

DENISE J. KNECHT, ATTORNEY

Services Available

Denise J. Knecht, Esq. provides a variety of services related to employment law. Employees can schedule an initial consultation to discuss their concerns. The following are some of the services offered by Attorney Knecht:

- Agency Filings
- Appeals
- Assessment/Advice
- Consultations
- Coaching
- Employment Agreements
- Hearings
- Investigations
- Litigation
- Mediation
- Negotiating
- Severance Agreements

AGENCY FILINGS

Various government agencies provide benefits to employees. We can help prepare the application for benefits from the various agencies. We represent clients at hearings and other agency proceedings.

Examples of benefits pursued through a government agency include unemployment benefits, investigation of claims of discrimination, retaliation, or harassment. Employees are not required to have an attorney file their claims through these agencies, but an employee who has never used the agency may not fully understand what information will help them get approval for benefits.

We are familiar with the bureaucratic procedures necessary to represent employees in various government agencies and we can help formulate a strategy to reach the best outcome.

APPEALS

Sometimes employers have policies that allow an employee to appeal or grieve an adverse personnel decision. Agency and court proceedings also have ways to appeal unfavorable outcomes.

We can help assess the value of pursuing an appeal. We can represent the employee during the appeal process, file any documents necessary for the appeal, and represent the employee at the appeal hearing.

ASSESSMENT/ADVICE

Not all employees who are wronged have legal rights to pursue. However, numerous laws do protect employees. Sometimes it helps to have another person knowledgeable about the laws who can review your facts and help decide the best way to approach your problem.

We often meet with clients, listen to the details of their situation, and help them decide if they should take action, and if so, what kind of action they should take.

When we give an opinion, our client always has the option to accept or reject our advice.

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Trusted. Dedicated. Successful.

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*Employment Law
and
General Practice*

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CONSULTATIONS

Employment situations are not easy to assess. We schedule in-person initial consultations to help prospective clients analyze their situation and develop strategies on how to deal with their employment issues. Our goal is to listen to the facts and help our client understand the legal implications of their situation. We identify and discuss their various choices in a friendly, personalized setting.

Sometimes these initial consultations last one or two hours to discuss the relevant facts. We take as much time as necessary with each client so that when they leave the initial consultation they have an understanding of their legal rights and potential remedies. We try to answer all their questions in simple, non-legal terms.

We also schedule consultations, as needed, advising clients about ongoing issues. For example, we may help a client monitor an employment situation that appears to be escalating, and help the client decide the best steps to take to protect their job. These ongoing consultations may be in-person or by telephone, depending on the situation. We try to provide the most convenient, cost-effective way to deal with the issue.

COACHING

When an employee is experiencing ongoing employment issues, their best interests are not always served by letting the employer know that an attorney is involved.

In those situations, we provide ongoing consultation behind the scenes. We work with the client to help them deal with their situation without contacting the employer. This type of behind the scenes coaching is designed to avoid escalating the problem by causing the employer to overreact. The client can deal with their situation in a low-key environment.

EMPLOYMENT AGREEMENTS

We believe every employee should have some form of written agreement reflecting the basic terms of his or her employment. We help employees develop simple written agreements to document the important items discussed during the hiring process.

Employees are often asked to sign various types of agreements, such as hiring agreements, non-compete agreements, trade secret agreements, etc. We help our client identify the legal ramifications of the agreement and understand what rights they are gaining or losing by signing an agreement.

We also caution people to be very careful when they sign job applications and other "form" documents. Some job applications require employees to waive basic legal rights and remedies. Eager to be considered for the new job, employees sign the forms without realizing that they are losing important rights.

Employees are often asked to sign a statement that they reviewed company policies. Some employers include a waiver of rights in their policies. Courts have held that agreeing to company policies is a type of employee agreement. By signing that they have read and understood the policies, an employee can be acknowledging that the employer can take away their rights under the policies. For example, a policy may identify arbitration as the exclusive way to resolve employment disputes. By agreeing to the arbitration, an employee may be waiving other important legal rights.

ESTATE PLANNING

Healthcare Power of Attorney

A Healthcare Power of Attorney is a document that identifies people close to you who you trust to make your health care decisions. If you are not mentally or physically able to make decisions about your health, Ohio law allows you to name one or more other individuals to whom you give the power to make health care decisions for you. For example, if you are in a coma after an automobile accident, someone else will have to decide a course of medical treatment for you. Your Healthcare Power of Attorney will identify the people who you trust to make treatment decisions when you cannot.

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ESTATE PLANNING (cont.)

