

## HEALTHCARE LABOR & EMPLOYMENT AND IMMIGRATION



Husch Blackwell is committed to helping healthcare organizations manage employees in a way that minimizes risk while ensuring high-quality care for patients. Our team guides organizations through every phase of the employment process, from job application to termination and everything in between.

Our attorneys are well versed on state and federal wage and hour rules, compliance checks by the Office of Federal Contract Compliance Programs (OFCCP), Form I-9 documentation, and other issues that healthcare employers encounter every day.

### Human resources counseling

Our team functions as an extension of our clients' human resources departments to help manage their workforces. We audit human resources practices, investigate employee misconduct, provide training, develop employment policies, and advise on common employee issues such as leaves of absence and compensation.

### Immigration

We help healthcare employers understand and comply with the many complex laws and regulations that govern the employment of foreign nationals. Our team also advises on immigration sponsorship, enforcement actions, and immigration due diligence in advance of mergers and acquisitions. Learn more about our full-

*Our employment law advisors at Husch Blackwell not only know the law, but they also know the healthcare industry. It is a great relationship in that we do not have to waste any time explaining healthcare concepts when we seek their advice.*

— Leigh Ann  
Harrison, Director of  
Human Resources,  
Springfield Clinic —

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service immigration team.

## Litigation and dispute resolution

We have decades of experience with alternative dispute resolution, arbitrations and courtroom litigation. Our team has successfully defended healthcare clients in alleged violations of the Fair Labor Standards Act, breach of contract claims, complex class and collective actions, discrimination matters, and whistleblower complaints.

## Traditional labor matters

Our attorneys understand the current landscape between labor unions and healthcare providers. We guide clients in developing union prevention strategies, negotiating collective bargaining agreements, avoiding strikes, and contesting unfair labor practice charges.

## Representative Experience

Advised hospitals, health systems, long-term care facilities, physician groups, and rural medical practices on routine and complex human resources issues.

Provided counsel to hospitals and other healthcare clients on state and federal wage and hour issues, including lunch breaks, travel time, flextime, and overtime.

Negotiated and drafted executive compensation agreements for hospitals, health systems, physician groups, and rural medical practices, working with outside valuation consultants to establish privilege over their work.

Counseled clients through numerous audits and compliance checks by the Office of Federal Contract Compliance Programs (OFCCP), including strategies to avoid potential affected class findings with the OFCCP and the Department of Labor.

Defended healthcare entities in OSHA enforcement actions to reduce or eliminate fines for alleged health and safety violations.

Represented healthcare clients in public policy wrongful discharge lawsuits involving alleged violations of the nursing standard of care, the Emergency Medical Treatment and Active Labor Act (EMTALA), utilization review issues, emergency services, ambulance districts, physician conduct, and other alleged regulatory violations.

Defended physician practice and its shareholders in high-stakes lawsuit filed by a former employee-shareholder after client's internal investigation established plaintiff had behaved inappropriately with female employees.

Defended hospital in False Claim Act litigation brought by former employees.

Represented a group of nursing homes and their management company in a Fair Labor Standards Act lawsuit where the plaintiffs alleged that they missed meal breaks that had been automatically deducted from their pay.

Defended a hospital system in a wage and hour overtime case where medical transcriptionists who worked from home alleged they were not paid an overtime rate for all

time worked in excess of 40 hours per week.

Defended a non-compete dispute on behalf of a nursing home management company where another healthcare institution attempted to prevent a manager from becoming employed by our client.

Designed union avoidance strategies for hospitals, including supervisor training on spotting and responding to union organizing activity and modifying personnel policies.

Represented hospital system in union organizing campaign, including related NLRB hearings.

Assisted hospitals in medically underserved areas with hiring foreign national physicians and applying on behalf of the physicians for J-1 waivers through the Conrad 30 program. Upon approval of the waiver, we secured the physician work-authorized immigration status to begin employment with the hospital at the start of the contract period.

Prepared nonimmigrant (temporary) and immigrant (permanent resident) petitions on behalf of healthcare providers for doctors, teaching nurses, lab technicians, biologists, microbiologists, other research scientists, physical therapists, occupational therapists, and other healthcare workers.

Prepared petitions for permanent residency for candidates who do not qualify for the traditional employment-based permanent residency process. We analyzed the candidates' credentials for alternative approaches such as EB-1 or

national interest waiver.

Counseled healthcare providers of all sizes on developing plans for hiring and retaining foreign national workers, including analyzing hiring policies and employment contracts.