



## James E. McGrath III

### Member

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### Profile

Jim devotes his practice to the representation of management in all aspects of labor relations, employment law and related litigation. He regularly represents management in state and federal court, before arbitration tribunals and before administrative agencies including the National Labor Relations Board, the United States Equal Employment Opportunity Commission and the New York State Division of Human Rights.

In addition to litigating all aspects of labor and employment law, Jim provides frequent counseling to clients on the full range of federal, state and local labor and employment laws. He also has considerable experience in defending class and collective actions.

Prior to joining Bond, Jim was a partner at Putney, Twombly, Hall & Hirson LLP.

### Honors & Affiliations

- Listed in:
  - *New York Metro Super Lawyers*, Employment & Labor, 2012 - 2021

### Representative Matters

- *Parris v Schneider Elec. Mobility NA, Inc.* [Kapsch TrafficCom NA, Inc.], 197 AD3d 710, 2021 NY Slip Op 04755 (2d Dept. 2021), *lv. to appeal denied*, \_\_\_ N.Y.3d \_\_\_, 2022 NY Slip Op 61546 (Feb. 10, 2022).
- *Webb v. Greater New York Automobile Dealers Association, Inc.*, 2017 NY Slip Op 65281 (U) (2d Dept. Feb. 24, 2017)
- *Webb v. Greater New York Automobile Dealers Association, Inc.*, 144 A.D.3d 1136 (2d Dept. 2016)
- *Lundy v. Catholic Health System of Long Island*, 711 F.2d 106 (2d Cir. 2013)
- *Goodman v. Burlington Coat Factory*, 2012 U.S. Dist. LEXIS 166910 (D.N.J. Nov. 20, 2012)
- *Smith v. Marks [Fordham University]*, 65 A.D. 3d 911, 885 N.Y.S. 2d 463 (1st Dep't 2009), *leave to appeal denied by*, 2010 N.Y. LEXIS 2237 (N.Y. Aug. 31, 2010)
- *Yoon v. Fordham University Faculty and Administrative Retirement Plan*, 2000 U.S. Dist. LEXIS 14910 (S.D.N.Y. 2000) *aff'd in part remanded in part*, 263 F.3d

### Education

- Albany Law School (J.D.)
- University of Virginia (*Graduated with Distinction*)
- University of Connecticut

### Bar/Court Admissions

- New York (1987)
- Connecticut (1986)
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the District of Connecticut

### Practices

- Labor and Employment
- Class and Collective Action Litigation

196 (2d Cir. 2001), later proceeding, *Yoon v. Fordham University Faculty and Administrative Retirement Plan*, 2004 U.S. Dist. LEXIS 26070 (S.D.N.Y. 2004), aff'd 173 Fed. Appx. 936, 38 Employee Benefits Cases (BNA) 1295 (2d Cir. 2006)

- *Risley v. Fordham University*, 2001 U.S. Dist. LEXIS 1202 (S.D.N.Y. 2001)
- *Risley v. Rubin [Fordham University]*, 272 A.D.2d 198 (1st Dept. 2000), re-argument denied, 2000 N.Y. App. Div. LEXIS 10285 1st Dept. 2000, leave denied, 96 N.Y.2d 701, 722 N.Y.S.2d 793 (2001)
- *De La Concha v. Fordham University*, 5 F.Supp.2d 188 (S.D.N.Y. 1998), aff'd, 1999 U.S. App. LEXIS 5804 (2d Cir. 1999)
- *Ericson v. Syracuse University*, 98 Civ. 3435, 45 F. Supp. 2d 344 (S.D.N.Y. 1999)

#### **Class Action:**

- *Goodman v Burlington Coat Factory*, 11-cv-4395 (D.N.J.) (wage and hour class action concerning alleged misclassification of assistant store managers)
- *Kawa v. Burlington Coat Factory* 14-cv-2787 (D.N.J.) (wage and hour class action concerning alleged misclassification of assistant store managers)
- *Pustilnik v Premier Home Health Care Services*, No. 155081/2016 (N.Y. Cnty Sup. Ct) (wage and hour class action concerning 24-hour shifts and other wages)
- *Siancas v. Rallye Motors*, 14-cv-6151 (E.D.N.Y.) (wage and hour class action concerning alleged failure to pay OT and other wages)
- *Ansoumana v. Gristede's Operating Corp. et al.*, 2001 U.S. Dist. LEXIS 6717 (S.D.N.Y. 2001)

### **Representative Presentations**

- Evolving Concepts of Reasonable Accommodations in the Wake of COVID-19, Employment Discrimination Law & Litigation, Practising Law Institute, June 13, 2022
- Disability Discrimination, Reasonable Accommodation and the Interactive Process in 2021, Practising Law Institute, June 14, 2021

### **Representative Publications**

- "Disability-Related Accommodations in 2021: Individuals Particularly Vulnerable to COVID-19, Vaccine Mandates, and 'Long COVID'," *PLI Chronicle: Insights and Perspectives for the Legal Community*, September 2021