

WHO'S WHO | in Intellectual Property & Labor Law

JONATHAN D. FARRELL

Meltzer Lippe, Goldstein & Breitstone, LLP



Jonathan D. Farrell is a partner at Meltzer Lippe, Goldstein & Breitstone, LLP in Mineola. Farrell is also chair of the firm's labor and employment law practice group and a member of the firm's employee benefits and litigation groups.

Farrell is counsel to manufacturing, service, commercial and management companies, professional practices, non-profit organizations, private educational institutions and insurance companies. An employment and labor relations specialist, he regularly practices before the National Labor Relations Board, federal and state courts and federal and state human rights' agencies.

Farrell is concerned about two laws and/or proposed laws that he believes the Obama administration will adopt, and thinks it would be harmful to his clients, the American people and the economy.

"As a management attorney, the Obama administration has adopted or will adopt positions that are extremely deleterious to my clients and I believe American society in general," Farrell said. "President Obama supports the misnamed "Employee Free Choice Act," which would eliminate an employee's right to vote in a secret ballot election to determine if employees wished to be represented by a union. This is an unbelievably harmful, undemocratic, as well as bad

public policy."

Additionally, The Obama administration recently signed the "Lilly Ledbetter Fair Pay Act," Farrell said.

"This Act, I feel, is also bad policy," Farrell said. "With the passage of the Ledbetter Act, employers face greater exposure from lawsuits, including class action lawsuits alleging disparate pay practices. The Act applies to both disparate treatment and disparate impact claims. Remarkably the Act is retroactive to May 28, 2007, and would apply to all discrimination claims pending on or after that date."

Farrell noted the Ledbetter Act allows plaintiffs to sue over employment decisions made long ago – and to characterize them as "continuing violations" potentially increasing the size and scope of damage recoveries in both single-plaintiff and class action lawsuits.

Farrell counsels employers on a variety of labor and employment-related laws including the NLRA, OSHA, EEOC, ADA, FMLA and ERISA. He also litigates in these areas.

Farrell regularly practices and defends employers before the National Labor Relations Board. In the last 13 years, he has been counsel to employers in well over 100 unfair labor practice investigations. He is one of the few labor and employment attorneys who has litigated several unfair labor practice trials before administrative law judges of the National Labor Relations Board, as well as Section 10(j) proceedings of the National Labor Relations Act in federal court. Even rarer, Farrell has been victorious against the board.

Farrell has also been involved in approximately 25 unionization campaigns for various companies. In all but three campaigns he has been involved in, the employees elected to remain union free.

Jonathan also represents unionized employers in their arbitrations before the American Arbitration Association and NYS Employment Relations Board; assists unionized employers during their collective bargaining negotiations or conducts the negotiations for them; and advises unionized employers on a daily basis regarding contract interpretation, union issues and union grievances.

Farrell has successfully represented various employers in more than 150 wage and hour investigations at the state and federal level in connection with minimum wage, overtime and prevailing wage actions. He has represented employers before the US Department of Labor, NYS Department of Labor, NYS Bureau of Public Work and New York Attorney General's Office, General Labor Bureau.

Farrell also drafts employee policies designed to save employers time and money and prevent vexatious employment-related litigation. He continually drafts employee policies including sexual harassment, discrimination, Family and Medical Leave Act, ADA, drug testing, Email, employee privacy. He has also drafted personnel policies and handbooks for more than 200 small, medium and large-sized employers.

Farrell has been retained by national insurance companies to represent them in their NY-based litigation involving employment and benefits law. He is currently named metropolitan panel counsel to numerous insurance companies in the areas of Employment Practice Liabilities Insurance and Directors & Officers Insurance. In a leading case before the Second Circuit, Farrell successfully represented a national insurance company involved in federal litigation over its proper refusal to pay approximately \$1 million in benefits pursuant to a long-term disability plan.

Farrell is admitted to practice before the federal and state courts of NY and NJ. Upon graduation from Hofstra University's School of Law, he received the university's "Award for Excellence" in the field of Labor and Employment Law and the Industrial Relations Research Management "Award for Excellence" in Industrial and Labor Relations.

Meltzer, Lippe, Goldstein & Breitstone, LLP is a cutting edge law firm with a full range of practice areas. Since its formation in 1970, the firm has attracted clients who are private business owners, corporate executives working at both public and private companies, real estate developers, venture capitalists and individuals on Long Island, throughout the US and throughout the world.