

## Labor and Employment Law

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### Employment Law

We believe we have a unique mixture of general experience and specific expertise which provides a number of advantages to our clients. We are large enough to provide necessary representation and advice in the event of an emergency, but small enough so that clients know that they are each important and that their problems will not be lost in the bureaucracy found in larger law firms.

Attorneys in the Employment Law group devote their time to the representation of public and private sector employers in connection with problems associated with the employer-employee relationship. Their work involves substantial contact with numerous governmental agencies, including the Michigan Employment Relations Commission, the Teacher Tenure Commission, the Michigan Department of Civil Rights, the Department of Labor, the National Labor Relations Board, the Equal Employment Opportunity Commission and the Bureau of Worker's Disability Compensation.

In coordination with our Litigation group, our attorneys engage in a considerable amount of trial work, both in administrative settings and in state and federal courts. This work includes the defense of clients against unfair labor practice charges, grievance arbitration proceedings, wrongful termination and employment discrimination lawsuits.

As part of their representation of clients, attorneys in the Employment Law group play an active role in the negotiation of many collective bargaining agreements and in the formal and informal resolution of employee disputes. They negotiate more than two dozen labor contracts in an average year and frequently represent employers in grievance arbitration cases concerning employee discipline and discharge as well as issues of contract interpretation. In addition, they routinely handle union representation, decertification and deauthorization elections.

Other members of the firm devote much of their time to tax, ERISA and pension law issues which often interrelate with the labor problems which clients face.



**GIARMARCO, MULLINS & HORTON, P.C.**

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**GMH**  
ATTORNEYS AND COUNSELORS AT LAW

# Labor and Employment Law

## Labor and Employment Law

GMH represents both public and private sector employers in connection with problems associated with the employer-employee relationship. This work involves substantial contact with numerous governmental agencies, including the Michigan Employment Relations Commission, Michigan Department of Civil Rights, Department of Labor, Teacher Tenure Commission, Equal Employment Opportunity Commission and the Bureau of Workers' Disability Compensation. In addition, our attorneys are involved extensively in arbitration matters on behalf of municipal clients and defending them in discrimination matters under both State and Federal law. These attorneys engage in a considerable amount of trial work, in both administrative settings and in State and Federal courts. Our role often places us in negotiations of many collective bargaining agreements and compulsory arbitration involving those collective bargaining agreements on behalf of municipal clients. GMH is actively representing the following communities in labor law matters:

**Charter Township of Brownstown:** We are handling all aspects of the Township's labor relations matters, including but not limited to, Act 312 arbitrations, grievance arbitrations, contract negotiations, labor litigation, as well as general litigation matters. In addition, we are handling civil rights complaints through either the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission, fact-finding matters, mediation as conducted through the Michigan Employment Relations Commission, unfair labor practice charge hearings. In addition, we have been substantially involved in preparing employment contracts for department heads and top administrators.

**City of Taylor:** We are handling all aspects of the City's labor relations matters, including but not limited to, Act 312 arbitrations, grievance arbitrations, contract negotiations, labor litigation, as well as general litigation matters. In addition, we are handling civil rights complaints through either the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission, fact-finding matters, mediation as conducted through the Michigan Employment Relations Commission, unfair labor practice charge hearings. In addition, we have been substantially involved in preparing employment contracts for department heads and top administrators.

**Charter Township of Van Buren:** We are handling certain aspects of the Township's labor relations matters, including but not limited to, grievance arbitrations and contract negotiations. In addition, we are handling civil rights complaints through either the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission.

## GMH Labor and Employment Law Attorneys

**Andrew T. Baran** *Board of Directors, Chair, Employment and Labor Section*

Mr. Baran concentrates his practice in matters relating to employment and commercial disputes, including cases involving breach of contract, discrimination, harassment, wrongful discharge, and agreements restricting competition. He has a broad experience as a counselor and advisor to employers across the Midwest, and provides proactive assistance in avoiding disputes and legal exposure while achieving the employer's desired objectives. Mr. Baran has negotiated many executive employment agreements.

**William L. Hooth** *Labor and Employment*

Mr. Hooth concentrates his practice in the areas of labor and employment law. His practice includes all aspects of labor and employment law including NLRB proceedings, civil rights and wrongful discharge litigation, contract negotiations, arbitration, and union election campaigns. He represents employers in both the private and public sectors.

**Thomas Barlow** *Labor and Employment*

Mr. Barlow has over 30 years of experience representing management in virtually all aspects of employment and labor law. His experience in traditional labor law includes negotiation and administration of collective bargaining agreements, as well as litigation of employment cases. He defends allegations of discrimination and harassment, wrongful dismissal, and retaliation. Mr. Barlow counsels employers on maintaining a union free workplace, as well as the prevention of labor disputes.

**John C. Clark** *Co-Chair, Labor and Employment Law Section*

Mr. Clark concentrates his practice in the areas of labor and employment law, servicing clients in both the public and private sector. He has been a member of the firm since 1995. In addition, he is a certified employment arbitrator through the American Arbitration Association overseeing complicated employment matters litigated by both public and private sector claimants.

