

Mergers and Acquisitions

Our attorneys provide clients with due diligence support and strategic advice from a labor and employment law perspective in connection with mergers and acquisitions.

We review change-in-control documents in a variety of contexts, including asset purchase and stock purchase agreements, to ensure that employment-related matters are identified and resolved before a deal is closed.

We also address the unique issues applicable to purchasing or selling unionized businesses, as well as advise our clients on the employee benefits aspect of business transactions.

One of the major advantages we provide to employers in this area of practice is that we have a deep pool of talent in the areas of employee benefits, executive compensation, traditional labor and employment counseling, all of which can be leveraged by our clients to ensure that their employment-related interests in business transactions are expertly and comprehensively addressed.

Experience

Below is a representative sample of the types of services we provide our clients in connection with mergers and acquisitions:

- ✓ Analyzing employment-related documents such as non-compete agreements, employment agreements, collective bargaining agreements, health insurance plans, pension plans and other retirement plans, and helping our clients negotiate transactions that maximize the value of their investment while reducing potential risk.
- ✓ Assessing an acquisition target's general employment law compliance as well as probing for latent liabilities, with a particular focus in areas that present systemic risk, such as wage and hour compliance. The information we uncover helps our clients evaluate the advisability of a transaction as well as areas where our clients may seek concessions from the seller before closing a transaction.

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- ✓ Reviewing and recommending changes to asset purchase agreements, stock purchase agreements and other change-in-control documents with a focus on protecting our client's investment and reducing their risk position.
- ✓ Negotiating and drafting executive employment agreements ancillary to mergers and acquisitions, including negotiating non-compete terms and working with our clients to develop compensation strategies, including stock options, rollover equity and other non-traditional compensation, that align with our clients' business goals.
- ✓ Developing strategies to assist our clients merge a seller's health insurance, retirement and other benefit plans with our clients' corresponding plans in practical ways that align with our client's goals.

Our attorneys have successfully provided these services to clients across a multitude of industries, ranging from private equity firms purchasing non-union businesses in the technology and professional services sectors to those acquiring unionized companies engaged in manufacturing and/or distribution operations.