

Employment

Prominent clients from many institutions and industries turn to the lawyers in our Employment Group for all kinds of proactive counseling and workplace training, as well as the negotiation and crafting of employment-related agreements, and drafting of policies and manuals. Clients also benefit from our careful review and crafting of compensation and benefit plans.

Our Employment Group counsels clients regarding a wide range of employment matters. We keep clients well-informed of the rapid changes within this heavily regulated area and work closely with them to develop strategies that can improve workplace culture and minimize potential liability.

They rely on us not just for our skill and experience, but our emphasis on responsive service and practical advice based on each client's business objectives, as well as the applicable law.

Chambers Global, Chambers USA and other peer-reviewed publications have recognized the work and reputation of our employment law advocates, who have collectively authored many scholarly articles and publications, lectured in law schools and continuing legal education forums, and provided expert commentary for media publications and news outlets, such as NPR and Lawyers Weekly. Our team also includes MCAD certified trainers who are specially equipped to provide MCAD compliant training.

Many of our core employment law clients have been with us for 15 years or more, reflecting our collective dedication to superior client service. We respond promptly to client inquiries and deliver advice in a prompt and efficient manner.

We understand and appreciate that a client is entrusting us with very significant issues. We take this responsibility very seriously and we return that trust with our most serious professional efforts.

Publications

July 7, 2022

Joshua Davis - 2022 Employment Law Trailblazer

National Law Journal

April 21, 2022

Massachusetts Imposes Additional Potential Liability on Employers for Wage-and-Hour Compliance

January 23, 2022

Hazy Directions on the Path Back to the Office

Banker & Tradesman

December 2, 2021

Goulston & Storrs Named to the 2022 U.S. News – Best Lawyers® “Best Law Firms” List in 39 Categories

July 28, 2021

New York State Publishes HERO Act Model and Industry Plans for Returning to Work

July 21, 2021

As Delta variant rages, here's what businesses need to know about Covid-19 workplace safety requirements

Boston Business Journal

June 16, 2021

New York “HERO” Act Amendments

June 4, 2021

Key Reopening Issues & Considerations for Massachusetts Employers

May 18, 2021

Things You Need to Know About Returning to Work Now That COVID is Receding

Boston Globe

May 17, 2021

New York Codifies Workplace Standards Designed to Reduce the Spread of Airborne Infectious Diseases

May 14, 2021

Excellence in the Law: Up & Comer Honoree Profile - Carla Reeves

Massachusetts Lawyers Weekly

May 12, 2021

Can Companies Require Employees to Get The COVID-19 Vaccine? Employment Lawyers Respond

WCVB News

March 25, 2021

When a Stick Tastes Like a Carrot - Post-Employment Payouts for College Coaches

February 16, 2021

Who can be Liable for Violation of the NYC Anti-Discrimination Laws? An Update

December 31, 2020

When Should I Hire an Internal Investigator?

Super Lawyers

December 30, 2020

PPP2, Real Estate, and Tax Highlights of Year-end COVID-Relief Act (The Consolidated Appropriations Act, 2021)

November 4, 2020

PFML is Coming – Are Your Policies Ready?

September 8, 2020

Classes Resuming Have Ripple Effect on Businesses and Working Parents

August 11, 2020

Is Your Employer Legally Allowed to Ask Where You're Traveling, Health Questions?

WCVB Channel 5 News

July 13, 2020

Trust and Culture in the Changing Workplace

Crain's New York Business

June 4, 2020

PPP Update - Paycheck Protection Flexibility Act

June 1, 2020

Employer Beware: Avoiding Fraudulent Unemployment Claims

May 18, 2020

Principles for a Successful Return to the Workplace

May 18, 2020

Model Screening Questionnaire

May 5, 2020

COVID-19 Safety Checklist for Reopening Your Workplace

April 10, 2020

Fed Loan Program Hits Main Street

April 7, 2020

UPDATED: Summary COVID-19: Paycheck Protection Program (PPP)

April 6, 2020

Protecting Multi-Tenant Residential Maintenance Employees from COVID-19

April 3, 2020

Federal and Selected State Tax Updates in Response to Coronavirus (COVID-19)

April 3, 2020

SBA Paycheck Protection Program: Loan Documents Available

March 31, 2020

FFCRA Leave Entitlements – Informal Guidance Released

March 30, 2020

No, Insurance is Not the Solution to the Problem

March 26, 2020

Summary of CARES Act

March 20, 2020

Federal Law Provides Paid Leave for COVID-19

March 16, 2020

Managing your Workforce in Unprecedented Times

March 13, 2020

Coronavirus and Employee Travel

October 21, 2019

How to ensure your company culture is as healthy as it looks

Crain's New York Business

February 15, 2019

Breaking Down the New Massachusetts Noncompete Rules for Employees

August 16, 2018

Five Steps You Can Take Starting Today to Get Ready for New Noncompete Legislation

Our Clients

Public and privately held companies, non-profit institutions, and professional service providers, such as law firms and physician groups, all rely on our employment law services.

