



Adam C. Abrahms

Board of Directors / Member of the Firm

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ADAM C. ABRAHMS is a Member of the Firm in the Employment, Labor & Workforce Management and Health Care & Life Sciences practices, in the firm's Los Angeles office, where he serves as a member of the firm's Labor Management Relations practice group. Mr. Abrahms is a member of the Board of Directors. He has devoted his practice almost exclusively to aiding employers in developing strategies to remain union-free and, in organized operations, to securing and expanding management rights.

Mr. Abrahms:

- Represents clients before the National Labor Relations Board and other federal and state agencies, and in federal and state courts
- Counsels and represents management on maintaining non-union status including union organizing and representation elections, corporate campaigns, supervisory education and training, preventative programs, and response strategies
- Negotiates initial and successor collective bargaining agreements, mid-term negotiations, effects negotiations, and closing agreements, including strong pro-employer management rights, arbitration, successorship, and zipper clauses, and multi-unit, multi-location, multi-employer, and multi-union bargaining
- Represents employers in unfair labor practices proceedings and arbitrations
- Represents employers in discrimination, harassment, retaliation, and wrongful termination disputes in federal and state courts and before federal and state administrative agencies
- Counsels clients concerning compliance with federal and California wage and hour law, non-compete issues, and other employment-related matters
- Conducts extensive vulnerability audits and assists in the development and implementation of preventative workplace practices, policies, and procedures

Representative Matters:

- Successfully managed over 100 union avoidance campaigns in dozens of states, resulting in maintenance of union-free status, with campaign victories over IBT, CNA, SEIU, UNITE-HERE, IAM, IBEW, UFCW, IATSE, ILWU, and many others. Formulated and implemented preventive labor relations programs, trainings, procedures, and union avoidance protocols for employers of all sizes and from virtually all industries
- Successfully counseled on and managed numerous decertification efforts, including the only known validated decertification of an established CNA unit
- Successfully challenged the San Francisco International Airport Card Check Ordinance on federal preemption grounds, resulting in the first known defeat of union organizing at the Airport
- Negotiated the conclusion of the 2005 Los Angeles Hotel Industry strike/lockout, while obtaining important management objectives
- Successfully defended the entertainment industry's classification of independent contractors in a state court trial prosecuted by the California Division of Labor Standards Enforcement
- Successfully handled and tried over 50 arbitrations involving just cause discipline, subcontracting, proper classification, and other contract interpretation issues

Mr. Abrahms speaks and writes frequently on current developments in employment law, and he serves as co-editor of the [Management Memo blog](#). He also has advised members of Congress, the California State Legislature, and other elected officials on a variety of employment-related issues. Prior to joining Epstein Becker Green, Mr. Abrahms was Special Labor Counsel to an international labor and employment law firm.

Mr. Abrahms was named to the *Southern California Rising Stars* list (2008 to 2014) in the area of Employment & Labor and recommended by *The Legal 500 United States* (2013 to 2018) in the Labor-Management Relations category. In 2005, Mr. Abrahms received the Surfrider Foundation Board Appreciation Award in appreciation of his assistance in furthering the Foundation's mission of protecting oceans, waves, and beaches around the world. In 1996, Mr. Abrahms was named a Ronald Reagan Presidential Scholar.

Education

- Georgetown University Law Center (J.D., 1999)
- California Lutheran University (B.A., 1996)

Court Admissions

- Supreme Court of the United States
- U.S. District Court, Central District of California

- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Bar Admissions

- California

Practice Areas

- Employment Training, Practices, and Procedures
- Labor & Employment Litigation
- Labor Management Relations
- Trade Secrets & Employee Mobility
- Wage and Hour

Industries

- Health Care and Life Sciences Industry
- Hospitality

News & Publications

October 29, 2018

Adam Abrahms, Steve Swirsky Quoted in "Deauthorize, Don't Decertify"

Bloomberg BNA Daily Labor Report

September 14, 2018

NLRB Proposed Rule Will Redefine Joint-Employer Status –Rule Will Overrule Browning-Ferris and Require “Direct and Immediate Control”

Management Memo Blog

August 24, 2018

Adam Abrahms Quoted in "How Hospitals Should Handle Discriminatory Patient Preferences: 2 Lawyers Weigh In"

Becker's Hospital Review

August 23, 2018

Adam Abrahms Quoted in "Racist Requests: How Should Hospitals Treat Patient Bias?"

