Knox McLaughlin Gornall & Sennett, P.C.
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Labor & Employment

It is not by chance that the Labor & Employment Group at Knox McLaughlin Gornall & Sennett, P.C. is the largest in the region. We have years of experience in the resolution of labor and employment issues, and our attorneys are full-time practitioners in the field.

We represent privately owned businesses, municipalities, school districts, and a variety of nonprofit organizations and public sector clients with as few as five and as many as 30,000 employees, in both union and non-union environments. Our client list includes many of the largest employers in the communities we serve and many of the area's primary nonprofit and governmental institutions, as well as a number of growing entrepreneurial enterprises.

Working cooperatively with other groups in our firm is a hallmark of our service to our clients. Our group works closely with the firm's Business & Tax, Governmental Practice, and Workers' Compensation Groups to provide the comprehensive legal resources to meet all of your organization's needs.

Labor Law

Our labor practice includes the negotiation of collective bargaining agreements for private and public sector employers as well as guidance in the interpretation and administration of those agreements.

We are also directly involved in:

- Grievance processing
- Labor arbitration
- Bargaining unit issues
- Union avoidance
- Union-related litigation in federal and state courts

Employment Law

In the area of employment law, we advise clients on a daily basis to enable them to comply with state and federal laws. Our work includes:

Representation in:

- Claims of discrimination based on race, color, religion, national origin, sex, age, and disability brought before the EEOC, PHRC, and the courts
- Defense of employment suits
- Unemployment compensation claims
- Claims filed with OSHA
- Minimum wage and overtime issues

Preparation of:

- Employee handbooks and personnel procedures
- Supervisory manuals
- Severance agreements
- Waivers and releases
- Independent contractor agreements
- Executive employment agreements
- Affirmative action plans
- Non-compete and confidentiality agreements

Consultation on:

- Investigations into employee misconduct
- Investigations of sexual harassment complaints
- Implementation of drug and alcohol testing
- Use of performance appraisals and evaluation of employees
- Proper interviewing procedures
- Hiring, disciplining, and terminating employees

Training

With the workplace becoming increasingly more complex, we also help clients effectively manage critical workplace issues through education and awareness. We train management teams in such areas as:

- Union avoidance
- Sexual harassment prevention
- Discipline and discharge procedures
- Employee handbook implementation
- Work performance evaluation

Representative Experience

Private Sector

- Successfully argued motion to dismiss at the U.S. District Court level in employment action brought under USERRA
- Obtained a favorable decision from the U.S. District Court for the Western District of Pennsylvania for a client. The Court granted the client’s motion for summary judgment thereby dismissing all ADA and FMLA claims
- Successfully resolved a client's unemployment compensation and workers' compensation tax audits

- Involved in lawsuits filed in state and federal courts, as well as charges filed with the EEOC and PHRC, including claims for wrongful discharge and race, age, sex, religion and disability discrimination
- Drafted and revised employee manuals and specific employment policies including FMLA policies, drug testing policies, and sexual harassment policies for a large financial institution with branches in four states
- Successfully defended a private company before the National Labor Relations Board (NLRB) after charges were filed asserting it had terminated one employee and laid off another due to Union activity
- Counseled an employer in the health care industry with numerous offices in Western Pennsylvania in negotiating and drafting individual employment contracts and non-compete and confidentiality agreements
- Provided counsel to a company during a strike, and successfully resolved unfair labor practice charges and claims for unemployment benefits filed by strikers
- Received successful grievance arbitration awards on behalf of employers in cases involving misconduct and performance-based discipline and/or dismissal of employees. Noteworthy cases include awards upholding dismissals based on documented poor performance and misconduct such as FMLA-abuse, workplace harassment, and dishonesty during an employment investigation
- Represented major radio broadcasting corporation in action against former on-air personality seeking to enforce non-compete provisions of employment and tortious interference claims against rival broadcasting corporation. Case settled favorably following arbitration
- Assists employers with day-to-day HR needs including employment agreements, restrictive covenants, employee handbooks and policies, drug and alcohol testing, medical marijuana, harassment, technology and social media use, and more
- Counsels employers on compliance with federal, state, and local labor and employment laws
- Assist clients in employee engagement, supervisor training, and responding to organizational activity

Public Sector

- Served as chief negotiator for several school districts involved in collective bargaining negotiations, assisting in developing bargaining strategies and providing advice so as to avoid unfair practice charges
- Successfully argued on behalf of a school district against a labor union’s appeal to the Commonwealth Court, upholding the trial court’s decision which granted the district’s petition to vacate a labor arbitration award
- Successfully defended a school against an unfair labor practice charge before the Commonwealth Court of Pennsylvania by securing a reversal of the Pennsylvania Labor Relations Board’s Final Order
- Successfully defended a school district client against a claim of sex discrimination in the U.S. District Court for the Western District of Pennsylvania. The Court granted the client’s Motion for Summary Judgment on all counts and ordered the dismissal of the lawsuit in its entirety
- Successfully argued on behalf of a county against a labor union’s appeal to the Supreme Court of Pennsylvania. On appeal, the Supreme Court affirmed the underlying Pennsylvania Labor Relations Board’s Final Order which found that the County did not commit unfair labor practices. It has been estimated this result saved the County a minimum of $6 million
- Prevailed in a grievance arbitration on behalf of a local school district, successfully defending the district’s managerial rights to assign pandemic-related duties and defeating a claim for additional compensation estimated to exceed $2 million
- Part of a team of attorneys to conduct an extensive review of the 2020 amendments to Title IX regulations, advise clients on changes to Title IX policies and procedures, and create and deliver a comprehensive training program on the Title IX grievance process.

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