

**Jeffrey W. Pagano**

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**Practice Areas**

- Labor & Employment
- Litigation
- Retail Law

**Jeffrey W. Pagano** is a partner and Co-Chair of the Labor & Employment Practice Group. He focuses upon all forms of litigation and negotiation, primarily in the area of labor and employment law, arising under the NLRA, RLA, Title VII of the 1964 Civil Rights Act, ADEA, FLSA, ERISA, E.O. 11246, Rehabilitation Act, VEVRAA, OSHA, ADA, FMLA, FCRA, as well as the numerous state statutory schemes likewise impacting the workplace. Additionally, he continues to litigate significant complex commercial matters arising out of the purchase and sale of business organizations and contractual disputes in courts throughout the United States or in the arbitration context. His experience and knowledge is deep, having had the opportunity over a 32 year period to build, restructure and/or rebuild organizations, whether union represented or union-free. In doing so, he deals with the complexity of simultaneously achieving internal change, while managing the risk of external liability and minimizing the cost of implementation.

Mr. Pagano has experience in many industries, including the transportation, manufacturing, automotive, steel, retail, hospitality and a myriad of other service industries. Mr. Pagano approaches each assignment as unique, requiring independent and creative thinking, regardless of the "norm," in order to achieve a client's objectives.

Mr. Pagano has been involved in hundreds of union organizing campaigns on behalf of management. He also has extensive experience before the NLRB, in collective bargaining, as well as the ongoing administration of the employment relationship, including arbitration. Mr. Pagano has also developed workplace policies and procedures that produce effective internal workplace dispute mechanisms. These practices enhance management's credibility, thereby reducing union organizing risk, while reducing discrimination claims and the potential legal spend in the process. In this regard, once a client has followed the program designed by Mr. Pagano, whether in relation to an organizing campaign, wage-hour compliance process or any other workplace system, should litigation arise, he can utilize

alternative fee arrangements to reduce the legal spend and "partner" with the client toward the resolution of any dispute arising as a consequence. Mr. Pagano's client relationships are typically long standing because he actually invests in the relationship at many levels.

Mr. Pagano has also devised policies, procedures and agreements to protect an employer's intellectual property from theft or misuse. Such systems can be aggressively utilized in the workplace and in litigation to prevent unfair competition due to misappropriation of intellectual property by former employees.

Mr. Pagano's employment practice is not limited to the United States. He has evaluated and structured organizations in foreign jurisdictions, remaining sensitive to local practices and cultures. As well, employment litigation can arise among jurisdictions depending upon a definition of an employer within each jurisdiction, which has prompted Mr. Pagano to be responsible for simultaneous multiple-country employment issues and disputes. He has advised employers as to international employment and operating strategies, including The Brink's Company, Brink's Incorporated, TNT Worldwide Inc., ABX International Inc., DSV Air & Sea Inc., Robert Bosch, BAX Global Inc./DB Schenker Inc., Agility, Air Transport International L.L.C., and Stride Rite to name a few.

In addition to his employment practice, Mr. Pagano also has extensive experience representing multi-national clients in the international air-freight, logistics and transportation industries relating to regulatory and customs matters, structuring agreements for the transportation of international cargo, litigation of pricing issues under multi-lateral treaties affecting international cargo and mail, and litigation of international mail and international cargo matters.

Mr. Pagano is Contributing Editor of the "*Developing Labor Law*," and a Lecturer for the American Management Association and the Institute for Applied Management and Law, Inc. He served as Counsel to the General Counsel, National Labor Relations Board, Region 9, Cincinnati, Ohio. Mr. Pagano has participated in various speaking forums, including the National Policy Conference sponsored by the National Mediation Board concerning the globalization of collective bargaining under the RLA in the airline industry.

**Education:**

College de Europe, Brugge, Belgium (EEC Integration)  
Ohio University, B.S., *cum laude*  
Rutgers Law School, J.D.

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**Affiliations**

Admitted to practice: New York, New Jersey and District of Columbia bars; the U.S. Supreme Court, U.S. Court of Appeals, Second, Third, Fourth, Fifth, Sixth, Ninth and Eleventh, DC Circuits; U.S. District Court, District of New Jersey; U.S. District Court, District of Columbia; U.S. District Court, Southern, Eastern and Northern Districts of New York; U.S. District Court, Eastern District of Michigan; and U.S. District Court, Eastern District of Wisconsin.