Bloomberg Law

July 20, 2018

Adam Abrahms Quoted in "United Airlines President's Comments Could Ground Union Takeoff"

Bloomberg BNA

June 28, 2018

Supreme Court Holds Requiring Public Sector Employees to Pay Representation Fees Is Unconstitutional – Violates Government Employees' First Amendment Rights

Management Memo Blog

May 22, 2018

Adam Abrahms Quoted in "High Court Arbitration Ruling a Boon for Health-Care Sector"

Bloomberg BNA Daily Labor Report

May 18, 2018

Adam Abrahms Discusses Hospital Uniforms and Changing Dress Codes

Becker's Hospital Review

April 27, 2018

San Francisco Amends Fair Chance Ordinance

Act Now Advisory

March 2, 2018

Adam Abrahms Quoted in "Sexual Harassment Elevating Toward Zero Tolerance"

Behavioral Healthcare Executive

February 28, 2018

NLRB Reinstates Browning-Ferris Joint-Employer Standard . . . For Now

Management Memo Blog

February 28, 2018

NLRB Reinstates Browning-Ferris Joint-Employer Standard . . . For Now

Management Memo Blog

January 23, 2018

Adam Abrahms Quoted in "Health-Care Employers Lack Clarity on Joint Employee Issues"

Bloomberg BNA Health Care Daily Report

January 19, 2018

Adam Abrahms Quoted in "What Does the ACA Individual-Mandate Repeal Mean for Covered California?"

SHRM.org

December 21, 2017

Another Tidal Wave of New California Laws Will Impact Employers in 2018 and Beyond

Act Now Advisory

December 18, 2017

TRUMP NLRB STRIKES BACK: NLRB Restores Balance to Labor Relations – Overturning Divisive Obama Board Micro-Unit and Unilateral Change Decisions

Management Memo Blog

September 18, 2017

9th Circuit Grants a Temporary Reprieve from Seattle's Ridesharing Union Ordinance

Management Memo Blog

August 28, 2017

NLRB Acknowledges Employers' Rights to Maintain the Confidentiality of Customer Information

Management Memo Blog

August 25, 2017

D.C. Circuit Court Quashes the NLRB's Extraordinary Expansion of Weingarten Rights

Management Memo Blog

August 9, 2017

Advisory by Adam Abrahms, Steven Swirsky Featured in "In Focus: NLRB Chairman Miscimarra Will Step Down in December"

SHRM

August 3, 2017

Senate Confirms Trump NLRB Nominee Marvin Kaplan; Delays Nomination of William Emanuel

Management Memo Blog

June 28, 2017

White House Nominates William Emanuel for the Second of Two Vacancies on the National Labor Relations Board

Management Memo Blog

June 22, 2017

White House Nominates Marvin Kaplan for One of Two Vacancies on the National Labor Relations Board

Management Memo Blog

Summer 2017

Could Employee Choice End Labor Unions' Influence?

