



Michael A. Shadiack

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Michael A. Shadiack is a partner in Connell Foley LLP's Labor and Employment Law Practice Group. He has devoted his entire career to representing employers and management personnel in the private and public sectors. Mr. Shadiack is a multi-year recipient of the *New Jersey Super Lawyers Rising Star* recognition.

Mr. Shadiack provides clients with the following expertise:

- **Preventative Counseling:** Mr. Shadiack regularly provides employers with practical, comprehensive, and preventative counseling on personnel and benefit issues to ensure compliance with statutory and common law requirements. He focuses on helping clients make employment-related decisions intended to avoid or reduce the risks of litigation. Substantive legal issues under federal and state laws include:
 - Employee hiring, disciplining, and discharging
 - Managing employee medical leaves of absence
 - Reasonable workplace accommodations
 - Strategies to avoid and respond to workplace harassment
 - Discrimination and retaliation
 - Employee screening and hiring
 - Performance evaluations
 - Separation agreements and general releases
 - Privacy issues
 - Drug and alcohol testing
 - Employee dishonesty and disloyalty
 - Personnel file management and record keeping requirements
 - Reductions in force, mass layoffs, and plant closings, including compliance with the WARN Act
- **Litigation Defense and Dispute Resolution:** Mr. Shadiack has served as lead counsel and successfully represented our clients in all aspects of litigation in state and federal courts, before state and federal administrative agencies, and in arbitration involving claims of workplace harassment, discrimination, wrongful termination, whistle-blower retaliation, reasonable accommodation, breach of contract, civil rights, non-competition violations, minority shareholder oppression, assault and battery, intentional infliction of emotional distress, protected concerted activity, and wage and hour. Mr. Shadiack has also effectively and efficiently resolved lawsuits and administrative charges, consistent with the employer's strategic objectives.
- **Employment Law Training:** Mr. Shadiack provides practical and cost-effective training on all aspects of employment law, including workplace harassment prevention, managing leaves of absence, hiring and firing best practices and procedures, avoiding retaliation and

Practice Areas:

Labor and Employment Law

Admitted to Practice:

State of New Jersey
United States District Court for
the District of New Jersey
United States Court of Appeals
for the Third Circuit

Education:

Seton Hall University (B.A. Pre-
Law and Liberal Studies,
magna cum laude, 1995)
Seton Hall University School of
Law (J.D., concentration in
Labor and Employment Law,
1998)

Affiliations:

American Bar Association
New Jersey State Bar
Association, Labor and
Employment Law Section
Morris County Bar Association,
Labor and Employment Law
Section
USLAW Network, Employment
Practice Group

discrimination in the workplace, employee discipline, performance evaluation best practices, employment at-will, and formulating practical personnel policies and employee handbooks. Mr. Shadiack tailors the training session to the employer's industry and workforce.

- **Employee Handbooks:** Mr. Shadiack prepares comprehensive and practical employee handbooks, which are customized to each employer's specific business practices and number of employees. Mr. Shadiack periodically reviews and updates our clients' employee handbooks to ensure their continued compliance with the ever-changing and complex federal and state employment laws. Mr. Shadiack drafts/updates each employee handbook to accomplish four main objectives: (1) clear communication with employees; (2) administrative efficiency; (3) best employment practices to avoid or minimize workplace disputes; and (4) proactive measures addressing changes in laws, liability trends, and business climate. He frequently serves as a featured presenter to human resources and management representatives as well as in-house counsel regarding the importance of employee handbooks and drafting techniques.
- **Union-Management Relations:** Mr. Shadiack represents employers during contract and grievance arbitrations and collective bargaining negotiations, defends unfair labor practice charges, prosecutes employee disciplinary appeal hearings, and advises employers on NLRA and NJPERC compliance to avoid administrative charges.

Client Base

Mr. Shadiack represents a diverse client base, which includes:

- Privately-owned and operated businesses
- International, national, and regional corporations
- Non-profit organizations
- Institutions of higher education
- Municipalities
- Public agencies
- Multi-employer trade associations
- Commercial employment practice liability insurance firms

Recent Presentations

Mr. Shadiack has presented as a speaker both nationally and regionally on numerous traditional and cutting edge labor and employment topics:

- Featured Speaker: "Social Media in the Workplace: Potential Employer Liability and Discovery Best Practices, The Hartford (presentation to claims consultants) (April 2012)
- Featured Speaker: "Correctly Classifying Workers" under New Jersey and Federal Wage and Hour Laws, New Jersey Business & Industry Association (February 2012)
- Featured Speaker: "Limiting Risk From Lawsuits and Government Investigations," New Jersey Business & Industry Association (December 2011)
- Featured Speaker: "How to Prepare Employee Handbooks & Policies and Handle the Explosion of Social Media at Your Workplace," New Jersey Business & Industry Association (September 2011)
- Keynote Speaker: "Hot Tips for Employers to Maximize the Benefits of Employee Handbooks and to Avoid Common Drafting Errors," Morris County Chamber of Commerce (July 2011)
- National Speaker: "Employee Handbooks: Hot Tips for Employers," USLAW Network national webinar (June 2011)
- Featured Speaker: "Evaluating Your Peers - Best Practices and Pitfalls to Avoid," Saint Peter's College (April and May 2011)

