

## Labor & Employment

### ATTORNEYS

- Anita Montaner-Sevillano (Chair)
- Miguel Rivera-Arce (Vice-Chair)
- James D. Noël
- Reinaldo L. Figueroa-Matos
- Rica López de Alós
- Iraida Díez
- Héctor M. Laffitte
- Miguel Palou-Sabater
- Guillermo Figueroa-Navarro
- Natalia Marín-Catalá
- Irene Mass-García
- Ismael A. Molina-Villarino

### AREAS OF CONCENTRATION

- Immigration
- Labor Litigation
- Labor Relations
- Retail
- Wage & Hour Regulation
- Welfare Benefits & ERISA

### RELATED PRACTICE AREAS

- Employee Benefits
- Health Care
- Hospitality
- Mergers & Acquisitions

Since McConnell Valdés was founded over 75 years ago ours has been one of Puerto Rico's leading Labor & Employment Practice groups in Puerto Rico. And, when it comes to problem-solving, we are second to none in Puerto Rico, achieving winning outcomes – and setting precedents -- in both federal and local courts on behalf of our clients, who praise our team for its responsive and knowledgeable handling of complex, high profile labor-related cases and disputes.

Our attorneys are recognized and respected leaders in the field, distinguishing themselves by successfully representing management in major union movement employer campaigns and elections, as well as in discrimination, wrongful discharge and multiple party claims. We have championed court decisions that have impacted case law in age, gender, and disability discrimination, as well as sexual harassment and workers' compensation.

While we are exceptionally experienced in handling matters involving wage and hour litigation, discrimination litigation, and labor-management relations, we also provide preventive legal counseling, so clients can take steps to avoid unnecessary workplace conflicts. We also have a sub-specialized team which deals with mergers & acquisitions. These attorneys draft and negotiate employment-related provisions tailored to Puerto Rico's legal framework and transfer of employees' requirements to help structure and successfully close these sophisticated and complex transactions.

Above all, we enjoy close relationships with our clients, who view us as trusted members of their teams who not only understand labor issues but also have a profound understanding of their companies' workplace requirements. We actively advise our clients on every facet of their businesses – from drafting personnel policies to engaging in complex collective bargaining, while our day-to-day guidance encompasses everything from compliance to prevention. By calling on colleagues in our Employee Benefits group, we are able to offer clients truly comprehensive counsel covering all aspects of their employer-employee relationships.

We successfully:

- Defend employers in class action and multiparty employment cases, including discrimination, wage and hour violations, and ERISA violations, as well as complex whistle-blowers' protection, sexual harassment, retaliation,

defamation, and libel and slander cases.

- Handle first impression cases regarding the definition of a disabled person, the employer's duty to accommodate an employee with a disability, and the workers' compensation employment leave and right to reinstatement.
- Counsel on serious wage and hour challenges to the meal-period reduction and compensable time for donning and doffing.
- Handle claims-free reductions in force and plant closings.
- Negotiate high profile collective bargaining agreements.
- Advise on strike administration and injunction relief to protect management rights.
- Maintain an excellent approvals rate before the U.S. Citizenship and Immigration Services.
- Handle merger & acquisitions labor-related issues

In every engagement, our clients benefit from the knowledge and experience of our credentialed attorneys, some of whom are ranked as Leading Lawyers by *Chambers and Partners* Latin America and Global Guides and ranked among *The Best Lawyers in Puerto Rico*. One of the ways we serve our clients is by keeping them informed about developments and legislation that may affect their businesses - to this end, we lead regular seminars and round table discussions. Accomplished thought leaders, our attorneys also regularly speak, lecture and write on various labor and employment related topics.

We provide our clients with outstanding counsel on:

### **Immigration**

Helping new and existing businesses and individual entrepreneurs obtain the visas they need to establish a presence in Puerto Rico. [Read more...](#)

### **Labor Litigation**

Offering clients strategic, preventive counsel that helps them minimize - and avoid - the risk of litigation. [Read more...](#)

### **Labor Relations**

Experienced in all aspects of management and union relations, we regularly represent public and private companies in these evolving relationships. [Read More...](#)

### **Wage & Hour Regulation**

When wage and hour disputes are unavoidable, our experienced litigators advocate forcefully and persuasively on behalf of our clients. [Read More...](#)

### **Welfare Benefits & ERISA**

Counseling employers and plan administrators on issues concerning their sponsored benefits plans. [Read more...](#)

### **REPRESENTATIVE CLIENTS & MATTERS**

- Successfully defending a hotel client in a wages and hours lawsuit originally filed by 631 hotel tipped employees alleging owed salaries related to tips/ service charges income that was not included in calculations of their overtime wages, sick and vacation benefits. After many years of litigation entailing numerous legal controversies and reviews up to the Puerto Rico Supreme Court; and as a result of dispositive motions that were granted throughout the case on behalf of the client, only 56 claimants remained active in the case. Their claims were settled for a nuisance value (5% of the potential liability exposure).
- Advising a global pharmaceutical company on the USD \$4.2 billion divestiture of its orthodox-clinical diagnostics business with 40 operations in 45 countries and sales in more than \$100 million dollars.
- Representing a client in a \$650 million dollar civil action involving claims of age discrimination, wrongful termination and unpaid salaries. This case involved numerous and complex e-discovery issues during discovery and at the trial. Our client prevailed in all the e-discovery disputes and subsequently the Court issued a judgment for the Company.
- Negotiating three collective bargaining agreements for our client with two separate labor unions in record time and with high cost-effectiveness: two of the agreements were concluded in only two meetings each, and the third agreement in 50 minutes.
- Negotiating two collective bargaining agreements in only eight negotiation sessions, which is a record for this client and Union. Through the negotiations, we were able to avoid a strike and obtain a reduction in force, a complete overhaul of job classifications, and the elimination of long-standing contractually acquired benefits, among others.
- Providing counsel in all employment law matters related to a corporate and operational restructure a business. Legal advice included analysis of

operational units, order of retention for a reduction in force of approximately 135 employees and the closing of an operational unit, revision of separation agreements, preparation of employee and government notifications under WARN, revision of announcements, frequently asked questions and presentations, revision of labor & employment provisions in the purchase agreement, advice on successor employer issues and related aspects, as well as interaction with regulatory and corporate counsel.