Employee Relations Law Journal

May 24, 2017

A New Path to Defending NLRB Employer Policy Challenges

Law360

May 10, 2017

Trump to Nominate Marvin Kaplan, William Emanuel to Fill NLRB

Management Memo Blog

May 10, 2017

NLRB Affirms That An Employer Has The Right To Defend Itself Against Attacks On Its Workplace Rules

Management Memo Blog

April 27, 2017

Second Circuit Finds That Employee's Obscene Facebook Post Is Protected Activity, Reminding Employers of the Importance of Uniformly Enforcing Employee Conduct Policies

Management Memo Blog

April 25, 2017

Employment Law This Week®: NLRB on Arbitration Confidentiality, EEOC's Equal Pay Data Rule, New State Laws, Transgender Bathroom Bill Suit

Episode 69: Week of April 24, 2017

April 25, 2017

NLRB: No Confidentiality Around Arbitration Proceedings: An Interview with Adam C. Abrahms

Employment Law This Week

April 21, 2017

Dish Network, LLC: Important Lessons and Reminders for Employers Under a Trump Board

Management Memo Blog

March 30, 2017

New NLRB Ruling Requires Unions to Provide Greater Detail to *Beck* Objectors

Management Memo Blog

February 24, 2017

Advisory on Los Angeles' Ban-the-Box Directives Featured in *Practical Law*

Thomson Reuters Practical Law

February 24, 2017

New Los Angeles Regulations Provide Clarity on Ban-the-Box Directives

Act Now Advisory

February 15, 2017

Could Employee Choice End Labor Unions' Influence?

Management Memo Blog

February 8, 2017

Adam Abrahms Quoted in "What Would Happen to Covered California After ACA Repeal?"

SHRM.org

January 26, 2017

President Trump Appoints Philip A. Miscimarra Acting Chair of National Labor Relations Board – The Beginning of the End of the "Obama Board"

Management Memo Blog

January 23, 2017

A New Year and a New Administration: Five Employment, Labor & Workforce Management Issues That Employers Should Monitor

Take 5 Newsletter

January 19, 2017

Obama's Pro-Union Impact on NLRB Won't Retire Quickly

Law360

January 9, 2017

NLRB Rings In the New Year by Signaling It Will Continue Its Pro-Union Rulings

Management Memo Blog

January 3, 2017

Adam Abrahms Discusses New Laws California Employers Face in 2017 Live on *McIntyre in the Morning*
McIntyre in the Morning

January 3, 2017

Adam Abrahms Quoted in "CA Employers Drown in Sea of New Laws"
KABC News

December 22, 2016

California Employers: Time to Gear Up for 2017
Act Now Advisory

December 13, 2016

NLRB Uses Hyper-Technical Rule to Overturn Employer's Landslide Election Victory
Management Memo Blog

November 17, 2016

Permanent Injunction Issued Holding DOL Amended Persuader Rule Unlawful
Management Memo Blog

October 19, 2016

Adam Abrahms Quoted in "Intermittent Strike Tactic Could Get Boost from NLRB"
Bloomberg BNA Daily Labor Report

October 7, 2016

Adam Abrahms' Analysis Showcased as International Lawyers Network Legal Update
International Lawyers Network

October 7, 2016

NLRB GC Moves to Permit Disruptive One Day Strikes
Management Memo Blog

July 12, 2016

NLRB Drops Other Shoe on Temporary/Contract Employee Relationships: Ruling Will Require Bargaining In Combined Units Including Employees of Multiple Employers – Greatly Multiplies Impact of BFI Expanded Joint Employer Test
Management Memo Blog

June 27, 2016

Nationwide Preliminary Injunction Ordered Against Persuader Rule

Management Memo Blog

June 17, 2016

DOL Provides Important Guidance Regarding "Persuader Rule"

Act Now Advisory

March 23, 2016

Department of Labor Releases New Persuader Rule Intended to Aid Union Organizing

Management Memo Blog

December 21, 2015

Employment Law This Week: Drivers Unionize, Wrongful Termination, Overtime for BlackBerry Use, OSHA Fine, and EU Cybersecurity

Episode 9: Week of December 21, 2015

September 8, 2015

Ban on Mandatory Employment Arbitration Agreements Passed by California Legislature

Act Now Advisory

July 17, 2015

Adam Abrahms Quoted in "Healthcare Employers Should Review Federal Rules on Independent Contractors"

Modern Healthcare

March 19, 2015

NLRB Issues Critical Guidance On Employer Handbooks, Rules and Policies, Including "Approved" Language

