



## CHARLES H. KAPLAN

Partner

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For more than 40 years, Charlie, a Partner in the Labor and Employment Practice, has counseled employers, in the New York City metropolitan area and throughout the United States, concerning the law of the workplace. He has represented management in federal and state trial and appellate courts, before the U.S. Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), and other federal and state agencies, as well as in arbitrations and mediations. Charlie has also advised companies on labor and employment law issues in mergers, acquisitions, and bankruptcies. His broad range of experience includes handling matters involving:

- employment discrimination, sexual harassment, retaliation, equal employment opportunity, and affirmative action
- wage and hour counseling and litigation
- employment and wage and hour collective and class action defense
- wrongful discharge, defamation and other workplace torts
- employment mediations and arbitrations
- labor relations, union organizing and corporate campaigns, collective bargaining, labor arbitrations, unfair labor practices, strikes, picketing, boycotts and labor injunctions
- human resources administration, personnel policies, employee handbooks, and employment at will issues
- disability accommodation, family and medical leave, earned safe time and sick time, employee dishonesty and disloyalty, identity theft and business fraud, drug testing, workplace violence, social media, privacy, independent contractor, whistleblower, occupational safety and health, joint employer, government contracting, and prevailing wage matters
- IRCA compliance, Form I-9 audits, and Immigration and Customs Enforcement proceedings

605 Third Avenue  
Suite 2300  
New York City, NY 10158

Albany  
677 Broadway  
Suite 401  
Albany, NY 12207  
518.465.2333

Palm Beach  
440 Royal Palm Way  
Suite 202  
Palm Beach, FL 33480  
561.656.8608

### Practices & Industries

College & University  
Construction  
Employment Litigation  
Europe-U.S. Cross-Border  
Healthcare  
Home Care  
Hotel, Hospitality & Lodging  
India-U.S. Cross-Border  
International-U.S. Cross-Border  
Labor & Employment  
Manufacturing  
Media & First Amendment  
Non-Compete, Non-Solicit & Trade

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- foreign-owned employer issues
- plant closings, mass layoffs, downsizings, and federal and state WARN Act issues
- employee benefits matters, deferred compensation issues, ERISA litigation, and multiemployer pension plan withdrawal liability matters
- executive employment contracts, trade secrets, confidentiality agreements and restrictive covenants
- partnership disputes
- manager and supervisor training
- unemployment insurance proceedings and workers' compensation retaliation claims
- project labor agreements and labor peace agreements
- public sector workplace law
- Americans With Disabilities Act Title III and state law disability access issues concerning places of public accommodation and website accessibility

Charlie also represents management in proceedings before government agencies. In addition to appearing before the EEOC and the NLRB, he has advocated for employers at the Office of Federal Contract Compliance Programs of the U.S. Department of Labor, the Occupational Safety and Health Administration, the U.S. Department of Homeland Security, the New York State Division of Human Rights, the New York State Department of Labor, the New York State Department of Health, the New York City Commission on Human Rights, the New York City Department of Consumer and Worker Protection, the New York City Department of Small Business Services, the New York City Department of Health and Mental Hygiene, and other federal, state, and local agencies around the nation.

A significant portion of Charlie's practice is devoted to workplace law matters that arise in the context of business transactions. He advises management on labor and employment issues in mergers, acquisitions, sales, corporate reorganizations and bankruptcies, successor liability, collective bargaining obligations, accretion, withdrawal liability and shutdown effects negotiations.

Prior to joining Hodgson Russ, Charlie was a partner in a New York City law firm.

## Honors

- Listed, *Best Lawyers in America* (Labor Law – Management) 2015 - 2024

Secrets

Occupational Safety & Health Act (OSHA)

Retail Sector

Wage & Hour

Worker Classification & Employment Tax

## Admissions

New York

Florida

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. Supreme Court

## Education

- Yale University, B.A., magna cum laude, with distinction in History

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Harvard University J.D./M.B.A. Joint Program

- Harvard Business School, M.B.A.
- Harvard Law School, J.D.



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- Listed, *New York Metro Super Lawyers* (Employment Litigation: Defense; Employment and Labor) 2010-2023
- Listed, *Legal Era – Legal Media Group* “Leading Employment Lawyer of the Year” 2018

## **In the News**

New Biden Nominee Is First Step Toward Democrats Gaining NLRB Majority

*HR Daily Advisor*, May 27, 2021

Employers Likely to Seek Exceptions in \$15 Minimum Wage Bill

*HR Daily Advisor*, January 28, 2021

‘Scabby’ Heading for Trap? NLRB Mulls When Inflatable Rat Can Scurry to Protests

*HR Daily Advisor*, October 29, 2020

New York Judge Strikes Blow Against DOL Joint Employer Rule

*HR Daily Advisor*, September 9, 2020

NLRB Changes Course, Sets New Standard on Profane Outbursts

*HR Daily Advisor*, July 23, 2020

States to Decide Stimulus Bill’s Effect on Unemployment Taxes

*HR Daily Advisor*, March 31, 2020

## **Press Releases**

Three Hodgson Russ LLP Attorneys Named to 2023 *New York Metro Super Lawyers* List

September 22, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*

August 17, 2023

Three Hodgson Russ Attorneys Ranked in 2022 Edition of *New York Metro Super Lawyers*