Living Will

A Living Will is another document that gives you control of your health care when you cannot make decisions for yourself. The Living Will specifies what types of treatment you want or do not want if you suffer from a debilitating health condition that cannot be reversed. While the Healthcare Power of Attorney identifies the people you trust to make your health care decisions, the Living Will is a document that tells your doctors, your family and friends what kind of treatment you expect to have. For example, if you have a medical condition and your doctors agree that you will never recover, you can state in your Living Will whether you want feeding tubes to keep you alive. Ohio law does not allow a Living Will directive to end medical support if your medical condition is temporary and you are expected to recover.

Power of Attorney

A Power of Attorney allows you to appoint someone else to handle legal or business affairs on your behalf. For example, if you need to renew your vehicle registration, and you know you will be out of the country for several months, a Power of Attorney can be given to someone you trust to get new license plates for your car when you cannot. Another example: if you know you will be unavailable to transfer bank funds to pay your bills, or transfer real estate, because of a planned absence, you can give a close relative or friend power to do those things for you. A Power of Attorney has limitations.

Durable Power of Attorney

A Durable Power of Attorney does not have the limitations of a regular Power of Attorney. A Durable Power of Attorney is a document that you entrust to someone to allow them to perform legal or business transactions for you. A Durable Power of Attorney can be used whether or not you are able to perform the transaction for yourself. For example, an ailing parent suffering from dementia may entrust one or more of their children with a Durable Power of Attorney with no time restrictions, so the children can perform legal or business transactions for their parent when they become unable to perform the transactions themselves. Caution - Powers of Attorney allow others to handle your finances and must only be given to the most trustworthy family and friends, or to a bonded professional.

Wills and Trusts

We can also prepare simple Wills and simple Trusts for our clients. We do not handle complicated estates. We can refer anyone who has an estate valued at more than \$500,000.00 to legal counsel with expertise in handling more sophisticated financial and tax matters.

Parents with children under the age of 18 should particularly consider a simple Will with simple Trust. If an unexpected catastrophe occurs and the parent does not survive their child, a simple Will with a Trust will allow a close family or friend to care for the child.

HEARINGS

We represent employees at various types of company, union and government agency proceedings and hearings. If the employee is not permitted to have an attorney present, often the case at an internal personnel meeting/hearing, we help the employee prepare.

INVESTIGATIONS

Often times we cannot immediately be sure if an employee has legal rights available to them, or if an employer has violated a law. To better assess the legal position of our client, we may conduct an investigation. Investigations include gathering and reviewing documents, interviewing prospective witnesses, researching key points of law, etc.

The goal of any investigation is to help our client decide whether they are in a good position to pursue their legal remedies. If a client intends to pursue litigation, we conduct an investigation to be sure our client's claims can be corroborated through other witnesses and evidence.

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LITIGATION

Attorney Knecht has substantial litigation experience in both state and federal court. She believes that negotiating a resolution is always better than litigation. However, sometimes litigation is the only alternative available to a client.

Pursuing a lawsuit is a difficult and costly endeavor. However, it may be the only way an employee can seek justice. If an employee suffers substantial damage and our investigation shows that, the employer probably committed an unlawful act, we work with the client to determine how and if to litigate the claims.

MEDIATION

Mediation is an informal method of trying to settle a dispute. An employee and employer may decide to mediate so they can exchange information and try to find a solution to the problem. Usually a neutral mediator is retained to work with both sides to try to reach a compromise.

We represent clients in mediations. We help the client develop strategies, identify damages and develop a list of things they hope to achieve in the mediation.

Attorney Knecht is also available as a neutral. Private parties can retain her services to help them negotiate a settlement to their problem.

NEGOTIATIONS

Most cases are concluded through negotiated settlements rather than through jury verdicts. Negotiated settlements save time and money for the client. Finding a way to settle a problem without the expense and stress of litigation is encouraged by the courts.

Attorney Knecht is a skilled negotiator. She carefully reviews the relevant facts, investigates as necessary, and helps identify what the client needs to successfully reach settlement. In appropriate situations, Attorney Knecht will contact the employer and any other acrimonious parties in an attempt to initiate negotiations and reach a satisfactory settlement. She will use creative strategies and seek creative solutions, always considering the client's best interests.

SEVERANCE AGREEMENTS

Employers often provide corporate severance agreements to ease the pain an employee feels when they are terminated. Some severance agreements are automatic and an employee benefit. Some severance agreements are specifically drafted for the individual. Many require that to receive severance benefits the employee must waive their legal rights. The employee must then decide if the benefits they are to receive are significant enough to want them to release the employer from all liability.

During an initial consultation, we will review any severance agreement with our client so they understand the legal terms. We help them understand the benefits they will receive and what rights they are waiving if they sign the agreement. More importantly, we can identify omissions – such as benefits that could have been offered but were not contained in the agreement given to our client.

Attorney Knecht has years of experience reviewing various types of severance agreements and can help our client decide if the severance benefits are reasonable. We can help assess whether the benefits will help the client through their period of unemployment.

In appropriate situations, we will contact the employer to see if we can enhance the severance benefits.