Management Memo

March 19, 2015

Employer Handbooks: 8 Areas to Watch

Employee Benefit News

December 15, 2014

NLRB Adopts Expedited Election Rules, Effective April 15, 2015

Act Now Advisory

July 29, 2014

NLRB's Macy's Decision Raises Questions About Best Strategies for Combating Union Efforts to Organize

Micro-Bargaining Units

Act Now Advisory

June 26, 2014

All NLRB Decisions and Actions From August 27, 2011 Through July 17, 2013 Are Invalid or in Doubt

Health Employment And Labor Blog

February 7, 2014

Groundhog Day: Pro-Labor NLRB Again Attempts to Put The "Fix" In Union Elections: Reissues Discredited "Ambush" Election Rules, *on the* Health Employment and Labor Law Blog

December 2, 2013

"First Kill All The Lawyers" — Obama's Persuader Rules Target Employer's Right to Counsel, *on the* Management Memo Law Blog

October 31, 2013

Obama's Labor Agenda Continues to Advance — Griffin Confirmed as NLRB GC, *on the* Management Memo Blog

October 30, 2013

NLRB Member Hirozawa Provides 2014 Preview at EBG Client Briefing, *on the* Management Memo Blog

October 22, 2013

NLRB Advises On Calculation of Deadlines and Filing Dates Post-Shutdown, *on the* Management Memo Blog

October 3, 2013

Impact of Government Shutdown on NLRB, Part II: Some Proceedings Delayed Indefinitely, Extensions to Serve and File Documents Granted, New Charges Must Be Filed Within Six Months, *on the* Management Memo Blog

October 1, 2013

Government Shutdown "Closes" NLRB: 1600 of 1611 Employees Furloughed, *on the* Management Memo Blog

September 17, 2013

Administration Rejects Labor's Obamacare Demands, *on the* Management Memo Blog

August 26, 2013

President Obama's NLRB Acting General Counsel Appointment Invalid — Court Rules Agency Without Power to Issue Unfair Labor Practice Complaint, *on the* Management Memo Blog

August 6, 2013

Bad Faith Bargaining or Just Bad Bargaining: President Obama Names Unconstitutionally Appointed Griffin as NLRB GC, *on the* Management Memo Blog

August 5, 2013

Nurse-to-Patient Ratios: Coming to a Hospital Near You?, *on the* Management Memo Blog

August 1, 2013

The Senate Has Confirmed A "Full" 5 Member NLRB That Includes 3 Union Lawyers — Are You Ready?, *on the* Management Memo Blog

June 25, 2013

High Court to Review Constitutionality of President Obama's Recess Appointments to the NLRB, *on the* Management Memo Blog

May 7, 2013

Court of Appeals Rules NLRB Notice Posting Violates Employer Free Speech Rights, *on the* Management Memo Blog

May 3, 2013

Executive Privilege (a new Twinkie Defense?): What Executives Can and Should Say About Unions, *on the* Management Memo Blog

April 11, 2013

President Obama Nominates Three Members to National Labor Relations Board — But Will the Senate Confirm? *on the* Management Memo Blog

January 25, 2013

***Act Now Advisory*: NLRB Recess Appointments "Invalid From Their Inception" and "Void" for Lack of Constitutional Authority Rules the D.C. Circuit**

October 17, 2012

Take 5: Views You Can Use - October 2012

August 28, 2012

***Act Now Advisory*: Requiring Confidentiality During HR Investigations May Violate National Labor Relations Act**

May 16, 2012

***Act Now Advisory*: Court Strikes Down NLRB "Quickie Election" Rules**

April 18, 2012

Act Now Advisory: California Labor Commissioner Revises Wage Theft Prevention Act Template and Frequently Asked Questions

Events

Boardrooms on Edge: HR's Role in Protecting Your Brand's Reputation - Epstein Becker Green's 37th Annual Workforce Management Briefing

