



Public Sector Labor

Lippes Mathias is uniquely positioned to provide experienced legal representation to public sector labor unions and to help guide unions through the ever-changing labor relations landscape. We know that productive labor relations can be accomplished through a wide range of union and legal strategies. This knowledge comes from decades of experience in providing full-service legal representation to various labor unions, both large and small, throughout the State of New York. Our experience includes providing counsel to labor unions in the following areas:

Governmental Relations Representation

Unions and their members have critical needs that often require interfacing with the legislative and executive branches of state government to achieve a positive resolution. Our extensive experience working with members of the Legislature from “both sides of the aisle” and the Governor’s office ensures that our clients become part of the legislative and regulatory processes in a meaningful and productive manner. Our unparalleled expertise in analyzing and drafting legislation not only provides our clients with a thorough understanding of the impact of potential legislation/regulations, but also affords them the opportunity to have legislation crafted and tailored to meet their specific needs. Working with our clients, we have successfully drafted legislation, guided those proposals through the complex legislative process, and worked with the Governor’s office to achieve a chapter message. Likewise, our knowledge and understanding of the legislative process in New York, coupled with our zealous advocacy before the Legislature and Governor’s office, has helped to prevent the enactment of legislation significantly adverse to the positions of our clients.

Policy Guidance

The constant implementation of new laws and regulations governing public employers and working conditions, together with interpretative case law, requires adept and comprehensive guidance to ensure that employee rights, new and old, are maintained and to be able to devise a plan to adapt to and thrive after every change that comes.

Litigation

Notwithstanding the administrative remedies available under collective bargaining agreements, the court system is an available forum for unions to directly address violations of state laws, rules, and regulations. Our attorneys

TEAM LEADER



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have been responsible for successfully litigating cases that brought about sweeping and favorable changes and protections for public sector employees. Our attorneys also monitor key developing cases in various jurisdictions that may impact our clients and, if prudent, file persuasive amicus briefs in court on behalf of our clients.

Governmental Investigations

It is unfortunate, but sometimes the state or federal government launches an investigation that requires union action and compliance. We are here to guide unions through the strenuous legal demands and challenges brought on by such investigations.

Certification/Decertification Proceedings before the New York State Public Employment Relations Board

On occasion, union members realize their current union representation does not best fit their unique needs. In certain circumstances, the best course of action may be for those union members within certain titles to petition PERB to recognize a new bargaining unit. Our attorneys have advanced experience in petitioning PERB to certify/decertify various civil service titles to allow them to seek/provide more tailored union representation for themselves.

Collective Bargaining/Contract Negotiations

The single most important document for any union is its collective bargaining agreement. Negotiating an agreement requires a comprehensive understanding of the union and its members' needs. We provide the knowledge, experience, and the services necessary for a union to be able to negotiate the strongest collective bargaining agreement possible.

Contract Enforcement

The terms of the collective bargaining agreement must be fairly and uniformly enforced to ensure that harmonious labor relations conditions can exist. Our attorneys have long helped unions hold the employer accountable for violations of those terms, from initial grievance filing up through binding arbitration.

Labor Relations

Union members' problems and concerns do not always exclusively fall within the confines of the collective bargaining agreement or state law, rule, or regulation. Many of those problems and concerns can be addressed through a phone call to the right agent of the employer or through a carefully tailored memorandum of agreement. Either way, our attorneys have built their careers on solving union members' problems through strong labor relations and through the understanding that communicating with the employer sometimes places union members in the best position to solve their problems.

Improper Practice Charges

The Taylor Law provides an additional layer of protection for public employees to be free from retaliation and interference by the employer. It also protects unions when the employer makes a unilateral change to mandatory subjects of negotiations. Our office has myriad experience protecting employee rights by enforcing them through improper practice charges and hearings before the New York State Public Employment Relations Board.

Employee Interrogations/Discipline

Employee jobs are on the line. Employees facing interrogations or discipline by their employer present a union with various issues to account for and balance. Some employees choose to settle, while others choose to pursue their defense at a disciplinary hearing. In either scenario, our attorneys dedicate extensive time and attention to providing the best legal services possible to meet each member's disciplinary needs.

Safety and Health Compliance

Public employees should feel safe while at work. When conditions at work make employees feel unsafe, our

office can guide a union through the process necessary to fix that unsafe working condition by communicating with and filing complaints with the New York State Department of Labor.

Defense against Duty of Fair Representation actions

Our attorneys take allegations against unions very seriously. Just as we bring actions before PERB on behalf of unions seeking to remedy unlawful employer action, we also appear on behalf of unions who face allegations by members that they breached their duty of fair representation.

Disability Retirement/Employee Health Services

Employees get hurt at work and in the line of duty. It is an unfortunate reality. The fact of the matter is that the injury is only the beginning for those employees. While employees are focused on healing, they can rest assured knowing that our team of attorneys provides the legal services necessary to ensure that their right to go back to work is protected. Alternatively, if it is clear that the employee cannot return to work, we pursue disability retirement benefits for those who are eligible.