

Meltzer Lippe

LABOR & EMPLOYMENT

WATCH

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LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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VICTORY AT THE NLRB

Meltzer Lippe obtained a significant trial victory at Region 29 of the National Labor Relations Board (“NLRB”) on April 5, 2019 in a case instituted by Region 29 and the General Counsel against Meltzer Lippe’s client, New York Paving, Inc. (“NY Paving”), which is one of the largest paving contractors in the New York City Metropolitan Area. Region 29 and the General Counsel litigated this case on behalf of the Construction Council Local 175, Utility Workers Union of America, AFI-CIO (“Local 175”). https://www.meltzerlippe.com/wp-content/uploads/2019/04/NYP_ULP-Trial-ALJ-Decision-04.05.19.pdf

Due largely to Meltzer Lippe’s aggressive and methodical trial strategy, Meltzer Lippe persuaded Administrative Law Judge (“ALJ”), Andrew S. Gollin, to dismiss an overwhelming majority of the Complaint allegations, absolving NY Paving from any monetary damages and marking a rare employer victory in an extremely employee and union-friendly forum.

The Complaint alleged NY Paving violated various sections of the National Labor Relations Act (“Act”) on at least thirteen (13) occasions by, inter alia, (a) making certain statements through its alleged agents and supervisors to the employees represented by Local 175; (b) discharging from employment four (4) long-standing members and supporters of Local 175 (including Local 175’s President and Vice-President); and (c) failing to hire and/or recall from layoff three (3) members and supporters of Local 175 (including Local 175’s Business Manager and Local 175 Fund Administrator’s son). The trial in this case was eight (8) days long wherein NY Paving denied all allegations. Subsequent to the submission of the post-trial briefs, ALJ Gollin dismissed all allegations carrying any monetary damages.

Meltzer Lippe’s victory is particularly significant given the union and employee-friendly nature of the NLRB where an employer is denied the benefit of pre-trial discovery, unlike the General Counsel who is entitled to and may receive extensive pre-trial discovery. Essentially, the odds of achieving any positive outcome for the company at the NLRB, let alone attaining an almost complete dismissal of the Complaint, are extremely low. In light of these low odds, the victory obtained by Meltzer Lippe for its client is both rare and unquestionably significant particularly because ALJ Gollin found absolutely no liability for the discharge and failure to hire seven (7) long-standing Local 175 supporters and officials.

For additional information, please contact Jon Farrell jfarrell@meltzerlippe.com or Ana Getiashvili agetashvili@meltzerlippe.com

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