**Kenneth B. Chapie** *Labor and Employment*

Mr. Chapie practices in the area of general litigation with a focus on municipal law and business and liability claims. He has successfully represented clients at all levels of the litigation process including trial and appeals. He has represented municipalities and school districts through their insurance carriers on a wide range of issues including employment disputes, discrimination claims, civil rights actions, education law matters, police liability claims, workers' compensation and general liability claims.

**John L. Miller** *Labor and Employment*

Mr. Miller is an associate in the firm's Litigation Group. He received the highest Bar Exam Score in the State of Michigan, July 2008. He graduated summa cum laude from Michigan State University College of Law. While in law school, he received National Jurisprudence Awards in Criminal Law, Evidence, Professional Responsibility, Securities Litigation, and Research, Writing, and Advocacy.

## Experts in Related Fields

**Timothy J. Mullins** *Board of Directors, Chair, Litigation, Schools and Education*

Mr. Mullins has been successfully representing Michigan public school districts for more than 30 years. Mr. Mullin's representation of public school districts includes: employment discrimination, constitutional litigation, general education, special education, personal injury, serious school bus accidents, workers' compensation and more.

**Daniel J. Kelly** *Board of Directors, Chair, Municipal and Government Law Section*

Mr. Kelly concentrates his practice in the areas of municipal and school law. He has successfully defended numerous municipalities, school districts, police agencies, police officers, employers, and insurers at all levels of the litigation process in front of the state, federal, and appellate courts. With his extensive trial experience, Mr. Kelly has been asked to serve as a court-appointed mediator and lecturer on numerous issues involving governmental entities, risk management, and liability exposure.

**Marsha M. Woods** *Workers' Compensation*

Ms. Woods has extensive experience in the governmental and regulatory field, having served as an Assistant Attorney General for the State of Michigan, as a member of the Workers Compensation Appeal Board and as an Administrative Law Judge for the Bureau of Workers Disability Compensation. Ms. Woods concentrates her practice in the area of workers' compensation matters. She handles negotiations, trials and appeals regarding work related employment injuries and has been a speaker for various professional organizations. Included among her clients are insurance carriers, self-insured employers, and third-party administrators.

**Stephen L. Hitchcock** *Municipal*

Mr. Hitchcock concentrates in the areas of municipal law litigation, employee benefits, and business transactions. He has extensive experience in municipal matters over the past 26 years, handling municipal government and school board issues. He also represents a number of insurance companies in litigation defense, fringe benefits, disability and other employment related litigation.

**Adam Levitsky** *Workers' Compensation*

Mr. Levitsky concentrates his practice in the areas of workers' compensation defense, subrogation, municipal law, general civil liability and criminal defense. He has successfully defended employers, their insurance companies, self-insureds and third-party administrators at all levels of the workers' compensation process. He has extensive trial and appellate court experience in Michigan state and federal courts.

**J. Travis Mihelick** *Litigation, Municipal, Employment and Labor*

Mr. Mihelick has practiced in general criminal and civil litigation, concentrating his practice in the areas of municipal litigation and labor & employment law. He also has civil litigation experience in civil rights litigation, whistleblower claims, discrimination, negligence, workers' compensation and wrongful death cases.

**Charter Township of Redford:** We are handling all aspects of the Township's labor relations matters, including but not limited to, Act 312 arbitrations, grievance arbitrations, contract negotiations, labor litigation, as well as general litigation matters. In addition, we are handling civil rights complaints through either the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission, fact-finding matters, mediation as conducted through the Michigan Employment Relations Commission, unfair labor practice charge hearings. In addition, we have been substantially involved in preparing employment contracts for department heads and top administrators. City of Ecorse: We are handling certain aspects of the City's labor relations matters, including but not limited to, Act 312 arbitrations, grievance arbitrations, contract negotiations, labor litigation, as well as general litigation matters. In addition, we have handled civil rights complaints through either the Michigan Department of Civil Rights or the Equal Employment Opportunity Commission, fact-finding matters, mediation as conducted through the Michigan Employment Relations Commission, unfair labor practice charge hearings.

**City of Hamtramck:** We have handled Act 312 arbitrations involving the Police and Fire Departments, grievance arbitration with past practice issues, pension issues, disciplinary issues, policy and procedure issues and fair labor practice issues.

We also have provided services for labor negotiations for the City of Flint and Hazel Park and we currently provide labor services for the Charter Township of Canton.

Some of our other municipalities also, from time to time, have human resource issues that we are called upon to provide advice. In addition, we have provided legal services to the following communities: Cities of Belleville, Trenton, Southgate, Montrose, Port Huron, Ferndale, Hazel Park, Grosse Pointe, St. Clair Shores and Sterling Heights.

Other types of offerings include:

- Motion practice
- Mediation/facilitation hearings
- Redemption hearings
- Workers' Compensation Appellate Commission appeals
- Appeals to the Michigan Court of Appeals and Michigan Supreme Court
- Provider disputes
- Collections