplace-related disputes, including class claims for lost benefits under ERISA
- discrimination claims based on race, gender and national origin
- stock drop cases under employee stock plans
- wage and hour collective actions

We efficiently manage the discovery and data management challenges presented by class or collective actions with resources that often provide significant savings for our clients. We routinely defeat motions for class certification, obtain judgments against named plaintiffs and obtain dismissals of class and collective actions.

## **OSHA**

Our lawyers assist employers in responding to Occupational Safety and Health Administration (OSHA) inspections and other inquiries. We represent employers in contested citation proceedings before the Occupational Safety and Health Review Commission (OSHRC) and its administrative law judges. We assist with occupational safety and health self-auditing, including both compliance and best practices auditing, and provide day-to-day advice concerning compliance questions that arise.

Our team has experience dealing with a wide variety of OSHA standards as well as many General Duty Clause, and has been involved in more than a dozen fatality or multiple fatality OSHA cases at either the inspection or contested citation stage.

## **Unions**

Union workforces present unique challenges for employers. Bracewell's labor and employment team has the depth and experience to assist clients with a multitude of potential issues pertaining to union avoidance, campaigns and elections, unfair labor practice conflicts and collective bargaining.

Our lawyers have a deep understanding of state and federal regulations dealing with traditional labor issues and those governed by the National Labor Relations Act (NLRA) and Occupational Safety and Health Administration (OSHA). We regularly create effective employment contracts with enforceable non-compete covenants, anti-raiding provisions, arbitration clauses and confidentiality agreements.

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## Key Contacts



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## Experience

Our team represents a range of companies across industries on various labor and employment matters.

### **Allegiance Bancshares, Inc.**

- in negotiating purchase agreement provisions related to employee benefits and executive compensation in connection with its merger with CBTX, Inc.

### **Aris Water Systems**

- on employment and labor aspects regarding Aris' acquisition of seven saltwater disposal wells and related infrastructure from Delaware Energy Service, LLC

### **Cactus, Inc.**

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on employment aspects regarding the acquisition of FlexSteel Technologies Holdings, Inc. and certain of its affiliates

## **Fortune 500 hydrocarbon exploration company**

- in an investigation into claims of gender and disability discrimination

## **International pipeline provider**

- on multiple immigration issues, including permanent resident applications, employee retention policies and immigration

## **Large independent power producer**

- on all matters related to immigration, including multiple types of visas, employer compliance, high-level/macro-human resources, and hiring and employee-retention policies

## **Large multi-national tank storage company**

- on several labor and employment issues between the seller and the buyer related to the sale of a significant terminal facility

## **Large vehicle rental and lease company**

- in a lengthy and ongoing Equal Employment Opportunity Commission (EEOC) investigation

## **Phillips 66**

- on employment aspects regarding the realignment of its economic and governance interests in DCP Midstream, LP and Gray Oak Pipeline, LLC through the merger of existing joint ventures owned by Phillips 66 and Enbridge Inc.

## **Southeastern Conference of Seventh-Day Adventists**

- in preparation of R-1 (religious worker) visas and applications for permanent residency

## **Valero Energy Corporation**

- on all matters related to immigration including multiple types of visas, employer compliance, high-level/macro-human resources and hiring and employee-retention policies

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## **Recognition**

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Our work on behalf of our clients has earned us top recognitions in some of the leading legal publications.

## **Chambers USA**

- Texas Labor & Employment

## **Legal 500 US**

- Labor and Employment: Workplace and Employment Counseling

## **U.S. News – Best Lawyers**

- Houston Employment Law: Management (Tier 1)
- Houston Labor Law: Management
- Houston Labor & Employment Litigation (Tier 1)
- San Antonio Employment Law: Management (Tier 1)
- San Antonio Labor Law: Management (Tier 1)
- San Antonio Labor & Employment Litigation (Tier 1)