

Joseph J. Brennan

Partner



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Practices/Industries

- Employment & Labor
- Employment & Labor Litigation
- OSHA
- Workers' Compensation Litigation

Education

Marietta College
(B.A., 2006)
University of Toledo College
of Law
(J.D., 2009)

Overview

Joe focuses his practice on representing employers in a wide variety of employment and labor legal matters, including wage and hour, employment discrimination, occupational safety and health, traditional labor, and ERISA litigation matters. He has extensive experience defending and advocating for national, regional, and local employers in front of federal and state courts as well as administrative employment agencies such as the Department of Labor Wage and Hour Division, the Equal Employment Opportunity Commission, various state civil rights commissions, the Occupational Safety and Health Review Commission, the Ohio State Employment Relations Board, and the National Labor Relations Board.

When not representing clients before various employment and labor tribunals, Joe represents employers' interests in union contract negotiations, collective bargaining agreement administration, union grievances and labor arbitrations, and the ins and outs of the disposition or acquisition of a unionized business. He recognizes the importance of proactive human relations management, and counsels employers on the various legal implications arising from workplace injuries, safety compliance, and occupational safety and health hazard abatements, in addition to employee leaves, discipline, and termination to mitigate liability, financial exposure, and the potential for costly litigation.

Experience

Employment Litigation, Employment Administrative Agency, and Employment Counseling

- Counseled clients on day-to-day human resources issues implicating Title VII, FMLA, ADA, FLSA, USERRA (and analogous state laws), and other state laws concerning payment of wages, leaves, workers' compensation, work breaks, background checks, drug testing, and separation of employment.
- Defended administrative charges filed with the EEOC, DOL, Ohio Civil Rights Commission, Indiana Civil Rights Commission, Illinois Human Rights Division, New York Division of Human Rights, Pennsylvania Human Rights Commission, and numerous 11(c) "whistleblower" complaints filed with OSHA.
- Prepared various dispositive motions, including motions to dismiss and summary judgment, and other procedural motions, such as motions to compel discovery, to compel arbitration, to stay proceedings, and to obtain sanctions before both Ohio and federal courts.
- Took and defended numerous depositions for lawsuits and hearings arising under Ohio and federal courts.
- Defended clients in federal (FLSA) wage and hour class action lawsuits alleging unpaid overtime by preparing motions opposing conditional certification, drafting notices for opt-in collective action plaintiffs, overseeing extensive discovery, preparing motions for decertification and summary judgment, and mediating the cases to final disposition.

Experience (Cont)

Employment Litigation, Employment Administrative Agency, and Employment Counseling (Cont)

- Advised clients on wage and hour law compliance and assisted several employers with wage and hour audits launched by the DOL-Wage and Hour division.
- Counseled clients on immigration compliance and Immigration Control and Enforcement (ICE) Form I-9 audits, and responded to Social Security Administration “No-Match” letters.
- Assisted clients in OSHA inspections, and negotiated with OSHA to minimize penalties and citation classifications for alleged OSHA violations including citations arising out of employee injuries and fatalities.
- Litigated cases before the Occupational Safety Health Review Commission from complaint to hearing before an administrative law judge and, when necessary, appeals before the Commission in Washington, D.C.

Traditional Labor Experience

- Negotiated initial and successor collective bargaining agreements in manufacturing, credit union, trucking, private education, and private acute care hospital industries.
- Litigated unfair labor practice cases before administrative law judges and representation hearing cases concerning the appropriateness of petitioned-for collective bargaining units.
- Successfully sought review and obtained reversal of representation hearing decision reached by a Regional Director before the NLRB in Washington, D.C.
- Planned, developed, and implemented employer strategies in union election campaigns.
- Defended management in union arbitrations for both discharge and contract interpretation cases.
- Defended and obtained dismissals or withdrawals to numerous NLRB unfair labor practice charges.
- Counseled and advised clients on traditional labor legal questions, implementing collective bargaining agreements, and other legal obligations arising under federal labor laws relating to plant closures, mass layoffs, reductions in force, and mergers, acquisitions, and dispositions of unionized businesses.

Workers' Compensation

- Represented state-funded and self-insured clients in workers' compensation administrative and court proceedings.

Publications

- “Labor Management Law Answer Book,” 2019 Edition, Chapter 8 Editor
- “The Developing Labor Law,” 2018 Supplement, Chapter 9 Contributing Editor
- “The Developing Labor Law,” 7th Edition, Chapter 9 Contributing Editor
- “Case Throws Wrench in National Labor Law,” Crain’s Cleveland Business (July 2014)
- “OSHA Proposal is Causing a Bit of a Dustup,” Crain’s Cleveland Business (April 2014)
- “The Hidden Cost of Your Unpaid Interns,” Crain’s Cleveland Business (April 2013)
- “It’s 2012 and the NLRB is off to a Fast—and Controversial—Start,” Labor Letter (February 2012)

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Involvement

Professional Affiliations

- American Bar Association (*Labor & Employment Section*)
- Ohio State Bar Association
- Cleveland Metropolitan Bar Association
- Cleveland Employment Lawyers Inn of Court

Community Involvement

- Adoption Network Cleveland (*Board Member, 2020-present*)

Honors & Distinctions

- Named to the Ohio Super Lawyers list of Rising Stars (2015-2022)

Admissions

- State of Ohio
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio