



Resolving Onboarding Mistakes That Cause Legal Problems on Federal Contracts

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About PilieroMazza

PilieroMazza – a business law firm – serves as a strategic partner to government contractors and commercial businesses from across the United States.

We deliver results for our clients by implementing legal and business solutions that take the client's best interests into consideration. Moreover, PilieroMazza's efficient operational structure and lean approach to staffing matters translates into competitive pricing for our clients, while providing the highest standard of client service and legal acumen.

PilieroMazza is privileged to represent clients in the following areas:

- Audits & Investigations
- Business & Corporate Law
- Cybersecurity & Data Privacy
- False Claims Act
- Government Contracts Law
- Mergers & Acquisitions
- Intellectual Property & Technology Rights
- Labor & Employment Law
- Litigation & Dispute Resolution
- Native American Law
- Small Business Programs & Advisory Services
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Nichole Atallah counsels clients in a broad range of employment matters, including compliance with Title VII, ADA, ADEA, FLSA/wage and hour, FMLA, wrongful termination, and reduction in force. She advises clients in general business matters, including interpreting and drafting employee compensation and benefit arrangements, confidentiality, non-compete and non-solicitation agreements, as well as separation agreements.

Ms. Atallah has substantial experience assisting government contractors with FAR Part 22 compliance, including the Davis Bacon Act, the Service Contract Act, and Equal Employment Opportunity requirements specific to government contractors. Additionally, she has advised tribally-owned entities on unique labor and employment issues, including Native American preferences, sovereign immunity questions, and Title VII jurisdiction.

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Sarah Nash advises clients on a wide variety of labor and employment issues including the Fair Labor Standards Act, the National Labor Relations Act, Office of Federal Contract Compliance Programs regulations, anti-discrimination law, and whistleblower law. She provides employers counsel regarding terminations, non-disclosure agreements, personnel issues, wage and hour issues, and employment practices and policies. Ms. Nash has also advised tribally-owned entities on unique labor and employment issues, including Native American preferences, sovereign immunity questions, and Title VII jurisdiction.

Ms. Nash has litigated cases before federal and state courts, including representing clients at arbitration, administrative proceedings, and mediation. She has participated in litigation in a number of practice areas, including labor and employment, administrative procedure, constitutional law, trademark law, and appellate practice.

Overview

You won a contract. Congratulations! The hard work begins now.

Many investigations and lawsuits stem from improper onboarding considerations.

Identify how to spot a concern and what to do about it. This webinar will help identify a concern and what to do about it.

Be Classy: Classify

- Before you bid
- Pricing needs to talk to HR
- Exempt vs. non-exempt
- Prevailing wage
- CBAs

Don't Jump Because the Incumbent Did

- You have intel, but how should you use it?
- Employee expectations vs. reality
- Do not assume the same:
 - ✓ working conditions
 - ✓ contract terms
 - ✓ classifications
 - ✓ responsibilities
 - ✓ citizenship (e-verify)

When You're the New Kid in Town

- Tenured workforces
- Contacting incumbent employees
- Non-compete and non-solicitation agreements
- Background checks (“Ban the Box” considerations)

Dig Deep: Do Your Research

- How were incumbent employees paid?
- What benefits did employees receive?
- Are there some employees you do not want to hire or some vacancies?
- Are there employees on leave (USERRA, FMLA, etc.)?
- Do you know service dates for prevailing wage contracts?

What Have You Been Smoking?

- Drug Free Workplace Act
- Pre-employment drug testing landmines
- Some states limit pre-employment testing
- Should not drug test pre-offer

If You Don't Have Anything Nice to Say....

- Have a game plan when onboarding
- Consider talking points
- Security clearance concerns
- Considerations for unionized workforce
 - ✓ Do not disparage unions
 - ✓ Be clear about successorship and what you are offering
 - ✓ Do not refuse to bargain before you know whether you have to
 - ✓ Do not discriminate

Best and Final Offer

- Use the offer letter
- Include contingencies
- What you need from them
- WARN Act

Questions?



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