



**nilan
johnson
lewis PA**

Pre-Hire Testing and Background Check Advice/Defense

In recent years, the EEOC has vigorously pursued its systemic enforcement initiative to identify and eliminate any facially-neutral practices that have disparate impact on protected classes. Together with private class litigation, this initiative puts pre-employment selection tools squarely in the crosshairs. Nilan Johnson Lewis has significant experience counseling employers regarding their use of pre-employment assessments (including personality tests, skills assessments, and medical exams), criminal background checks, and other talent-selection tools and defending them in investigations and litigation arising from those practices. Our comfort with statistical analysis, fluency in professional standards from the fields of industrial-organizational psychology and criminology, and expertise implementing cutting-edge “validation” strategies enable us to help our clients implement selection tools that maximize their return on investment while staying out of the EEOC’s and plaintiffs’ sights. If our clients do find themselves the subject of a systemic investigation or class lawsuit, we bring those same skills to bear to reduce their exposure and drive favorable resolutions.

Overview of our expertise

Labor and Employment

Affirmative Action Plans and
OFCCP Compliance

EEOC Class Investigation and
Litigation Defense

Discrimination Defense

Trials and Arbitrations

FLSA/Wage-and-Hour Defense

Executive Agreements and
Severance

Labor Management Relations

Leave of Absence and Disability
Advice/Defense

Non-Compete and Trade Secret
Litigation

Pre-Hire Testing and
Background Check
Advice/Defense

Preventive Employment
Counseling

Reductions in Force

Whistleblower/False Claims Act
Defense

Workplace Investigations

Industry Focus: Health Care

Industry Focus: Retail

Industry Focus: Tech Startups