



(He/Him)

Principal and Office Litigation Manager, Phoenix

P 602-714-7042

F 602-714-7045

Alan.Feldman@jacksonlewis.com

Alan M. Bayless Feldman is the litigation manager of the Phoenix, Arizona, office of Jackson Lewis P.C. He has over 20 years of experience practicing employment and traditional labor law.

## Practices

- National Compliance and Multi-State Solutions
- Construction
- Hospitality
- Hotels
- Labor Relations
- Employment Litigation
- Manufacturing
- Restaurants
- Retail
- Wage and Hour
- Higher Education

## Education

- Arizona State University Sandra Day O'Connor College of Law, J.D. 1998
- University of Arizona, B.S. 1990

## Admitted to Practice

- 5th Circuit Court of Appeals 2007
- 9th Circuit Court of Appeals 2017
- U.S. Court of Appeals, DC Circuit 2011
- Arizona - D. Ariz. 2000
- Texas - E.D. Tex. 2006
- Texas - N.D. Tex. 2007
- Texas - W.D. Tex. 2006
- Arizona 1998
- Texas 2005

In the labor relations area, he has defended more than 200 unfair labor practice charges for multiple clients in almost every region of the National Labor Relations Board across the U.S. with the vast majority being withdrawn or dismissed. Alan has in-depth experience providing advice to employers facing union organization campaigns, as well as successfully managing those campaigns in accordance with the National Labor Relations Act and Railway Labor Act; training supervisors how to lawfully interact with employees and avoid unfair labor practice charges; creating positive employee engagement programs for employers to educate employees about union issues and improve morale; assisting employers during union elections and post-election procedures; drafting post-hearing and exception briefs filed with the NLRB Division of Judges and the NLRB; and interpreting and negotiating collective bargaining agreements.

In the employment area, Alan advises employers on employee discipline, employee handbooks, human resources policies, trade secret protection, non-compete agreements, leave law issues, disability and other workplace accommodations, and workforce reduction planning. He also defends employers against claims of harassment, discrimination, retaliation, unequal pay, overtime and wage law violations, and wrongful termination. He practices in state and federal courts and before all pertinent agencies, including the Department of Labor, the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, the Civil Rights Division of the Arizona Attorney General's Office, the Arizona Division of Occupational Safety and Health, the Texas Workforce Commission Civil Rights Division, the Utah Labor Commission Anti-discrimination & Labor Division, the Oregon Bureau of Labor and Industries, the New Jersey Department of Labor and Workforce Development, the California Civil Rights Department, and the California Department of Industrial Relations.

While in law school, Alan was awarded the David M. Zeldes Memorial Scholarship, the DOVIA Volunteer Recognition Award, and Pro Bono Distinction from the Student Bar Association Pro Bono Project. He earned honors in both Mediation Clinic and Legal Method & Writing and was the Note and Comment Editor of *Jurimetrics The Journal of Law, Science, and Technology*.

Earlier in his career, Alan served as a law clerk to the Honorable Michael D. Ryan while he served on the Arizona Court of Appeals.

## Honors and Recognitions

- Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona

Award (2019)

- AZ Big Media, The Top 100 Lawyers in Arizona for 2024 (2024)
- *The Best Lawyers in America*®, “Employment Law – Management” (2021–present), “Labor Law – Management” (2023–present) and “Litigation – Labor and Employment” (2022–present)
- *Legal 500 USA*, “Next Generation Lawyer, Labor and Employment: Labor-Management Relations” (2018, 2019), “Recommended Attorney” (2020, 2023–present) and “Next Generation Partners” (2021–2022)
- National Peace Corps Association Award (2019)

### Pro Bono and Community Involvement

- Epilepsy Foundation of Arizona, Past Chair/Past Vice Chair/Board Member
- Florence Immigrant & Refugee Rights Project, Pro Bono Attorney

### Published Works

- *The Developing Labor Law, 8th ed. (and Supplements)*(Bloomberg BNA 2018–2023) [Chapter Editor]
- “Hiring Requirements: Arizona,” *Thomson Reuters Practical Law*(May 2018–2023) [Author]
- “Wage And Hour Laws: Arizona,” *Thomson Reuters Practical Law*(January 2018–2023) [Author]
- “Employment Claims In Release Agreements,” *Thomson Reuters Practical Law*(May 2018–2023) [Author]
- “Tucson, Arizona Voters Pass Sweeping Wage & Hour Initiative, Including \$15 Minimum Wage” (November 2021) [Author]
- “Supreme Court Rules Car Dealerships Don’t Have To Pay Overtime To Service Advisors,” *S&J Alert*(April 2018) [Author]
- “Senate Confirms William Emanuel; Republicans Now Control The NLRB,” *S&J Alert* (September 2017) [Author]
- “Hiring/Recruiting,” *National Business Institute Human Resource Law: What You Need To Know Now* (June 2017) [Author]
- “Is Your Employee Handbook Up To Date?: Essential Components And Sample Policies For Today’s Workplace,” *National Business Institute Human Resource Law: What You Need To Know Now* (June 2017) [Author]
- “When And How To Discipline Or Discharge,” *National Business Institute Employee Documentation, Discipline & Discharge* (March 2013) [Author]
- “Arizona Employers In Haze About Effects of Medical Marijuana In The Workplace,” *Lexology*(2011) [Co-Author]
- “Building An Ethical Foundation,” *National Business Institute Human Resource Law Update* (June 2008) [Author]
- “Federal Regulations Update – DOL: Federal Contractors Notified That They May Be Targets Of EEO Review; Public Comment Sought On FMLA; Semiannual Regulatory Agenda; EEOC: Slight Increase In Charges Of Discrimination Filed In 2006, Although Monetary Benefits Continue To Decline; Plans For Increased Litigation Of Systemic Discrimination Cases; Regulatory Priorities for 2007,” *Employment Relations Today* (Spring 2007) [Co-Author]
- “Federal Regulations Update – EEOC Guidance On Hearing Impairments In The Workplace; Proposed EEOC Revisions To ADEA Regulations; Changes At The Top Of The EEOC,” *Employment Relations Today*(Autumn 2006) [Co-Author]

