

LABOR AND EMPLOYMENT LAW PARALEGAL

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ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.

Labor and Employment is a unique area of law that encompasses many different specialties and sub-specialties. A paralegal must have extensive knowledge of the state and federal rules of civil procedures, along with knowing the practice procedures of the various federal, state and other related governmental agencies, in order to assist a Labor and Employment lawyer. The following material provides a general guideline of a paralegal's duties within the context of this specialty.

A. EMPLOYMENT LITIGATION

1. ERISA (Employee Retirement Income Security Act):
 - a. Conduct the initial review of the employees claim file.
 - b. Create detailed claim file summaries.
 - c. Assist attorney during settlement, mediation, arbitration and trial.
 - d. Draft settlement agreements.
2. EEOC (Equal Employment Opportunity Commission) and CCRD (Colorado Civil Rights Division):
 - a. Investigate discrimination claims under federal or state statutes.
 - b. Assist attorney during trial, arbitration, grievance hearings, and other formal proceedings for grievance and/or discharge.
 - c. Assist employers with drafting of proposed policies and procedures which comply with related state, federal, local or agency employment practice regulations.
3. National Relations Labor Board (NLRB)/Union Activity:

- a. Assist employers with personnel policies and practices to avoid unionization.
- b. Assist attorneys and employers with union-avoidance materials.
- c. Respond to matters under the National Labor Relations Act including responding to petitions or demands from a union.
- d. Assist attorney with unfair labor practice charges with the NLRB.
- e. Assist attorney with documents necessary to prepare for and attend NLRB trial/arbitrations.
- f. Respond to union information and NLRB requests.
- g. Assist employers with handling problems during strikes including draft strike manuals and contingency plans.

4. Common Law Statute/Tort Claims

- a. Knowledge of common law statute/tort claims.
- b. Assist attorney with wrongful discharge and employment-at-will claims.
- c. Assist attorney with contract and promissory estoppel claims.

5. Department of Labor & Employment:

- a. Assist attorney with the Unemployment Insurance/Appeals process.
- b. Assist attorney with hearing preparation, issuance of subpoenas and witness preparation.
- c. Assist attorney with wage claims regarding Colorado Wage Claim Act or Colorado Minimum Wage Act.

B. PARALEGAL'S ADDITIONAL AND CASE ADMINISTRATIVE FUNCTIONS

1. Maintain resource library with forms, bibliographies, current case law, resource materials for clients, and list of experts in the field for referrals and consultations.

2. Act as liaison between:

- a. Experts.
 - b. Benefit Coordinators.
 - c. Other professionals.
 - d. HR professionals.
 - e. Courts.
 - f. Other counsel.
 - g. Clients.
3. Knowledge of state and federal rules and regulations.
4. Case management from initial filing through trial and appeal.
5. Deposition scheduling and preparation.
6. Docketing and tracking of case dockets through Courtlink, Pacer, or by other means.
7. Prepare for and assist at trials, court mandated conferences, administrative hearings, settlement conferences, inspections, arbitrations, negotiation sessions, and internal proceedings, including:
 - a. Orchestration of tasks related to mediations, arbitrations and administrative hearings.
 - b. Prepare and maintain trial exhibits.
 - c. Coordinate the use of electronic trial presentation equipment, maintaining and tracking exhibits, scheduling witnesses.
 - d. Coordinate witness preparation and testimony.
8. Perform legal, general and factual research.
9. Draft, for attorney review, non-dispositive pleadings, claims, contracts, correspondence and other necessary documents.
10. Correspond with courts, parties, attorneys, organizations, professionals/experts, including treating physician(s), investigators, witnesses and governmental agencies.

11. Assist with pro bono work as requested.
12. Locate and interview witnesses and expert witnesses.
13. Collect factual information, using public records and other on-line resources.
14. Arrange for service of process of complaints and subpoenas, both in-state and foreign.
15. Assist in the preparation and filing of legal briefs with the court.
16. Compile and maintain documents, utilizing databases and spreadsheets.
17. Review documents for privilege and relevance.
18. Obtain and summarize medical (and other) records.

C. EMPLOYMENT NON-LITIGATION

1. Employee Benefits
 - a. Draft employee plans for attorney review:
 - (i) Act as liaison between attorney, plan sponsor, plan administrator, and trustee in preparing and drafting qualified employee plans, *i.e.*:
 - (1) Stock bonus plans;
 - (2) Profit sharing plans;
 - (3) Purchase money pensions and other pension plans;
 - (4) Trust agreements;
 - (5) Individual retirement account (IRA) plans;
 - (6) Annuity plans;
 - (7) HR-10 or Keogh plans;
 - (8) Employee stock ownership plans;
 - (9) Life and health insurance plans;

(10) Worker's compensation plans; and

(11) Social security plans.

b. Assist attorney with document preparation and program monitoring:

(i) Gather information.

(ii) Determine eligibility for participation and benefits.

(iii) Notify employees of participation.

(iv) Complete input forms for document assembly.

(v) Assemble elections to participate.

(vi) Determine beneficiary designations.

(vii) Record elections to contribute.

accounts.

(ix) Prepare annual account statements for participation.

program.

(xi) Prepare plan and trust documents for IRS approval

(including any relevant IRS forms).

(xii) Prepare summary plan description and other reporting and disclosure forms, including Form 5500 annual reports.

(xiii) Prepare other applications for submission to IRS, Pension Benefit Guaranty Corporation, and Department of Labor regarding plan termination and requests for approval.

(xiv) Maintain document forms, government forms, and library of plan documents.

c. Assist attorney in preparing, finalizing, and filing documents and reports required by federal, state and local laws.

d. Miscellaneous:

- (i) Assist in drafting summary plan descriptions for distribution to employees;
- (ii) Help prepare and review annual reports of plans;
- (iii) Continue education in current law, *i.e.*, become a Certified Employee Benefit Specialist (CEBS); and
- (iv) Prepare and review contracts (including standard employment contracts) for compliance.