

# SHEEHAN PHINNEY

## Elizabeth A. Bailey

Shareholder | Manchester, NH

Liz serves as Chair of the firm's Business Litigation Group. She has practiced in the areas of management-side employment law counseling and litigation since 1992. Liz's client base ranges from private corporations to municipalities and counties. She works closely with HR professionals, management teams and in-house counsel to develop effective risk management strategies and cost-effective ways to avoid employment-related problems.

Liz's practice includes a focus on time-sensitive and detailed internal investigations involving questions of employee misconduct and legal compliance issues.

Liz also has wide-ranging litigation experience. She defends employers in claims before the New Hampshire Commission for Human Rights, the Equal Employment Opportunity Commission, the New Hampshire Department of Labor, and the New Hampshire Public Employee Labor Relations Board. Liz's courtroom experience includes jury trials in both New Hampshire and Massachusetts state and federal courts, bench trials, arbitrations, mediations and appellate arguments.

Liz regularly develops policies and procedures for clients and advises on a wide-range of employment issues, including compliance with laws related to gender, age, disability, national origin and religious discrimination, the FLSA and the FMLA. She also regularly assists public sector clients with a wide variety of labor issues including grievances, arbitrations and collective bargaining.

### Key Cases

- Obtained cost-effective dismissal of claims involving FLSA and state discrimination law.
- Obtained prompt dismissal of race, color and national origin discrimination and retaliation case.
- Won appeal of disputed wage and hour matter concerning independent contractor and classification issue.
- Negotiated many public sector, multi-year collective bargaining agreements.
- Successfully defended public sector client in employment discrimination and retaliation cases before the New Hampshire Commission for Human Rights and the Equal Employment Opportunity Commission.
- Successfully defended a public sector client at the state trial court and Supreme Court in an action seeking to enjoin a major project, resulting in a multi-million dollar construction project going forward.
- Successfully argued a New Hampshire Supreme Court appeal concerning employer's earned time policy.
- Obtained summary judgment, and prevailed on appeal, in litigation involving public officials' salaries.



### Contact Information

Phone: 603.627.8241

Fax: 603.641.8754

Email: ebailey@sheehan.com

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- Arbitrated series of employee disciplinary matters on behalf of employer and obtained favorable rulings.

## Practice Areas

- Labor & Employment
- Business Litigation
- Mediation & Arbitration

## Admissions

- United States Supreme Court
- U.S. Court of Appeals for the First Circuit
- State of New Hampshire
- State of Vermont
- New Hampshire Bar Association
- Vermont Bar Association

## Education

- J.D., Suffolk University Law School
- B.A., Smith College, *cum laude*

## Civic Involvement

- Board of Trustees, Leadership New Hampshire and Leadership New Hampshire Graduate
- Board Member and Secretary, Kearsarge Athletic Booster Club
- Board Member and Secretary, Ledyard Charter School
- Volunteer Mediator, New Hampshire Commission for Human Rights
- Past Cabinet Member, Granite United Way Campaign
- Leadership Greater Manchester Graduate
- Past Board Member and President, Big Brothers Big Sisters of Greater Manchester

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## Awards

- Best Lawyers in America® 2024 Manchester Lawyer of the Year, Litigation/Labor & Employment
- Best Lawyers in America® 2022 Manchester Lawyer of the Year, Employment Law/Management
- Best Lawyers in America® 2021 Manchester Lawyer of the Year, Litigation/Labor & Employment
- Chambers USA, Labor & Employment
- Best Lawyers in America®, Litigation - Labor & Employment, Employment Law - Management
- New England Super Lawyer®, Employment & Labor Law

## Publications

- Employers should be aware of additional legal protections for pregnant workers
- What Employers Need to Know About the Families First Coronavirus Response Act
- What Does the Supreme Court's *Janus* Decision Mean for New Hampshire Public Sector Employers and Employees?
- Conducting Workplace Investigations
- NH Legal Perspective: Top 10 best practices to help employers avoid litigation
- NH Legal Perspective: Leave as a reasonable accommodation gets clarified
- NH Legal Perspectives: Employer's obligations under pregnancy/maternity laws
- NH Legal Perspectives: U.S. Supreme Court says homecare workers not required to pay fee to unions
- How to Decide Whether an Internship Should be Paid or Unpaid
- Latest Word on At-Will Employment and Wrongful Termination Claims