- National Speaker: "Best Practices to Avoid a Pattern and Practice Discrimination Claim," USLAW Network Fall Conference, Colorado Springs, Colorado (October 2010)
- Featured Speaker: "Developing Employee Handbooks & Policies - An Employer Survival Workshop," New Jersey Business & Industry (July 2010)
- Keynote Speaker: "Human Resource Best Practices," Associated General Contractors of New Jersey (August 2009)
- Featured Speaker: "2009 Labor Law Update," Associated General Contractors of New Jersey (June 2009)
- Featured Speaker: "HR 101 - A Primer for Managing Human Resources," New Jersey Business & Industry Association (March 2007)
- Trainer: Workplace Harassment Prevention training on behalf of numerous employers, including:
 - Allamuchy Township
 - Associated General Contractors of New Jersey
 - Bechtel Corporation
 - Essex Plaza Management Associates
 - Ferreira Construction
 - FoodBank of Monmouth and Ocean Counties
 - Lopatcong Township
 - New Jersey Property-Liability Guaranty Association
 - Rock Spring Country Club
 - Saint Peter's College
 - Skylands Center
 - The Arc of Warren County
 - Tri-County Orthopedics
 - Warren County Board of Chosen Freeholders
 - Wesketch Architecture

Publications

- Author, Client Alert: Employee or Independent Contractor? Contractors Must Properly Classify Workers or Face Penalties and Civil Liability (September 2010)
- Author, Client Alert: Wage and Hour Concerns for Healthcare Employers (September 2010)
- Co-author, "Pension Plan Withdrawal Liability: A Primer" published in New Jersey Constructor magazine (Summer 2010)
- Co-author, "Employees Now Protected Against Retaliation For Merely Requesting FMLA Leave" published in New Jersey Constructor magazine, Issue 2 (2010)
- Author, Client Alert: New Jersey Becomes Third State to Require Paid Family Leave (May 2008)
- Co-author, published in New Jersey Lawyer Magazine. An article on the exclusive remedy provision under New Jersey's Workers' Compensation Act as it applies to employees injured on the job. It focused primarily on recent trends and established law concerning the applicability of the exclusivity provision and its exception. (December 2003)
- Legal author, Quantum Frontline Supervisor published monthly by Quantum Health Solutions an employee assistance provider. Mr. Shadiack's articles focus on topical employment law issues, including but not limited to disability and medical leaves of absence.
- "Torts - Act of God - Does a Golf Course Owner and/or Operator Owe a Duty of Care to Their Patrons to Protect Them from Lightning Strikes?" 8 Seton Hall J. Sport L. 301 (1998)

Features

- *New Jersey Business Magazine* on The Perils of Misclassification (February 2011)
- *New Jersey Business Magazine* on Mandated Employee Benefits (July 2010)

Reported Decisions

- Spagnola v. Town of Morristown et al., Civil No.: 05-577 (JLL), 2006 WL 3533726 (D.N.J. December 7, 2006) (dismissing federal civil rights and constitutional claims against a private attorney and his law firm)
- Township of West Milford v. P.B.A. Local No. 162, P.E.R.C. No.: 2000-63, 26 NJPER 31042 (January 28, 2000) (granting Township's scope of negotiations petition and restraining binding arbitration over grievance filed by the PBA challenging Township's exercise of managerial prerogative)

Professional Activities

Mr. Shadiack is an active leader in his community, serving on various boards, committees, and volunteer organizations:

- Barrister in the Sidney Reitman Employment Law American Inn of Court
- Elected member of the Morris County Committee
- Chairman of the Roxbury Township Economic Development Committee
- Member of the Roxbury Township Planning Board
- Volunteer member of the Make-A-Wish Foundation of New Jersey
- Member of the Society for Human Resource Management (SHRM)
- Member of Phi Alpha Delta Law Fraternity
- Member of the Morris County Economic Development Corporation
- Morris County Chamber of Commerce (Connell Foley LLP representative)
- ICLE Seminar Materials – Prepared written materials analyzing relevant state and federal executive and judicial authority as applies to Project Labor Agreements in the construction industry, and detailing employment law torts and non-discrimination causes of action.

Honors

- Named *New Jersey Super Lawyers Rising Star* by *New Jersey Monthly* and *Law & Politics*, 2009, 2011 and 2012.
- Named "Who's Who Among American Law Students," 1998