



Steven M. Swirsky

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STEVEN M. SWIRSKY is a Member of the Firm in the Employment, Labor & Workforce Management and Health Care & Life Sciences practices, in the New York office of Epstein Becker Green. He is a member of the firm's Board of Directors and Co-Chair of the firm's Labor Management Relations practice group. 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 in collective bargaining and in proceedings before the National Labor Relations Board.

Mr. Swirsky regularly represents employers in a wide range of industries, including retail, hospitals and health care, manufacturing, banking and financial services, transportation and distribution, electronics, and media and publishing. He frequently advises and represents United States subsidiaries and affiliates of Asian, European, and other foreign-based companies. Mr. Swirsky is a Fellow of [The College of Labor and Employment Lawyers](#), a fellowship of the most accomplished members of the labor and employment law community in the United States, and a member of the Advisory Board of the Center for Labor and Employment Law at New York University School of Law.

Mr. Swirsky:

- Advises employers on a full range of labor and employment matters involving labor and employment issues in transactional matters
- Represents employers in union avoidance, organizing campaigns, and related proceedings before the National Labor Relations Board
- Represents employers in collective bargaining and in connection with strikes, picketing and arbitration proceedings
- Handles grievances and arbitrations concerning work rule disputes and discharges, for both unionized and non-unionized employers

- Represents employers in a full range of employment litigation and administrative proceedings, including Title VII, ADEA, ADA and other employment discrimination matters before state and federal courts and administrative tribunals such as the EEOC, and the New York State Division of Human Rights
- Prepares and revises employment manuals and personnel policy manuals
- Structures employment agreements, including those involving protection of trade secrets and proprietary technology, and litigation involving employment contracts, restrictive covenants, and the protection of confidential and proprietary information

From 1978 to 1983, Mr. Swirsky served as a Field Attorney with the National Labor Relations Board at Region 29 in Brooklyn, New York. He has represented employers in private practice since leaving the Board in 1983.

Mr. Swirsky is co-editor and a frequent contributor to the *Management Memo* blog and the *Health Employment And Labor* blog. He frequently writes and speaks on a wide range of labor and employment law matters and presently serves on the boards of several not-for-profit organizations.

Mr. Swirsky was named by *Law360* as one of only six Employment MVPs for 2014. He was also selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of Employment Law—Management and Labor Law—Management (2006 to 2019) and *New York Metro Super Lawyers* list in the areas of Employment and Labor and Employment Litigation: Defense (2007 to 2013). Mr. Swirsky is listed in *PLC Which Lawyer? Yearbook* and was "Recommended" in the Labor–Management Relations category by *The Legal 500 United States* (2012 to 2018). He has received an "AV Preeminent" Peer Review Rating by Martindale-Hubbell for more than 15 years, signifying the highest level of professional excellence. Mr. Swirsky is also a Fellow of the American Bar Foundation.

Education

- Fordham University School of Law (J.D., 1978)
 - Member, *Urban Law Journal*
- Cornell University (B.S., 1975)
 - School of Industrial and Labor Relations

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit

- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Bar Admissions

- New York

Practice Areas

- Labor Management Relations
- Employment Litigation
- Employment Training, Practices, and Procedures
- ERISA and Benefit Plan Litigation
- Foreign Multinational Counseling and Litigation
- Wage and Hour
- ADA and Public Accommodations

Industries

- Health Care and Life Sciences Industry
- Hospitals and Health Systems
- Financial Services
- Retail
- Hospitality
- Technology, Media & Telecommunications

Memberships

- American Bar Association
- American Health Lawyers Association
- Association of the Bar of the City of New York
- Cornell University, Industrial and Labor Relations, Alumni Association
- New York State Bar Association
- New York University School of Law: Advisory Board, Center for Labor and Employment Law

Honors

- American Bar Endowment, Fellow
- College of Labor & Employment Lawyers, Fellow

- Litigation Counsel of America, Fellow

Books and Treatises

- *How to Take a Case Before the NLRB, Ninth Edition* - Chapter 20: "Picketing for Recognition or Organization" (editor)
Bloomberg BNA and the American Bar Association (2016)
- *The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act - Sixth Edition, with Cumulative Supplement* - Chapter 9: "Restrictions on Preelection Activity: 'Laboratory Conditions'" (editor)
Bloomberg BNA and the American Bar Association (2015)
- *The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act - Seventh Edition* (editor)
Bloomberg BNA and the American Bar Association (2018)
- *Post-Acute Care Handbook: Regulatory, Risk, and Compliance Issues* - Chapter 8: "Labor, Employment, and OSHA Issues" (co-editor, co-author)
The American Health Lawyers Association (2014)