



## David M. Ferrara

### Member

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### Profile

**David assists employers in minimizing potential liability while managing challenging employee situations. This includes reductions-in-force and performance issues, as well as sensitive employee investigations. Dave has tried cases in state and federal court and has successfully advocated in both bench and jury trials.**

David prides himself in providing highly competent legal advice in a straight forward, common sense manner, and always focuses on minimizing liability and adding value to his clients.

David represents both private and public employers in employment discrimination litigation, National Labor Relations Board and Public Employee Relations Board proceedings, labor arbitrations, union organizing campaigns and conflict resolution procedures. He also counsels companies in Section 1113 modifications and rejections of labor contracts under the bankruptcy code. David provides training for management and first line supervisors in sexual harassment, union avoidance, progressive discipline and conducting effective work place investigations.

Clients include manufacturers, municipalities, school districts, credit unions and financial service institutions, hospitals and long term care facilities, high-tech and communications, defense, dairy and electrical wiring device makers.

Serving as the former Secretary and General Counsel of Anaren, Inc. for 18 years, a NASDAQ listed company, David provided general business counsel covering a wide variety of corporate law issues including corporate governance, compliance and risk assessment. With Anaren's expansion into Europe and Asia, specifically China, he has provided counsel on the merger and acquisition transactions, public offerings, proxy SEC filings and various legal requirements pursuant to the Sarbanes Oxley Act of 2002.

### Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Labor Law - Management, 2010-2024 (listed for 15 years)
    - Lawyer of the Year (Syracuse), Employment Law - Management, 2013
- New York State Bar Association, Labor and Employment Section

### Education

- Indiana University School of Law (J.D. 1987)
- Le Moyne College (B.S., *cum laude*, 1977)
- Michigan State University (M.S.L.I.R., *magna cum laude*, 1978)

### Bar/Court Admissions

- New York

### Practices

- School Law
- Mergers and Acquisitions
- Labor and Employment
- Employee Benefits and Executive Compensation
- Essential Resources for Business
- Class and Collective Action Litigation

- Onondaga County Bar Association

## Representative Matters

- Successfully negotiated successor Collective Bargaining Agreement for private sector client which included pay for performance provisions and tied future medical plan changes/ increases to changes affecting all non-bargaining unit company employees.
- One of the recent highlights of Dave's legal profession came this past summer when he won a jury trial in a Kansas City State Court on a reverse discrimination claim. The plaintiff claimed he was terminated because of his race, as well as his age and in retaliation for complaining about the Company's discriminatory treatment in favor of minorities. Although incredibly time consuming, the case underscored the importance of consistent application of Company policies and detailed documentation. The case also reinforced Dave's belief that at the end of the day, jurors must conclude that the Company treated the employee "fairly" and that they are far less concerned about the legal principles underlying the case.

## Representative Presentations

- Handling Employee Discrimination and Harassment Claims: Pregnancy, Race, Age, Gender, etc., Advanced Employment Law: What You Need to Know, June 4, 2019
- Avoiding Liability by Conducting Proper Employee Investigations, Bond In-House Counsel CLE Series, December 11, 2014
- Workplace Behavior and Privacy - Current Developments, National Business Institute Human Resource Law From Start to Finish Seminar, November 18, 2014

## Other Activities

- Board Member, Seneca Falls Country Club
- St. Elizabeth Ann Seton, Former Parish Counsel Attorney