

Labor & Employment Law

Each year, employment law becomes more complex, and effectively navigating the employment law minefield becomes more challenging. For forty years, Gibbs Giden has provided practical and cost effective advice to its corporate clients to meet these challenges. Our labor and employment attorneys have significant trial experience and are adept at crafting aggressive, efficient strategies that are individually tailored to meet the needs of your business.

Advice and Counseling

Gibbs Giden emphasizes preventative counseling, training, and education. Each of our lawyers works closely with clients to proactively address and advise on personnel issues before they develop into costly litigation. Our employment attorneys are skilled in ensuring compliance with the myriad rules and regulations promulgated by state and federal agencies covering the entire employee life-cycle: from recruitment and hiring, to leave requests and employee discipline, to termination.

We also routinely assist our clients in preparing employee handbooks, personnel policies, and employment procedures that manage risk, ensure compliance, and foster positive employee relations. We also advise clients on development and implementation of alternative dispute resolution procedures.

Employment Litigation

Sometimes litigation is unavoidable. Gibbs Giden routinely defends employers in single-plaintiff lawsuits and has successfully defended all types of discrimination matters, including claims involving wrongful termination, retaliation, discrimination, and harassment.

Our employment attorneys also have a wealth of experience in defending employers in wage and hour disputes, including cases alleging unpaid overtime, employee misclassification, failure to provide meal and rest breaks, and unpaid commissions, whether brought by a single plaintiff or as a class action lawsuit.

Our employment attorneys have extensive experience defending employee claims before state and federal courts, as well as the Equal Employment Opportunity Commission, Department of Fair Employment and Housing, Department of Industrial Relations, Department of Labor, and other federal, state, and local government administrative agencies.

Prevailing Wage and Traditional Labor

As part of a firm that is nationally recognized for its construction practice, our attorneys have deep experience advising builders, owners, contractors, and subcontractors on how to comply with prevailing wage requirements on public works projects. And when there has already been a misstep, our attorneys are skilled in defending clients threatened with civil penalty assessments.

Our team also has broad experience negotiating, advising on, and implementing project labor agreements for both our public and private entity clients. Our attorneys have served as outside counsel in negotiating project labor agreements on behalf of owners, public entities, and contractors, including for the construction of a multimillion dollar university expansion project, an electrical substation, and a prison.

Our attorneys are similarly skilled in handling traditional labor matters, including collective bargaining, existing union relations, trust fund obligations, and labor disputes.

Trade Secret & Unfair Competition Litigation

Our lawyers have decades of experience in drafting non-competition, non-solicitation, and confidentiality clauses, as well as defending lawsuits to enforce such agreements. We also have experience obtaining restraining orders and injunctions seeking to protect trade secrets, and have defeated requests for the same on behalf of our corporate clients and their employees.

Notable Projects and Cases

- Served as trial counsel for a construction company in action filed in Santa Barbara Superior Court, wherein Plaintiff alleged age discrimination, disability discrimination and wrongful termination in violation of public policy. Jury returned a defense verdict in favor of the construction company.
- Represented an aerospace contractor in action filed in Los Angeles Superior Court, wherein Plaintiff alleged pregnancy discrimination, gender discrimination and wrongful termination in violation of public policy. Successfully moved the trial court to compel arbitration. Following a one-week arbitration, arbitrator ruled in favor of the Defendant.
- Served as lead counsel for construction company in defeating class certification in wage and hour dispute filed by laborers in Solano Superior Court.
- Served as lead counsel for construction company in defeating class certification in wage and hour dispute filed in Santa Barbara Superior Court.
- Represented an aerospace contractor in action filed in Los Angeles Superior Court, wherein Plaintiff

alleged sexual harassment, gender discrimination and wrongful termination in violation of public policy. After Defendant filed appeal of trial court's order denying motion to compel arbitration, Plaintiff stipulated to arbitration. Following a two-week arbitration, arbitrator ruled in favor of the Defendant.

- Represented contractor in action in Ventura Superior Court, wherein Plaintiff alleged, among other claims, violation of the federal Family Medical Leave Act and California Family Rights Act. After trial court granted Defendant's motion for summary adjudication of the issues, the parties settled the remaining claims on favorable terms to the client.
- Represented contractor in action filed in United States District Court for the Central District of California, wherein Plaintiff alleged age and race discrimination. The trial court granted summary judgment in favor of the Defendant contractor.
- Represented individual and corporate defendants in action filed in United States District Court for the Southern District of California, wherein Plaintiff alleged, among other claims, violation of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"). Trial court granted motion to dismiss the RICO claims.
- Successfully argued before the Ninth Circuit Court of Appeals on behalf of an electronics distributor concerning the appropriate statute of limitations period in a preference action filed under the Bankruptcy Code.
- Obtained a writ of mandate from the California Court of Appeal compelling the Superior Court of California to conduct jury trial on issue of fraud in the inducement.

To learn more about our labor and employment practice, please call our Los Angeles office at 310-552-3400, our Westlake office 805-261-1777, our Irvine office at 949-287-8044, or our Las Vegas office at 702-836-9800 , or contact us online. We look forward to assisting you.