Our clients are involved in many industries and enterprises, including , education, health care, pharmaceuticals, financial services, manufacturing, retail, restaurants, hospitality, recreation, media, auto sales and distribution, energy, technology, aerospace and defense, as well as all kinds of real estate development, management and construction.

Representative Matters

Non-Profit Organizations Employment Matters

Representation of non-profit organizations regarding employment practices, including employee discipline and termination, employment policies, and investigation and resolutions of employee misconduct, and representation regarding senior executive matters including employment agreements, 409A deferred compensation, severance agreements, split-dollar life insurance arrangements, reasonableness standards and safe harbors to comply with the intermediate sanction rules, employee benefits and executive compensation matters, including the creation of deferred and incentive compensation programs for the executives and overseeing compliance matters for such programs under ERISA and the Tax Code.

Financial Services Holding Company Employment Matters

Representation of a large financial services holding company in its employment matters, including in connection with acquisitions and related challenges (restrictive covenants and employment agreement).

General Representation of Privately Held Businesses In Massachusetts

General representation of one of the largest privately held businesses in the Commonwealth of Massachusetts – including day to day advice, annual training of more than 2,500 employees, handbook development, representation in wage and hour audits and all manner of employment litigation.

Non-Profit Organization Employment Negotiations and Plans

Advising non-profit organizations in connection with the full range of employment negotiations and plans.

Benefit Plan Strategy and Implementation

Provides legal guidance for benefit plan strategy and implementation.

Compliance Under Federal Laws

Provides guidance to clients on compliance under federal laws such as ERISA, COBRA, HIPAA, FMLA and the tax code (including Section 409A).

Employee Benefit Plan Design and Compliance

Represents clients in all areas of employee benefit plan and equal employment communications.

Employee Benefits Training

Conducts employee benefits training for legal and non-legal audiences.

Employee Communications Materials

Reviews and revises employee communications materials.

Employment Negotiations and Plans for Non-Profit Organizations

Advises non-profit organizations in connection with the full range of employment negotiations and plans.

Executive Compensation

Designs and drafts executive compensation employee benefit plans.

Merger & Acquisition Review and Analysis

Performs due diligence review and analysis on compensation, benefits, and employment issues for mergers and acquisitions.

Defense of Automobile Dealerships in Wage and Hour Class Action

Representation of automobile dealerships in defense of multiple class actions alleging widespread violations of wage and hour laws, which involve novel claims under Massachusetts law.

Discrimination and Harassment Prevention Trainings

Conducts internal workplace trainings on strategies for identifying, preventing, and responding to discrimination and harassment, and other workplace misconduct.

Government and Internal Investigations

Represents clients in government and internal investigations involving workplace safety and health and environmental laws, and state and federal false claims act matters.

Automobile Dealership Outside Employment and Human Resource Legal Counsel

Acting as outside employment and human resources legal counsel to the largest privately-owned group of automobile dealerships in Massachusetts. Conduct annual training and defend the dealerships in connection with harassment and discrimination claims and class actions alleging widespread violations of the wage and hour laws.

Commercial Real Estate Service Company Day to Day Employment Issues

Representation of the largest full-service commercial real estate services company in New England and advise the client with respect to day to day employment issues, including workplace trainings, employee offer letters, employee handbooks, employee medical leaves, discipline and separations. Successfully defended the client in connection with wage and hour litigation asserted by commissioned employees. Currently defending the client in connection with a minimum wage and overtime/joint employer claim brought by a former employee.

Companies Entering US from Canada, UK and Europe New Employment Policies, Draft Employment Agreements , Offer Letters and Employee Manuals

Regularly handle the employment work for companies entering the US from Canada, the UK and Europe, ranging from retailers to consulting firms to pharmaceutical companies. Help clients to craft all of the new employment policies, draft employment agreements and offer letters as well as create the employee manuals for all of the companies' U.S. employees. Still provide ongoing employment advice following U.S. launch.

Multiple Pharmaceutical Companies Daily Employment Issues

Representation of multiple pharmaceutical companies in connection with a range of daily employment issues. Recent work includes employment training, wage and hour matters, decision classifications and restrictive covenants.

Nonprofit Organizations Daily Employment Counsel Needs

Representation of multiple nonprofit organizations in connection with a range of daily employment counsel needs. Day to day advice and strategy related to the classification, hiring, discipline and firing of employees, including related rights & responsibilities, employee leave including those related to medical conditions, employee handbooks, internal investigations and day-to-day operational issues. Represent organizations before regulatory agencies including the Massachusetts Commission Against Discrimination, Division of Unemployment and Division of Industrial Affairs. Education and strategy related to all new employment laws.

Private Equity Company Multi-State Employment Needs

Advising a Boston-based private equity company in connection with its multi-state employment needs. Recent activity includes annual workplace trainings, multi-state employee handbook review/revisions, advice in connection with workplace investigations and employee separations. Defense of the company in connection with wage-based contract litigation arising out of the sale of a portfolio company. Have also handled litigation for a portfolio company arising out of a breach of restrictive covenants by a former partner/employee. Routinely advise the client in connection with employee diligence and employee transition issues related to various acquisitions and dispositions.