September 29, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*

*Hodgson Russ Press Release*, August 19, 2022

Two Hodgson Russ Attorneys Named to 2021 Edition of *New York Metro Super Lawyers*

*Hodgson Russ Press Release*, September 30, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*

*Hodgson Russ Press Release*, August 19, 2021

Four Hodgson Russ Attorneys Named to 2020 *New York Metro Super Lawyers*

*Hodgson Russ Press Release*, October 28, 2020

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55 Hodgson Russ Attorneys Ranked in 2021 *Best Lawyers in America*  
*Hodgson Russ Press Release*, August 20, 2020

Labor and Employment Attorney Charles H. Kaplan Joins Hodgson Russ  
*Hodgson Russ Press Release*, March 24, 2020

## **Publications**

OSHA Alters the Balance on Employee Representation During Walkaround Inspections- Opening the Door to Union Organizing and Leaving Many Practical Questions Unanswered  
*Hodgson Russ Occupational Safety & Health Act Alert*, May 3, 2024

Court Challenge Looms, but Employers Urged to Prepare for New Overtime Rule  
*HR Laws*, May 1, 2024

FTC Adopts Rule Banning Most Non-Competes and the Legal Slugfest Begins  
*Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert*, April 24, 2024

New York State's "Freelance Isn't Free" Act – What Employers Need to Know  
*Hodgson Russ Labor & Employment Alert*, April 18, 2024

Supreme Court Provides Further Guidance on Public Officials First Amendment Rights on Social Media  
*Hodgson Russ Media & First Amendment and Municipal Alert*, March 20, 2024

Employees Enjoy a Private Right of Action Under Changes to New York City Earned Safe and Sick Time Act  
*Hodgson Russ Labor & Employment Alert*, March 7, 2024

NY General Obligations Law Amended to Limit Further Pro-Employer Provisions in Settlement Agreements  
*Hodgson Russ Labor & Employment Alert*, January 23, 2024

New Year - New Statute of Limitations for Complaints filed with the New York State Division of Human Rights  
*Hodgson Russ Labor & Employment Alert*, December 29, 2023

New York State Increases Minimum Wage and Modifies Other Salary Requirements  
*Hodgson Russ Labor & Employment Alert*, December 22, 2023 - CORRECTED\*

Wage Theft In New York Is Now Criminal Larceny  
*Hodgson Russ Labor & Employment Alert*, October 3, 2023

## **Presentations & Events**

Labor & Employment Developments  
605 Third Avenue, Suite 2300, New York City, NY 10158, November 29, 2023

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28th Annual Labor and Employment Conference  
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, November 8, 2023

New York State Management Attorneys Conference  
New York, NY, January 21, 2023

27th Annual Labor & Employment Conference  
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 12, 2023

Free Speech in the Workplace: CEOs and Thought Leaders Weigh In  
Harvard Business School Club of New York, May 17, 2022

Free Speech in the Workplace: CEOs and Thought Leaders Weigh In  
Harvard Business School Club of New York, Virtual, April 21, 2022

American Bar Association's International Law Section 2022 Annual Conference  
You Are Not Coming to the Office: Vaccination Mandates, Testing, Masking Requirements, Travel Restrictions and Their  
Impact on the Labor Force  
Washington, D.C., April 21, 2022

2021 Labor & Employment Webinar Series  
November 19, 2021

Return to the Law Office: Vaccines, OSHA and the NY HERO Act  
Albany County Bar Association, August 24, 2021

The Great Reopening - Tax and Employment Law Issues as We Return Back to Work Webcast  
NYSSCPA, July 27, 2021

## **Professional Affiliations**

- Co-Editor, *New York Employment Law Letter*
- Employers Counsel Network
- American Employment Law Council
- New York State Management Attorneys Conference
- International Bar Association:
  - Global Employment Institute
  - Committee on Employment and Industrial Relations Law
  - Committee on Discrimination and Gender Equality
- American Bar Association:

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- Labor and Employment Law Section
- Tort Trial and Insurance Practice Section
- Vice-Chair of Employment & Labor Law Committee of TIPS
- International Law Section,
- Vice Chair for Policy, International Employment Law Committee of the International Law Section
- New York State Bar Association
- Labor and Employment Law Section
- International Law Section
- New York City Bar Association:
- Committee on Labor and Employment Law (1984-1987)
- Committee on Employee Benefits (1990-1992)
- Committee on State Legislation (1993-1995)
- New York County Lawyers' Association
- Westchester County Bar Association
- Japanese Chamber of Commerce and Industry
- French American Chamber of Commerce
- German American Chamber of Commerce
- Danish American Chamber of Commerce
- Member, Advisory Board, New York City Chapter, Labor & Employment Relations Association
- President (1998-1999)
- Society for Human Resource Management
- American Arbitration Association (1989-1996)
- Labor Arbitration Practice Committee
- New York State Lieutenant Governor's Task Force on Plant Closings (1984-1985)

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### **Community & Pro Bono**

- Former Member, Board of Directors, 70 Faces Media (Jewish Telegraphic Agency, Kveller & My Jewish Learning)
- Former Member, Commission on Contemporary Jewish Life, AJC
- Member, National Jewish Committee on Scouting, Boy Scouts of America
- Member, Advisory Board, Greater New York Councils, BSA
- Co-Chair, Jewish Committee on Scouting, GNYC, BSA
- Member, National Eagle Scout Association, BSA
- Publisher, Yale Daily News (Class of 1975)