



## Randall C. Schauer

Partner

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Randy's practice focuses on all aspects of labor relations and employment law. He handles the full spectrum of the employment relationship from pre-hire procedures to post-termination closure, including unemployment compensation and statutory compliance issues such as Title VII, ADA, FLSA, FMLA and OSHA compliance. Randy negotiates, drafts, and enforces contracts protecting client's rights in all aspects of the employment relationship, including employment and separation, confidentiality and non-competition, intellectual property protection, and independent contractor arrangements.

On the labor side, Randy has negotiated Collective Bargaining Agreements and has represented management in grievance arbitrations. He also counsels employers on union avoidance strategies and tactics. He has also successfully served as a private mediator to parties involved in employment disputes.

Randy has extensive litigation experience and has successfully tried numerous jury and bench trials to verdict, including injunctive relief. He has argued appeals before all Pennsylvania appellate courts, as well as the Third and Fourth Federal Circuit Courts of Appeals. Randy has represented employers before various administrative agencies such as the EEOC, the Pennsylvania Human Relations Commission, OSHA, and the NLRB, among others.

### **Before Fox Rothschild**

Randy returned to Fox Rothschild after having served as chair of the Labor & Employment Group at another large area law firm.

### **Beyond Fox Rothschild**

Randy is a frequent speaker and writer for human resource and legal professionals on all aspects of the employment relationship including procedures, training, and legal compliance issues.

### **Representative Matters**

- Obtained summary judgment on behalf of a Mid-Atlantic motor coach service provider in a wage and hour collective action alleging denial of overtime pay. Successfully demonstrated that the Motor Carrier Exemption to the Fair Labor Standards Act applied as the company was engaged in interstate activities, saving the client an estimated \$1 million in retroactive overtime pay and attorney's fees, and allowing the client to maintain the current profitable structure of its business operations.



- Defended a company under OSHA investigation following the death of an employee who fell from rigging while painting a water tank. Obtained a favorable resolution and no criminal inquiry was initiated, despite a prior death in similar circumstances in the last decade.
- Represented a company being investigated by the Equal Employment Opportunity Commission (EEOC) under its Strategic Enforcement Initiative relative to the alleged termination of a gender transforming employee. The case was assigned to a high-level enforcement unit and no conciliation was offered. Successfully persuaded EEOC not to file suit against client, and ultimately reached a favorable settlement with private counsel after EEOC closed its file.
- Assisted several employers in developing and documenting Early Retirement Incentive Programs (ERIP) designed to incentivize older workers to retire in anticipation of further reductions in force (RIF).
- Successfully argued an unemployment compensation case before the Commonwealth Court where, in an *en banc* decision, the court clarified previously unclear case law and held that in a situation where an employee is terminated for a series of offenses or misconduct, none of which arise to willful misconduct, the referee should review the entire course of conduct and not focus on the last event preceding termination.

#### **Honors & Awards**

- Listed as a "Top Lawyer" by *Main Line Today* magazine in the area of Labor Law (2014)
- Named a "Top Rated Lawyer in Labor & Employment" by *American Lawyer Media* and *Martindale-Hubbell™* (2012, 2013)

#### **Practice Areas**

- Labor & Employment
- Employment and Wage and Hour Class Actions
- Employment Counseling, Policy Developments and Audits
- Employment Litigation
- Employment Training
- Wage and Hour Law
- Workplace Safety and Health
- Unfair Competition and Trade Secrets
- Labor Management Relations

#### **Bar Admissions**

- Pennsylvania
- New Jersey

#### **Court Admissions**

- U.S. Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, District of New Jersey

#### **Education**

- Vanderbilt University Law School (J.D., 1981)
- University of Pennsylvania Wharton School (B.S., 1978)

#### **Memberships**

- Co-Chair of the Employment Law Section of the Chester County Bar Association



- Pennsylvania Bar Association

#### **Board of Directors**

- Leadership Chester County, Advisory Board (Chairman)
- Chester County Council – BSA Executive Committee (Solicitor)
- Chester County Human Resources Association, Board of Directors (President)
- Lionville Community YMCA , Board of Advisors (Member)