Publicly-Traded Asset Management Company Outside Counsel

Representation of a publicly-traded asset management company that owns and operates multiple boutiques across the United States. Serve as go-to outside counsel, working with General Counsel for over a decade. Strategize with the client and its affiliates on the best ways to acquire new talent, retain top talent, hire new employees and transition employees out of the company. Additionally draft and revise employment agreements throughout all phases of employment.

Class Action Alleging Violations of State Wage and Overtime Laws

Secured summary judgment for a national real estate investment and management company, which resulted in the dismissal of all claims in a class action alleging violations of state wage and overtime laws.

Defense of Massachusetts' Class Action Wage and Hour Litigation

Handled defense of Massachusetts' class action wage and hour litigation.

Our Experience

The Goulston & Storrs Employment Group counsels clients regarding a wide range of employment matters. We keep clients well-informed of the rapid changes within this heavily regulated area and work closely with them to develop strategies that can improve workplace culture and minimize potential liability.

Our team assists clients in the areas of:

- Day to day employment advice

- Compliance with state and federal laws against discrimination, including Title VII, the ADA, the ADEA, and the FMLA
- Compliance with state and federal laws governing wage and hour matters, including the myriad of federal regulations under the FLSA
- Drafting and review of employee benefit plans, including cafeteria, disability, ERISA, health, insurance and qualified retirement plans
- Drafting and review of employee manuals and handbooks
- Employment training, ranging from cooperatively developed day-long trainings for key employees to individual sessions for problem employees to company-wide antidiscrimination training
- Drafting and review of executive compensation agreements including deferred compensation
- Review and counsel related to mergers & acquisitions
- Counseling and drafting related to restrictive covenants (from the perspective of both former and prospective employers)
- Counseling pertinent to employee terminations or large-scale reductions in force, including severance programs, agreements and compliance with the WARN statute
- Review and counsel related to stock option plans, including phantom stock arrangements, qualified and nonqualified and restricted stock appreciation rights
- Reviewing insurance policies and helping to procure necessary coverage provisions

We also conduct investigations of alleged or suspected employment law violations, enabling our clients to make assessments of potential exposure and to adopt appropriate policies and practices to deter any potential future misconduct.

In addition to providing our clients with the foregoing services, our firm provides trial advocacy related to a wide array of employment-related claims and disputes. See our "Employment Litigation" page in the Litigation section of this website for more information.

Executive Compensation Services

With the support of our outstanding Tax Group, we represent employers in the commercial and non-profit sectors, helping them create effective compensation plans to motivate key players in all types of enterprises. Our lawyers advise clients regarding the federal, state and local income tax consequences of various types of compensation arrangements, ranging from nonqualified deferred compensation arrangements, including rabbi trusts and secular trusts, to complex equity incentive arrangements for participants in partnerships and limited liability companies.

Our tax advisors also provide advice with respect to compensation arrangements involving corporate stock, including nonqualified and qualified stock option plans, restricted stock plans,

phantom stock and stock appreciation rights, keeping in mind the business, tax and financial reporting consequences of varying forms of executive compensation.

Consistent with the transactional focus of our Tax group, our lawyers often draft the necessary documentation to implement these compensation arrangements and employment agreements that provide for these incentives.

ERISA/Employee Benefits Services

Members of our Employment Group often work closely with members of our Tax Group in creating, designing, drafting and reviewing benefit plans and arrangements, including plan documents, summary plan descriptions, and employee handbooks. We advise clients with respect to cafeteria plans including dependent care, flexible benefits and premium payment plans.

Our service teams also provide advice regarding employee benefit issues in the context of corporate mergers and acquisitions, and perform due diligence and COBRA compliance work in connection with corporate transactions and employer liquidations. We also provide legal advice to large 401(k) plans in the process of termination, often where the sponsor is in bankruptcy liquidation.

In crafting and implementing any compensation and benefits plan, we always try to find the simplest and most cost-effective solution that works best for a client, taking into account the inherent complexities of ERISA and employee benefits regulations. Our goal is to simplify the complex while explaining the costs and benefits of different alternatives in a user-friendly manner.

Our Service Difference

Many of our core employment law clients have been with us for 15 years or more, reflecting our collective dedication to superior client service. We respond promptly to client inquiries and deliver advice in a prompt and efficient manner. That starts with choosing the right staff and employing the right tools and technology to handle each matter and to service each client optimally.

Employment matters transcend the law because they impact the day to day functioning of our client's businesses. We work together with our clients to shape responses that preserve and enhance corporate culture while avoiding liability.

This full-service approach to employment matters involves complete attention to all of the client's related needs, meaning that we provide proactive advice, preventive counseling and suggestions based on the lessons we learn defending cases, as well as introductions to other helpful professionals who may be able to help mitigate inevitable risks and losses.

Utilizing our deep experience, we also provide value to clients through early case assessments, which help to identify potential opportunities for quick and creative resolutions. We know that clients are not always looking to vanquish opponents, especially if they are frequent antagonists or sometimes collaborators. In all situations, we hold to the highest standards of professional integrity and conduct.

We understand and appreciate that a client is entrusting us with very significant issues. We take this responsibility very seriously and we return that trust with our most serious professional efforts.