

D. Ross Hamilton



AREAS OF PRACTICE

Dispute Resolution & Litigation

- ▶ Employment Law
- ▶ Business & Commercial Litigation

Business & Tax

- ▶ Regulatory & Government Affairs

EDUCATION

J.D., Wake Forest University

B.A., Duke University

BAR ADMISSIONS

North Carolina

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Ross Hamilton, a Director of the Firm, counsels and defends employers on a wide variety of employment law issues. Ross focuses on assisting employers proactively manage their human resources risks and maintain compliance with the myriad of employment related statutes, regulations and rules which federal and state governments impose. His regular areas of practice for employers include:

- Representation on claims of discrimination and harassment under Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and related state law statutes and claims of wrongful termination, retaliation and emotional distress;
- Compliance and representation on wage and hour claims, including state wage payment rules and overtime obligations and exemptions under the Fair Labor Standards Act (FLSA);
- Compliance and representation on disability accommodation requirements and leave obligations under the Family Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA);
- Federal contractor and subcontractor compliance with Executive Order 11246 and Department of Labor regulations governing Affirmative Action Programs, as well as representation in audits by the Office of Federal Contract Compliance Programs (OFCCP);
- Advice for workplace investigations and terminations, workforce restructuring decisions and plant closure regulations, including the Worker Adjustment and Retraining Notification Act (WARN) and the enforceability of severance packages under the requirements of the Older Worker Benefit Protection Act;

- Arbitration of grievances involving incentive rates, subcontracting rights, contract interpretation and for-cause terminations;
- Preparation of personnel policies and employee handbooks, drug testing in the workplace policies, confidentiality agreements, employment agreements and restrictive covenants; and
- Preparation of interactive training programs for supervisors and managers on EEO laws.

When litigation does arise, Ross has successfully defended client employers in both federal and state courts and agencies. Ross is admitted to practice in North Carolina and before the United States District Courts for the Eastern, Middle and Western Districts of North Carolina, the U.S. Court of Appeals for the Fourth Circuit, and the United States Supreme Courts. Ross has also litigated several cases in the states of Virginia, Maryland, South Carolina, Tennessee, Texas and Washington.

Before joining Tuggle Duggins in December, 2005, Ross practiced for more than eleven years with Womble, Carlyle, Sandridge & Rice and Haynsworth, Baldwin, Johnson & Greaves.