



## David E. Prager

### Retired

dprager@bsk.com  
600 Third Avenue, 22nd Floor  
New York, NY 10016-1915  
(646) 253-2330  
(646) 253-2301 fax

### Profile

**David helps employers avoid costly employment disputes when they can be circumvented, and face down those in which a challenge is inevitable.**

Skilled in negotiation, dispute resolution and arbitration, employers turn to David with their labor and employment issues, starting with counseling and dispute-avoidance, through successful litigation and closure. A hallmark of his practice is assuring that services are efficient and affordable.

David is known for successfully negotiating cost-effective labor contracts, avoiding strikes, and maintaining positive employee relations. It should come as little surprise that in his youth, prior to law school, David was a president of a union local – a background experience that has served to engender trust and respect among his adversaries, while helping to inform a successful tough-but-fair negotiating approach.

A skilled litigator, David has experience in a wide array of employment discrimination matters, sexual harassment cases, wage-hour and overtime class issues, restrictive covenant cases, contract cases, plant closings, NLRB proceedings and elections, and many other facets of labor and employment law.

His clients include major hospital, health care, and home care employers – union-represented and union-free – women-owned and women-run businesses, as well as employers in industries as diverse as fashion, finance, manufacturing, energy, food service, and transportation. David considers responsiveness, communication and sensitivity to be cornerstones of his practice.

### Representative Matters

- Defending a major metropolitan hospital in a series of labor arbitrations involving class action claims brought on behalf of over 800 Registered Nurses
- Defended well-known fast food restaurants in a large number of NLRB charges brought by union organizers targeting fast food chains
- Negotiating cost-effective labor agreements for employers in the home-care services industry

### Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*® 2020, Employment Law - Management (listed

### Education

- University of Pennsylvania Law School (J.D. 1984)  
*M.H. Goldstein Memorial Prize for Distinction in Labor Law*

### Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

for more than 5 years)

- *Martindale-Hubbell®*, AV Preeminent Rated
  - *Top-Rated Lawyer in Labor & Employment Law*
- *New York Super Lawyers 2015®*, Employment & Labor

## Representative Presentations

- Webinar on Preventing Discrimination and Harassment Claims in Home Care, March 2018, for NY Home Care Providers Association
- Lectures on Home Care Worker Wage Parity Law, 2012-2013, for NY Home Care Providers Association, Community Health Care Services Foundation
- Presentations and webinars on labor relations and arbitration, stressing issues of particular relevance to Health Care and home care providers
- Panelist, St. John's University, annual conference on Labor and Employment Law, 2012

## Representative Publications

- "The Employee Polygraph Protection Act, A Guide for Employers," *US Chamber of Commerce*
- "Age Discrimination: Does the Adverse Impact Theory Apply?," *NYU Annual National Conference on Labor*