



Daniel P. Forsyth

Member

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Profile

Honors & Affiliations

- Listed in:
 - *The Best Lawyers in America*® 2001-2026, Employment Law - Management; Labor Law - Management; Litigation - Labor and Employment (listed for more than 20 years)
 - *Best Lawyers' 2025 Buffalo Labor Law - Management Lawyer of the Year*
 - *Best Lawyers' 2016 Buffalo Litigation - Labor and Employment Lawyer of the Year*
 - *Best Lawyers' 2015 Buffalo Labor Law - Management Lawyer of the Year*
 - *Best Lawyers' 2014 Buffalo Employment Law - Management Lawyer of the Year*
 - *Buffalo Business First*, Legal Elite of Western New York, 2016-2019 Legal Elite
 - *Martindale-Hubbell*®, AV Preeminent Rated (listed for 19 years)
 - *New York Super Lawyers*® 2022, Employment and Labor (listed for 15 years)
- American Bar Association, Labor and Employment Law Section
- New York State Bar Association, Labor and Employment Law Section
- Erie County Bar Association, Labor and Employment Law Section
- New York Management Attorneys Conference
- Senior Editor, *Buffalo Law Review*

Representative Matters

- Successfully represented a national concrete cutting company before the NLRB in a jurisdictional dispute between the Laborer's and Operating Engineer's unions, resulting in an award of the work to the client-preferred Laborers.
- Prepared over 50 drug testing policies in compliance with: collective bargaining agreements, various state laws and U.S. Dep't of Transportation regulations. Successfully defended related policy and discipline cases in: Federal District Court, labor arbitration, unemployment insurance hearings and before the NLRB.
- As chief spokesperson at labor negotiations, when agreement could not be reached, on multiple occasions successfully implemented the employers' final

Education

- University at Buffalo School of Law (J.D. 1981)
- Cornell University (M.I.L.R. 1978)
- Dartmouth College (B.A., *cum laude*, 1976)

Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- United States District Court for the Western District of New York

Practices

- Labor and Employment

offer and obtained dismissal of the unions' ULP charge after investigation by the NLRB.

- In cases for both a national equipment manufacturer and a regional chain of pharmacies, counseled the employers on the transfer of bargaining unit work and facility shutdown, and secured dismissal of related NLRB charges after investigation.
- Won summary judgment for a national chemical manufacturer before the Second Circuit Court of Appeals in a complex case with age, F.M.L.A. disability discrimination and retaliation claims.
- Extensive experience advising employers on lengthy medical leaves of absence and intermittent leave in accord with the: A.D.A., F.M.L.A., N.Y. Human Rights Law, N.Y. Paid Family Leave Act, N.Y. Workers' Compensation Law, N.Y. Disability Law, collective bargaining agreements and individual employment contracts.
- Reviewed and revised over 50 employee handbooks.
- Won summary judgment in Buffalo Federal District Court for a regional trucking company, successfully vacating a labor arbitrator's adverse decision on the shutdown of a terminal.
- Won summary judgment in Buffalo Federal District Court for a national transportation company, successfully dismissing a union employee's challenge to his discharge for a positive drug test.
- Extensive experience advising both buyers and sellers on asset purchase agreements and acquisitions relating to union successorship, alter ego and adoption or avoidance of collective bargaining agreements and union recognition.
- Advised numerous clients on strike preparation, work stoppages and brought related N.Y. Labor Law § 807 injunction proceedings against various unions for mass picketing, blocking property ingress/egress and violence.
- Obtained dismissal of an OSHA 11(c) whistleblower claim following investigation for a regional federal contractor in the education and training field.

Representative Presentations

- Hot Employment Law Issues for 2024, Construction Exchange of Buffalo & WNY, March 21, 2024
- Hot Employment Law Issues for 2023-2024, Chautauqua Works, October 26, 2023
- Hot Employment Law Issues for New York State 2023-2024, National Human Resources Association of WNY, October 19, 2023
- Avoiding Legal Pitfalls in Interviewing & Hiring, Chautauqua Works, November 21, 2019
- Hot Employment Law Issues for 2019, National Human Resources Association of WNY, November 13, 2019
- Effective Workplace Investigations, National Human Resources Association of WNY, June 6, 2019
- Hot Employment Law Issues for 2019, Chautauqua Works, May 30, 2019
- Employment Law Update, Chautauqua Works, November 29, 2018

- Employment Law Update, National Human Resources Association of WNY, November 7, 2018
- Intermittent Leave, Bond Schoeneck & King Labor and Employment Law Seminar, October 16, 2018
- Navigating Sexual Harassment in an Evolving Legal & Cultural Landscape, Chautauqua Works, May 3, 2018
- The New York Paid Family Leave Law – Are you ready for January 1, 2018?, Chautauqua Works, November 9, 2017
- The New York Paid Family Leave law is here. Are you ready?, National Human Resources Association of WNY, October 19, 2017
- It's Only a Matter of "Time" – Avoiding Common Wage and Hour Mistakes, Bond Schoeneck & King Workplace Seminar, June 20, 2017
- Progressive Discipline, Documentation and Effective Terminations, Chautauqua Works, April 20, 2017
- The New FLSA White Collar Exemptions & Overtime Rules, National Human Resources Association of WNY, November 16, 2016
- The New FLSA White Collar Exemptions & Overtime Rules – Ready for December 1st ?, Chautauqua Works, November 10, 2016
- Managing Medical Leaves of Absence – How to Navigate Federal and State Laws, National Human Resources Association of WNY, May 17, 2016
- Managing Medical Leaves of Absence - How to Navigate Federal and State Laws, Chautauqua Works, April 28, 2016
- 15 Employment Law Mistakes HR Cannot Afford to Make, National Human Resources Association of WNY, November 17, 2015
- Workplace Investigations, Chautauqua Works, November 5, 2015
- Best Practices for Managing Employee Termination, Bond Schoeneck & King Workplace Seminar, June 30, 2015
- Employee Handbooks - 15 Key Provisions and the Legal Principles Behind Them, Chautauqua Works, March 26, 2015
- 15 Critical Errors Employers Make in Employment Law, Chautauqua Works, November 6, 2014
- Union Shop or Not – How the NLRB's New Playbook Affects You, Bond Schoeneck & King Workplace Seminar, June 12, 2014
- N.Y.S. Unemployment Insurance Law: the New Reforms and a General Overview, Chautauqua Works, March 27, 2014
- Understanding Key Differences Between the Fair Labor Standards Act and New York Labor Law, Bond Schoeneck & King Workplace Seminar, June 13, 2013

Other Activities

- Artpark & Company, Inc., Board Member
- Cornell University's School of Industrial and Labor Relations, Instructor
- National Human Resources Association – WNY Chapter, Founding Member, Board of Directors, Co-Director for Programs and Professional Development,
- Dartmouth Club of Western New York, President
- Niagara Falls Festival of Lights, Auction Executive Committee

- Stella Niagara Education Park, Vice President and Board of Directors

