

# Labor Relations & Disputes

Cozen O'Connor represents a broad spectrum of private and public sector employers in labor relations and disputes. For our unionized clients, we handle unfair labor practice proceedings and grievance arbitrations; negotiate individual and multi-employer collective bargaining agreements; prepare for and respond to picket lines, strikes, lockouts, and other economic campaigns; and work with employers during union election campaigns. We also help employers avoid unionization through positive employee relations and regain nonunion status when employees indicate they no longer wish to be union-represented. We are experienced labor litigators, appearing frequently before federal, state, and appellate courts; federal agencies and departments (such as the EEOC, NLRB, DOL, IRS, OSHA, and ICE); state agencies and departments; and arbitration panels.

For our unionized clients, our labor practice is committed to fostering constructive management-labor relations over the long term. Our focus is on protecting our clients' interests, with a recognition that a working relationship with union counterparts is often a desired goal.

Cozen O'Connor's traditional labor attorneys demonstrate a real commitment to understanding and supporting their clients' business goals. We think not only about the technical legal matters, but also about how labor issues connect in a practical sense to business operations and strategy. Our attorneys manage labor relations with a clear eye toward the bottom line.

## SERVICE AREAS

- Defend clients in unfair labor practice proceedings and handle grievance arbitrations
- Negotiate individual and multi-employer collective bargaining agreements
- Prepare for and respond to picketing, strikes, lockouts and other economic tactics
- Work with employers to avoid unionization through positive employee relations or to regain nonunion status when employees no longer wish to be union-represented
- Advise clients on the labor relations consequences of business events, including mergers, spin-offs, acquisitions, and bankruptcies
- Represent employers in significant labor-related litigations, mediations, and arbitrations

## Experience

Negotiated first collective bargaining agreements, with units of more than 3,000 graduate students each, at two prominent universities.

Negotiated a first union contract for wall-to-wall staff units at a private art school and art museum over the course of more than 50 bargaining sessions with AFSCME. The final agreement preserved the client's flexibility and control over operations, including merit increases, the right to select the most qualified candidate regardless of seniority, and the right to establish pay scales.

Negotiated a new collective bargaining agreement on behalf of the Delaware Valley Importing Beer Association while securing emergency injunctions to stop striking workers from blocking access to the premises of three distributors, including obtaining an order that the Sheriff of Philadelphia was required to enforce the injunction.

Negotiated a new collective bargaining agreement on behalf of the Southeastern Pennsylvania Transportation Authority ("SEPTA") with its largest bargaining unit, the Transportation Workers' Union, Local 234, amidst pandemic concerns impacting public transportation.



**Thomas S. Giotto**

Chair, Labor & Employment Department

tgiotto@cozen.com  
Phone (412) 620-6550  
Fax (412) 275-2390

## Related Practice Areas

- Labor & Employment
- Railway Labor Act

## Industry Sectors

- Gaming
- Insurance
- Real Estate & Construction
- Sports

Successfully represented a private N-12 school in defeating an attempt by a teachers' union to obtain a temporary restraining order and preliminary injunction in federal court to force the school to cease in-person schooling amid the COVID-19 pandemic. The case was dismissed following the denial of the temporary restraining order and preliminary injunction motions. *Faculty Association of the Laboratory Schools v. University of Chicago* (Laboratory Schools), 20 CV 7160 (N.D. Ill.).

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Negotiated the first collective bargaining agreements for non-tenure track faculty and post-doctoral fellow units for a top-rated Research 1 university.

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Represented a provider of performance materials and chemicals, and environmental catalysts and services, in connection with its integration with another entity. The representation included negotiating several collective bargaining agreements at five different plants located throughout the United States and integrating benefit plans.

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Secured a victory for a university in connection with a union's petition to represent non-tenure track faculty members. The representation included coordinating all aspects of the university's campaign, ensuring compliance with the NLRB's election rules, and representing the university before the Chicago Regional NLRB when the union challenged 120 ballots believed to have been cast in the university's favor. This challenge led to two years of proceedings before the agency, including two Requests for Review to the NLRB in Washington, D.C., ultimately resulting in a unanimous ruling that all remaining challenged ballots should be opened. These ballots revealed that the university had won the election.

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We secured an injunction against union picketers who impeded ingress and egress at a hospital construction site to protest our client's employment of non-union construction workers. The injunction, which prohibited representatives from multiple unions from participating in the protest within 25 feet of the site, was issued under an exception to Pennsylvania state law generally precluding injunctive relief during labor disputes.

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We secured victory in a high-stakes and closely watched appeal before the NLRB centering on efforts by the football team at Northwestern University to form the first union of scholarship student athletes. Our team ultimately persuaded a staunchly pro-labor Board to decline jurisdiction in a unanimous decision and side step the controversial question of whether student-athletes were employees under the NLRA. In reaching this successful result, we marshaled the support of nearly one dozen amici, including the NCAA, the Ivy League schools, several major conferences, private universities, and even members of Congress to submit briefs to the Board. The case was covered by every major media outlet, and the unprecedented issue spawned Congressional hearings and nationwide interest.

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