## **Publications**

January 20, 2015

#### **The NLRB Gives Organized Labor a New Year's Resolution**

*The Legal Intelligencer*

May / June 2012

#### **Automatic Termination, Social Media, and Lactation Policies**

*PeopleShare's HR Insights Magazine*

March 2012

#### **The Impact of Recent Statutory, Regulatory, and Workplace Developments on Employment Policies**

*ALA-Independence Patriot Newsletter*

December 20, 2002

#### **Tools Employers Need to Protect Trade Secrets**

## **Events**

#### **It's 2016 – Do You Know Who Your Employees Are?**

February 24, 2016 at 8:00am – 9:15am

Fox Rothschild LLP - Exton Office

Hosted by: Fox Rothschild LLP

#### **What Is and What May Be - The NLRB Quickie Election Rules and the Proposed White Collar FLSA Amendments**

September 15, 2015 at 12:00pm – 1:00pm

Hosted by: Chester County Bar Association Employment Law Section CLE

#### **Unemployment Compensation Procedure and Legal Update**

June 18, 2015 at 8:00am – 9:30am

Hosted by: Fox Rothschild LLP

#### **What's in Your Handbook 2015?**

March 26, 2015

Eagleview Corporate Center

Hosted by: Fox Rothschild LLP



**Spring Bench Bar**

March 19, 2015 at 8:15am

The Desmond

Hosted by: Chester County Bar Association

**The EEOC Guidance & Pregnant Employees: The Changing Landscape**

November 5, 2014

Eagleview Corporate Center

Hosted by: Fox Rothschild LLP

**The EEOC's New Enforcement Guidance on the Pregnancy Discrimination Act**

October 14, 2014

Hosted by: Chester County Bar Association

**The Importance of Policy and Procedures**

September 13, 2014 at 10:30am

Hosted by: Business of Medicine CME Symposium: Practice Management Efficiencies in a Time of Extreme Compliance Mandates

**What Do the Recent U.S. Supreme Court Decisions Mean to Me**

July 29, 2014

Fox Rothschild LLP

Hosted by: Fox Rothschild LLP

**Protecting Your Business Assets From Occupational Fraud and Abuse**

June 25, 2014

Chester County Economic Development Council

Hosted by: Fox Rothschild LLP and Maillie LLP

**Spring Bench Bar – Trying the Sexual Harassment Case**

March 21, 2014

West Chester University

Hosted by: West Chester University, Syke's Student Union

**Impact of the Supreme Court's Decision Striking Down DOMA and What It Means for Employers**

September 18, 2013

Hosted by: Fox Rothschild

**Protecting Your Business Assets from Occupational Fraud & Abuse**

December 4, 2012

Hosted by: Fox Rothschild

**How to Conduct an Effective Internal Investigation of Workplace Misconduct**

September 19, 2012 at 6:30pm

Webinar

Hosted by: Park Avenue Presentations

**Occupational Fraud and Abuse: Guarding Against Employee Theft**

September 13, 2012

Hosted by: Fox Rothschild LLP



**How to Conduct an Internal Investigation**

June 19, 2012  
Eagleview Corporate Center  
Hosted by: Fox Rothschild LLP

**What Your Non-Union Clients Need to Know About the National Labor Relations Act**

March 16, 2012  
West Chester University  
Hosted by: Chester County Bar Association Spring Bench Bar Conference

**Dealing With Cultural Diversity Issues at the Workplace**

February 15, 2012 at 7:45am  
Fox Rothschild  
Hosted by: Fox Rothschild

**The Impact of Recent Statutory and Workplace Developments on Employment Policies**

February 9, 2012  
Plymouth Meeting Courtyard by Marriott  
Hosted by: Association of Legal Administrators Independence Chapter

**Chester County Bar Association, Employment Law Section**

November 8, 2011  
Hosted by: Chester County Bar Association, Employment Law Section

**The Legalities of Hiring - Establishing the Playing Field**

October 12, 2011  
Crowne Plaza  
Hosted by: Employment Labor and Law 2011 Conference

**Brandywine Chapter Board Meeting and Mixer**

October 4, 2011  
Ship Inn  
Hosted by: Pennsylvania Restaurant Association

**A Handbook Update : The Impact of Recent Statutory and Workplace Developments on Employment Policies**

September 30, 2011  
The Downingtown Country Club  
Hosted by: Chester County Human Resources Association

**A Handbook Update: The Impact of Recent Statutory and Workplace Developments on Employment Policies**

July 13, 2011  
Eagleview Corporate Center  
Hosted by: Fox Rothschild LLP

**Managing the Use/Abuse of Social Networking Sites in the Workplace**

June 21, 2011  
Hosted by: Delaware Credit Union League Human Resources Council

**Background Checks & Criminal Records Discussion**

June 8, 2011 at 8:00am



Citizens Bank Center  
Hosted by: Fox Rothschild LLP

**Background Checks & Criminal Records Discussion**

May 11, 2011 at 8:00am  
Eagleview Corporate Center  
Hosted by: Fox Rothschild LLP

**The Law at Work: Employment Law for Managers**

April 13, 2011  
Hosted by: Wharton Business School

**OSHA Basics and New Initiatives: What Every Employer Needs To Know - A Primer and Update**

March 30, 2011 at 8:30am  
Eagleview Corporate Center  
Hosted by: Fox Rothschild LLP

