



Hollis Gonerka Bart LLP
646-398-0066 | 518-771-3031

EMPLOYER-SIDE ADVICE – *Assisting companies, family offices and individual employers in deploying best practices for hiring and managing employees, contractors and domestic staff, and in managing risk, reputation, and the process of letting personnel go.*

New Hires, Hired Smart

The Firm works with clients to ensure that practices used to search for and interview prospective recruits are well-documented and non-discriminatory. When onboarding new talent, the Firm helps clients

- ~ conduct background checks with the requisite disclosure and consent
- ~ assess the potential for the assertion of restrictive covenant violations and other claims
- ~ determine whether the recruit should be hired as an exempt or non-exempt employee, and whether an independent contractor arrangement would be lawful.

Developing Cohesive, Comprehensive Contracts, Policies and Procedures

The Firm also works closely with clients to develop a cohesive, comprehensive set of documents, policies and procedures that are tailored to the client's specific needs and the position being filled, such as:

- ~ Sophisticated employment documentation for "C-Suite" executives, including employment, restrictive covenant and retention agreements, equity grants, long-term incentive and deferred compensation plans, phantom ownership interests and carried interests, and retirement benefits
- ~ Offer letters for "at will" employees
- ~ Confidentiality, non-solicitation and non-competition agreements for employees and contractors designed to protect trade secrets, intellectual property, customer details and other proprietary assets; and to withstand enforceability challenges
- ~ Commission plans and policies
- ~ Employee handbooks, policies and manuals that are tailored to an employer's specific business needs, including policies and procedures designed to comply with statutes and regulations regarding
 - Exempt/non-exempt classification, overtime and other wage-related policies
 - Social media and internet usage
 - Whistleblower and anti-retaliation policies
 - Record retention and destruction policies
- ~ Proper classification of personnel as employees vs. contractors
- ~ Independent contractor, finder's fee and strategic alliance agreements



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Managing the Work Force to Incentivize and Reduce Risk

The Firm provides advice and counsel to clients and human resources personnel to help them manage work forces issues, as they arise, such as:

~ Development and implementation of compensation schemes designed to incentivize personnel to achieve company/family office/organizational objectives

~ Assisting clients in conducting investigations of complaints of discriminatory conduct, harassment, retaliations, or other personnel behavior which impacts an organization

~ Management and employee preventative training sessions on discrimination in the workplace

Well-Planned Terminations Designed to Manage the Risk of Letting Personnel Go and Defending Post-Termination Claims

When an employment or contractor relationship needs to end, the Firm works with clients to document and conduct well-planned termination meetings in order to maximize enforcement of post-termination restraints, manage risk, and discourage the assertion of discrimination and other post-termination claims.

Where an amicable departure is not possible, the Firm has an established track record for the successful defense of race, gender, sexual orientation, national origin, age and religious discrimination claims, as well as claims brought under the Family Medical Leave Act, Americans with Disabilities Act, whistleblower provisions, and overtime and other wage-related claims.

International in Scope

For employers with an international reach and cross-border considerations, the Firm can tap into its established, international network of experienced employment counsel to prepare employment and contractor documentation that is consistent across jurisdictions, yet compliant with local laws; and assist with termination strategies, which are mindful of the implications of foreign laws on international hires.

Domestic Workers

Many of the Firm's clientele rely on chauffeurs, drivers, butlers, chefs, nannies, housekeepers, personal care attendants, and other domestic workers or companions to help run their personal lives. But these relationships differ from corporate employees and contractors because they are personal in nature, and afford such workers with access to the homes, private lives, and often highly sensitive personal and family information of clients. There also are unique and highly technical laws which apply to the proper classification and documentation of, and calculation of hourly and overtime wages due to, domestic workers. As such, the Firm has developed specialized policies, procedures and protocols to assist clients in complying with the complexities of hiring and managing domestic workers to ensure that they are properly classified, hired and paid, and client's personal information is kept private.

Maintaining the Privacy and Reputations of High Profile Clients

For clients whose profile demands privacy, the Firm has developed protocols, policies and confidentiality restraints for employees, contractors, event vendors and domestic staff that are tailored to protect high profile employers, celebrities, and family offices, their businesses and their families against unauthorized



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disclosure of details regarding confidential business and personal information. The Firm is adept in the swift, incisive deployment of strategies designed to manage reputations and rights of privacy, including the successful take-down of offending webpages, news articles and social media blogs.