



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 been lead defense counsel in several collective actions under the FLSA. 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

- Selected to the "Top Lawyers" list for Labor Law by *Main Line Today Magazine* (2014, 2017, 2018, 2020)*
- Named a "Top Rated Lawyer in Labor & Employment" by American Lawyer Media and Martindale-Hubbell™ (2012, 2013, 2015)*

*[Awards Methodology](#)

Practice Areas

- Labor & Employment
- Class Actions
- Cannabis Law
- Employment Class Actions
- Employment Counseling, Policy Developments & Audits
- Employment Litigation
- Employment Training
- Sexual Harassment Prevention Training
- Wage & Hour Law
- Workplace Safety & Health

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

- Pennsylvania Bar Association
- Stively Inn of Court of the Chester County Bar Association
- Society for Human Resource Management

Board of Directors

- Leadership Chester County, Advisory Board (Chairman)
- Lionville Community YMCA, Board of Advisors (Chairman)
- Brandywine Health Foundation
- Chester County Human Resources Association