October 25, 2018 at 8:00am – 4:15pm

New York, NY

Managing Workforce Compliance in an Unpredictable World: Epstein Becker Green's 36th Annual Workforce Management Briefing

September 14, 2017 at 8:00am – 4:30pm

New York, NY

Employers Under the Microscope: Is Change on the Horizon? Epstein Becker Green's 35th Annual Workforce Management Briefing

October 18, 2016 at 8:00am – 4:00pm

New York, NY

Take Action Today: DOL Provides Important Guidance Regarding "Persuader Rule"

June 23, 2016 at 2:30pm – 3:00pm

Webinar (EDT)

AHLA Educational Call: A Bitter Pill to Swallow - Expansion of Joint-Employer Status and Liability in Health Care

March 9, 2016 at 12:00pm – 1:00pm

Teleconference

High Stakes and High Priorities: Epstein Becker Green's 34th Annual Workforce Management Briefing

October 15, 2015 at 8:00am – 3:00pm

New York, NY

New Union Rules and Rulings: Proactive Strategies for Employers Facing Today's Aggressive National Labor Relations Board and New Expedited Representation Elections

May 7, 2015 at 8:00am – 12:30pm

Los Angeles, CA

Wage & Hour Issues in Post-Acute Care: Post-Acute Care in Transition Webinar Series

September 17, 2014 at 12:00pm – 1:00pm

Spotlight on Emerging Wage and Hour Investigations and Litigation in the Health Care Industry

August 14, 2014 at 1:00pm – 2:00pm

Workplace Compliance: Prepare Today, Protect Your Company Tomorrow - the Epstein Becker Green 32nd Annual Labor and Employment Client Briefing

October 30, 2013 at 8:00am – 3:00pm

The Roosevelt Hotel

Patient Care vs. Nurse Prerogative: The Evolving Legal Conflict on Mandatory Employee Flu Shots

April 22, 2013 at 1:00pm – 2:30pm

Webinar

When Union Organizing Trumps Patient Care - Aggressive Contract Management Tactics: Part III of the HEAL Labor Relations in 2013 Webinar Series: What Health Care Industry Employers Should Know Now

March 28, 2013 at 12:00pm – 1:00pm

Webinar

When Union Organizing Trumps Patient Care - Aggressive Union Negotiating Tactics: Part II of the HEAL Labor Relations in 2013 Webinar Series: What Health Care Industry Employers Should Know Now

February 28, 2013 at 12:00pm – 6:00pm

Webinar

When Organizing Trumps Patient Care - Aggressive Union Tactics: Part I of the HEAL Labor Relations in 2013 Webinar Series: What Health Care Industry Employers Should Know Now

January 29, 2013 at 12:00pm – 6:00pm

Webinar

Firm Announcements

July 2, 2018

Legal 500 United States Recognizes Epstein Becker Green as Top-Tier Recommended Law Firm, Awards Additional High Rankings

May 31, 2017

Epstein Becker Green Receives Top Rankings in *The Legal 500 United States* for 2017

June 15, 2016

Epstein Becker Green Receives Top Rankings in *The Legal 500 United States* for 2016

June 3, 2015

Epstein Becker Green Receives Top Rankings in *The Legal 500 United States* for 2015

October 17, 2014

54 Epstein Becker Green Attorneys Named to 2014 *Super Lawyers* and *Rising Stars* Lists

June 4, 2013

Epstein Becker Green Receives Top Rankings in *The Legal 500 United States* for 2013

September 25, 2012

Epstein Becker Green Launches Management Memo Blog

March 9, 2012

Labor Management Relations Attorney, Adam C. Abrahms, Joins Epstein Becker Green's Los Angeles Office

Case Studies

Epstein Becker Green Achieves Victory—Employee Micro-Unit in Southern California Votes Down the Teamsters in Union Election

On February 10, 2017, the Teamsters served a petition seeking to represent a 21-employee micro-unit at a single site of an Epstein Becker Green client, one of the largest nonprofit agencies in Southern California. When the petition was filed, only three of the tight-knit group of employees expressed any company loyalty or disinterest in the union.

