



## John Gaal

### Of Counsel

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## Profile

**John is a labor and employment law attorney who has more than 40 years of experience exclusively representing employers in the full range of labor and employment law services.**

He has defended businesses in a broad spectrum of employment litigation matters, including age, gender (including sexual harassment), race, religion, disability and other types of discrimination claims; wage hour claims under the Fair Labor Standards Act (FLSA) and state wage hour laws; breach of contract claims; and tort claims, in both state and federal courts and before state and federal agencies (EEOC and NYSDHR).

In addition, a substantial portion of John's practice includes traditional labor law services for management, including union avoidance counseling, collective bargaining (in units from a few dozen employees to a few thousand employees), counseling in connection with strikes and lockouts, representation of employers before the NLRB in representation and unfair labor practice proceedings and the handling of labor arbitrations.

While representing employers across all industry sectors, John has particular experience in construction, health care and higher education. In the construction industry, he has been involved in the negotiation and defense of Project Labor Agreements on a wide variety of construction projects and programs, ranging from a few million dollars to \$15 billion dollars. Among the PLA projects/programs John has been involved with over the years are the Tappan Zee Bridge (including landmark litigation before the New York Court of Appeals), various projects for the City of New York and the New York City School Construction Authority, Boston's Central Artery/Third Harbor Tunnel Project, Syracuse's Joint School Construction Board and New York City's Javits Center, to name just a few.

In health care, John represents a number of acute care hospitals throughout Central New York in connection not only with day to day labor and employment issues in a unionized setting, but also in connection with various affiliation efforts between both represented facilities and between represented and nonrepresented facilities. In higher education, John has been involved in providing a full range of labor and employment law services to more than 10 higher education institutions. These services have included among other things, advising institutions on adjunct faculty organizing issues; faculty hiring, discipline (including termination) and tenure issues; collective bargaining (involving both staff and faculty); labor arbitrations; and

## Education

- Notre Dame Law School  
(J.D., *magna cum laude*, 1977)
- University of Notre Dame  
(B.A., *with honors*, 1974)

## Bar/Court Admissions

- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the Northern District of New York

discrimination litigation.

John is a frequent speaker and author on topics of interest to the labor and employment law bar. He has presented at meetings of the New York State Bar Association, the American Bar Association, the National Association of College and University Attorneys (NACUA), the College and University Personnel Association HR (CUPA), Georgetown Employment Law Litigation Institute, St. John's University Law School Employment Law Litigation Institute, and the National Transportation Research Board (National Academy of the Sciences). His articles have appeared in the Journal of College and University Law, Syracuse University Law Review, Notre Dame Law Review and the Labor Law Journal. He also previously taught as an adjunct in the Syracuse University School of Management and the Syracuse University School of Law.

Prior to joining the firm, John clerked for the Hon. John A. Danaher, U. S. Court of Appeals for District of Columbia Circuit.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*® 2020, Education Law; Employment Law - Management; Labor Law - Management; Litigation - Labor and Employment (listed for 20 years)
    - *Best Lawyers* Syracuse Labor Law - Management Lawyer of the Year, 2020
    - *Best Lawyers* Syracuse Education Law Lawyer of the Year, 2011, 2017, 2019
  - *Martindale-Hubbell*®, AV Preeminent Rated
    - *Top-Rated Lawyer in Labor and Employment Law*
  - *New York Super Lawyers* 2019®, Employment and Labor (listed for more than 10 years)
    - *2015 Top 50 Upstate New York Super Lawyers*
    - *2014 Top 50 Upstate New York Super Lawyers*
    - *2013 Top 50 Upstate New York Super Lawyers*
  - *Who's Who In America*
  - *Who's Who In American Law*
- American Bar Association, Labor and Employment Law Section
- New York State Bar Association, Past Chair, Labor and Employment Law Section; Executive Committee; Past Co-Chair Committee on Ethics; Past Member; House of Delegates
- Onondaga County Bar Association
- Fellow, American Bar Foundation
- Fellow, College of Labor and Employment Law Lawyers
- Editorial Board, Journal of College and University Law
- NACUA (National Association of College and University Attorneys)
- Seventh Circuit and Note Editor, *Notre Dame Law Review*

## Representative Presentations

- Labor Relations and Collective Bargaining - Northwestern University: football and beyond, National Association of College and University Attorneys Annual Conference, June 24, 2014
- Bond, Schoeneck & King's In-House Counsel CLE Series: Ethics Issues for In-House Counsel, December 11, 2013
- Bond, Schoeneck & King Webinar: 2013 Study of Labor Activity Within Region 3 of the National Labor Relations Board, November 14, 2013
- New York State Bar Association, Labor and Employment Law Section, Frequent Speaker at the Labor and Employment Law Section's Annual and Fall Meetings
- Past Speaker, Annual CUPA-HR Eastern Region Annual Conferences
- Past Speaker, Annual NACUA (National Association of College and University Attorneys) Conferences

## Representative Publications

- Gaal and DiLorenzo, "Ten Degrees of Separation: How to Avoid Crossing the Line on Witness Preparation," *NYSBA Journal*, February 2018
- Gaal and Jones, "Disability Discrimination in Higher Education," *28 Journal of College and University Law* 435
- Gaal, Glazier, Evans, "Gender Based Pay Disparities in Intercollegiate Coaching: The Legal Issues," *28 Journal of College and University Law* 519
- "The Disclosure of Financial Information: Competitiveness and the Current Requirements of the Duty to Bargain in Good Faith," *38 Labor Law Journal* 526
- "The NLRB's Misuse of Witnesses' Statements in Election Objection Proceedings," *33 Labor Law Journal* 17
- "Pre-Hire Agreements and Their Current Legal Status," *32 Syracuse Law Review* 581
- Ferguson and Gaal, "Codetermination: A Fact or a Future in America," *10 Employee Relations Law Journal* 176
- Gaal and DiLorenzo, "The Legality and Requirements of HEW's Proposed 'Policy Interpretation' of Title IX and Intercollegiate Athletics," *6 Journal of College and University Law* 161

## Other Activities

- Board Member, Crouse Health Foundation
- Board Member, AccessCNY
- Past Board Member, Legal Services of Central New York
- Prior service as Adjunct Professor, Syracuse University College of Law and Syracuse University School of Management