ECKERT SEAMANS




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# Michael D. Jones

## MEMBER

Michael Jones practices exclusively in the field of labor and employment law. His 25 years of diverse experience includes litigating cases involving collective/class wage-and-hour claims under the Fair Labor Standards Act and state laws; race, age, disability, and gender discrimination; sexual harassment; retaliation; whistleblower; and employee benefits (ERISA) cases. Mike has defended various employment-related and breach-of-contract claims in federal and state courts, the NLRB, labor arbitration, and before administrative agencies. Mike also has extensive experience litigating claims in mandatory employment arbitration tribunals under the Federal Arbitration Act.

Along with his litigation work, Mike provides clients with day-to-day counseling needs, as well as drafting and negotiating employment agreements, restrictive covenant and confidentiality agreements, severance packages, other employment-related agreements and contracts, employee handbooks, and employer policies and procedures.

Mike counsels both public and private sector clients in a myriad of industries and sectors, with deep industry experience in health care and long-term care, hospitality, financial services, telecommunications, waste management, nonprofits, life sciences, and the transportation/logistics sectors.

Mike is experienced in conducting employment investigations and management training on a variety of employment issues for corporations and government agencies, and is a frequent lecturer on the topics of discrimination, sexual harassment, ADA, FMLA, internal and EEOC investigations, and workplace privacy.

## REPRESENTATIVE MATTERS

- Obtained Rule 12 dismissal of a putative nationwide wage and hour class action against a Fortune 50 employer.
- Obtained dismissal of wage and hour class action based on individual arbitration agreements.
- Successfully enforced mandatory arbitration agreements in Federal Circuit and District Courts and State Trial Courts.
- Obtained defense verdicts for a nationwide hospital system in age, race, wage and hour, national origin and FMLA cases.
- Negotiated several multi-million dollar executive compensation packages.
- Obtained summary judgment in a whistleblower case for a healthcare institution.

### PRACTICE AREAS:

Labor & Employment

Appellate

### STATE ADMISSIONS:

Pennsylvania

New Jersey

### COURT ADMISSIONS:

U.S. Supreme Court

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for Veterans Claims

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

Pennsylvania Supreme Court

New Jersey Supreme Court

### EDUCATION:

LL.M., trial advocacy, Temple University Beasley School of Law, 2002

J.D., University of Pennsylvania Law School, 1992

B.A., political science and psychology, Duke University, 1989

- Obtained multiple mass picketing injunctions on behalf of a nationwide telecommunications provider.

## COMMUNITY INVOLVEMENT

- Philadelphia FIGHT
- Support Center for Child Advocates
- National Veterans Legal Services Program
- Amnesty International
- Camden Legal Services
- Philadelphia VIP
- Big Brothers Big Sisters
- Disciplinary Board of the Supreme Court of Pennsylvania, appointed Hearing Examiner

## NEWS AND INSIGHTS

PUBLICATIONS

- "Storeowners, business owners have the absolute right to require customers, vendors, anyone who comes onto their property to wear a mask," Associated Press, April 2021.
- "NLRB Issues Joint-Employer Final Rule, Narrowing Employer Liability," Eckert Seamans' Labor & Employment Alert, February 27, 2020.
- "Department of Labor Issues Final Rule on White-Collar Exemption, Overtime Pay Requirements," Eckert Seamans' Labor & Employment Update September 2019.
- "U.S. Department of Labor Releases New Proposed Overtime Calculation Rules," Eckert Seamans' Labor & Employment Update April 2019.(Jones)
- "U.S. Department of Labor Releases Proposal to Redefine Joint Employer Test," Eckert Seamans' Labor & Employment Update April 2019.
- "U.S. Department of Labor Releases New Proposed Overtime Rules," Eckert Seamans' Labor & Employment Update March 2019.
- Supreme Court Doubles Down on Employment Arbitration," Eckert Seamans' Labor and Employment Alert, May 2018.

MEDIA COVERAGE

- "Should employers wait out OSHA's vaccine mandate? 'If you're a gambler.'" HR Dive, November 8, 2021.
- "Details of COVID-19 vaccine workplace rules are out. What if your employer won't comply?" USA Today, November 5, 2021
- "Could The DOL Workplace Vax Rule Complicate Wage Claims?" Law360, November 4, 2021.
- "Major Kansas City employers not mandating COVID-19 vaccines, but pressure growing to act," Kansas City Star, August 2021.
- "Federal Worker Unions Back Vaccine Mandates Amid Local

Backlash," Bloomberg, July 28, 2021.

- "University of Pennsylvania requiring all faculty, staff to be fully vaccinated against COVID-19," WPVI ABC-6, June 2, 2021
- "The rush is now on to vaccinate Illinois college students before they leave campus for summer break. But will the shots be required for them to come back?" Chicago Tribune, April 6, 2021.
- "Which places will require proof of a COVID-19 vaccine? And should they?" WHYY Radio, April 5, 2021.
- "CDC Vaccine Guidance Offers 'Road Map' For Employers," Law360 Employment Authority, March 10, 2021
- "Why Law Firms May Not Require Vaccine For Attys And Staff," Law360, January 21, 2021.
- "Will Employees be Forced to get the Coronavirus Vaccine by their Company?" NBC-10 Philadelphia, December 21, 2020.
- "Restaurants could be violating WARN Act – here's what you need to know," Nation's Restaurant News, September 2020.
- "Milton Hershey School Workers Must Arbitrate Bias Suit," Bloomberg Law, May 2020.
- "Treat 'Vent Letters' Like Exit Interviews," HR Daily, April 2018.

SPEAKING ENGAGEMENTS

- "Employers' Role and Rights in COVID-19 Vaccinations," panelist, American Public Gas Association webinar, February 2021.
- "WARN Act: Class Action Lawsuits Loom as Furloughs Approach Six Month Mark," webinar co-presenter, September 2020.
- "Employment Arbitration: Is it right for your organization and how do recent developments impact the use of arbitration agreements?" co-presented at Eckert Seamans' Human Resources Forum, April 2019.
- "Employment Arbitration," Richmond HR Forum, March 2018.
- "The NLRB Under the Trump Administration," Labor and Employment Relations Association Annual Meeting, December 2017.