Epstein Becker Green's team negotiated a favorable election date, unit description, and other logistics to place the client in the best possible position. Our firm's team also trained and counseled the client's leadership, reviewed and revised the client's communications, and worked with line-level supervisors to ensure maximum legal compliance and impact.

Once the employees learned the facts about unionization, the employees ultimately chose *not* to be represented by the union by exercising their right to vote "No."

On March 7, 2017, the election was held and the tally of the ballots conducted, resulting in 11 votes for the company and eight for the union, with two challenged ballots that remained unopened. (Had the challenged ballots been opened, the final tally would likely have been 13 for the company and eight for the union.)

The union acknowledged its defeat when it failed to file any objections to the outcome of the election; the election was certified on March 16.

Epstein Becker Green's team was led by **Kat Paterno** and included **Adam Abrahms** and **Christina Rentz**.

Obtaining Victory for Large Nonprofit Organization in Disability Discrimination Suit

On October 13, 2016, Epstein Becker Green ("EBG") won a significant victory for a large nonprofit agency in Southern California when the California Court of Appeal upheld the demurrer and judgment granted in our client's favor in the trial court.

The case involved a single plaintiff who brought multiple causes of action alleging various forms of disability discrimination under California's Fair Employment and Housing Act ("FEHA") and public policy law, following her termination. Plaintiff had fractured her foot and requested a four-week leave of absence. Believing that plaintiff's injury was not a disability that necessitated such a leave of absence, a manager denied the leave and terminated the plaintiff's employment.

Recognizing that our client could face potential liability if plaintiff were considered disabled and thus entitled to a reasonable accommodation, the EBG team demurred to the complaint, asserting that a fractured foot is not a "disability" under California law. Although there was a dearth of California precedent on the issue, the EBG team convinced the trial judge to look to federal authority holding that such an injury is not a disability. The trial judge granted the demurrer without leave to amend and entered judgment for our client.

Plaintiff appealed, arguing that California law is more expansive than federal law and that the judge erred in not finding a disability under the more expansive definition. The appellate court affirmed the dismissal, finding that "an injury does not necessarily constitute a disability," and "the FEHA regulations provide that conditions with little residual effect, such as sprains and other mild conditions, often do not qualify as disabilities under FEHA."

The EBG team included **Adam C. Abrahms** and **Amy B. Messigian**.

Epstein Becker Green Obtains Dismissal of Wage and Hour Class Action Brought Against Health Care Client

In March 2014, Epstein Becker Green obtained a significant victory in a wage and hour class action brought against a health care client in California. Although our client was confronted with potential exposure in the millions of dollars, the case was resolved without any payment by our client. Epstein Becker Green obtained this result by first filing motions to dismiss and to strike portions of the Complaint. Those motions were granted in part, essentially cutting the case in half (the court dismissed the class claims, subject to plaintiff's right to attempt to amend the Complaint). When the plaintiff's

attorneys chose not to try to amend the Complaint during the time permitted, Epstein Becker Green was able to convince the plaintiffs to dismiss the rest of the case based on documentation showing that the remaining claims were meritless.

The Epstein Becker Green team representing our client included Adam C. Abrahms, Michael S. Kun, and Deanna L. Ballesteros.

Epstein Becker Green Successfully Negotiates Union Agreements on Behalf of Nuclear Generating Station

On May 18, 2013, Epstein Becker Green completed the final step of negotiations on behalf of Southern California Edison for a significantly revamped successor collective bargaining agreement and a reorganization/reduction-in-force effects agreement with the Utility Workers Union of America (UWUA) Local 246, covering the San Onofre Nuclear Generating Station. Despite taking place under the most difficult of circumstances, including political pressure, regulatory uncertainty, and the significant reduction in force, both agreements were reached without any job action or disruption.

Adam C. Abrahms led Epstein Becker Green's team, which also included Evan Rosen and Lisa M. Watanabe.