**OSHA Related Employment Issues in the Workplace**

January 4, 2011

**Federal Health Care Reform and "HIRE" – What They Mean for Your Business**

April 28, 2010  
Chamber Headquarters  
Hosted by: Chester County Chamber of Business & Industry

**Responding to a Dept. of Labor Investigation**

April 15, 2010 at 12:00pm  
Brookside Country Club  
Hosted by: Pottstown Chapter, Society of Human Resource Management

**Federal Health Care Reform and "HIRE" – What They Mean for Your Business**

April 14, 2010  
Eagleview Corporate Center  
Hosted by: Fox Rothschild LLP

**Human Resources Summit 2010**

April 7, 2010  
Hosted by: Greater Reading Chamber of Commerce & Industry

**Winter 2010 Meeting**

February 18, 2010  
Association Offices of the YMCA of the Brandywine Valley  
Hosted by: Eastern PA/Delaware YMCA HR Network

**Employee Posts and Tweets: Not Just Friendly Conversation**

January 20, 2010  
Fox Rothschild LLP



**Effective Employee Evaluations - More Critical Than Ever**

October 21, 2009  
Fox Rothschild LLP

**Pennsylvania School Bus Association Convention**

June 30, 2009  
Lancaster Host Inn  
Hosted by: Pennsylvania School Bus Association Convention

**The New Cobra Premium Subsidy Law - Understand Your Obligations**

April 9, 2009  
RatnerPrestia  
Hosted by: The Independence Chapter of the Association of Legal Administrators

**The Revised Family and Medical Leave Act Final Regulations - effective January 16, 2009 - What Employers Need To Do Immediately To Comply**

February 4, 2009

**Hot Legal Topics**

January 1, 2009  
Hosted by: Chester County Human Resource Association

**Minimizing Your Exposure to Unemployment Compensation Claims**

October 16, 2008  
Hosted by: Fox Rothschild's HR Roundtable Series

**Are Your Benefit Plans Legally Compliant? - A Self Audit Guide**

July 23, 2008

**The Law at Work: Employment Law for Managers**

April 16, 2008  
Hosted by: Wharton Business School

**Mandatory Alternative Dispute Resolution Procedures In the Workplace - Are they for You?**

March 27, 2008

**How to Hire Right: The Art of the Lawful Interview**

February 26, 2008

**Human Resources - How to Manage Your Firm's Most Valuable Asset: Your Employees**

January 29, 2008

**Nation's Law Foundation CLE Series**

June 1, 2007

**Employee Leave and Wage & Hour Regulations**

January 1, 2007  
University of Delaware  
Hosted by: CPA Club Breakfast Seminar



**The Fair Labor Standards Act - The August 2004 Regulations and Their Aftermath**

November 2, 2006

Hosted by: EEOC Technical Training Institute

**Protecting Your Employees - Employee Privacy Rights**

October 1, 2006

Hosted by: Southern New Jersey Chamber of Commerce

## News

July 11, 2015

**3rd Cir.: Company Exempt from Overtime Claims of Drivers**

*Society for Human Resource Management*

June 9, 2015

**Third Circuit Rules Against Class of Drivers Seeking Overtime Pay**

*The Pennsylvania Record*

May 13, 2015

**Third Circuit Tosses Bus Drivers' FLSA Suit**

*The Legal Intelligencer*

May 12, 2015

**3rd Circ. Says Interstate Routes Exempt Drivers From OT**

*Law360*

March 14, 2015

**The Lonely Road to Work**

*Daily Local News*

August 1, 2014

**Top 2014 Lawyers**

*Main Line Today*

July 31, 2014

**Notes**

*The Pennsylvania Gazette*

June 1, 2013

**Ask the Expert**

*Insights and Strategies*

July 23, 2012

**Retaining I-9 Documentation, Rescinding a Job Offer, and Paying Bonuses and Commissions to Terminated Employees**

*PeopleShare's HR Insights Magazine*





May 1, 2012

**Automatic Termination, Social Media, and Lactation Policies**

*PeopleShare's HR Insights Magazine*

June 2, 2011

**People on the Move**

*Philadelphia Business Journal*

May 5, 2011

**Randall C. Schauer of Fox Rothschild LLP Elected to YMCA of the Brandywine Valley Board of Directors**

April 18, 2011

**Fox Rothschild Volunteers Help Restore Local Watershed in Chester County**

March 11, 2011

**Comcast Newsmakers**

*Comcast Newsmakers*

February 5, 2008

**Fox Rothschild Obtains Order Compelling Arbitration for WorleyParsons in Title VII Employee Dispute**