## Speeches

- “CA Case Best Practices from Charge to Trial,” Mid-Year Labor Summit 2021: Collaboration, Innovation & Resources (June 2021) (presenter)
- “Discrimination Claims and the Dastardly Depo,” Client Presentation (Flagstaff, AZ, October 2018) (presenter)
- “Best Practices for Labor Relations: An Opportunity to Invest Now, Not Pay Later,” Client Presentation (Washington, DC, September 2018) (presenter)
- “The Return of Civility: What the New NLRB Decisions Mean for Your Handbook,” S&J/Arizona SHRM Labor Relations Conference (Scottsdale, AZ, May 2018) (presenter)
- “Human Resource Law: What You Need to Know Now - Hiring/Recruiting,” National Business Institute (Tucson, AZ, June 2017) (presenter)
- “Human Resource Law: What You Need to Know Now Is Your Employee Handbook Up To Date?: Essential Components And Sample Policies For Today’s Workplace,” National Business Institute (Tucson, AZ, June 2017) (presenter)
- “The NLRA 2(11) Supervisor Analysis,” S&J/Arizona SHRM Labor Relations Conference (Scottsdale, AZ, May 2017) (presenter)
- “ULP Charges – Best Practices,” (Miami, FL, September 2016) (presenter)
- “NLRB Expansion of ‘Protected Activity’: Employee Conduct,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2016) (co-presenter)
- “NLRB Requests for Position Statements, Information, and Witnesses,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2016) (co-presenter)
- “A New Year’s Eve Countdown of the Top Ten Supervisor Miscues,” (Las Vegas, NV December 2015) (presenter)
- “Can We Talk? Relying on Social Media in Hiring and Firing,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2015) (co-presenter)
- “Basic Labor Relations Law,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2013) (co-presenter)
- “Facially Neutral Rules on At-Will Employment, Arbitration, Confidentiality, Dress Code, and Non-Disparagement,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2013) (co-presenter)
- “Social Media Update, Video and Surveillance Issues, and Defamation,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2013) (co-presenter)
- “Employee Documentation, Discipline & Discharge: When And How To Discipline Or Discharge,” National Business Institute (Phoenix, AZ March 2013) (presenter)
- “Hiring the Right Employees,” Client Presentation (Phoenix, AZ, March 2012) (presenter)
- “Going Through Union Elections,” Client Presentation (Los Angeles, CA March 2012) (presenter)
- “Basic NLRA Law: Including Representation Matters & ULP Cases,” S&J/Arizona SHRM Labor Relations Conference (Scottsdale, AZ, May 2011) (co-presenter)
- “Employment Accommodations Workshop,” Epilepsy Foundation of Arizona (Phoenix, AZ 2011) (presenter)
- “The Employee Free Choice Act: A Brave New World Or The Same Old Swimming Hole,” SHRM National Conference & Exposition (San Diego, CA June 2010) (presenter)
- “Basic NLRA Law: Including Representation Matters & ULP Cases,” S&J/Arizona SHRM Labor Relations Conference (Scottsdale, AZ, May 2010) (co-presenter)
- “Best Practices to Discover and Prevent Unionization Part I - Discovery,” S&J/Arizona SHRM Labor Relations Conference (Phoenix, AZ, May 2010) (co-presenter)

- “Social Media in the Workplace,” S&J Employment Law Seminar (December 2009) (co-presenter)
- “Labor Law 101: De-Mystifying the NLRA,” S&J/Arizona SHRM Labor Relations Conference (Scottsdale, AZ, April 2009) (co-presenter)
- “Human Resource Law Update: Building An Ethical Foundation,” National Business Institute (Phoenix, AZ June 2008) (presenter)
- “Employment Law From A to Z,” Client Presentation (Prescott Valley, AZ Fall 2005) (co-presenter)
- Update on Recent FMLA and Arizona Leave Law Developments,” Council on Education in Management (Scottsdale, AZ, March 2005) (presenter)
- “Preventing Mistakes in Failing to Designate FMLA Leave and Providing the Employee with Written Notification,” Council on Education in Management (Scottsdale, AZ, March 2005) (presenter)
- “Battling the 3-Headed Monster – Solving the Trickiest Overlapping Leave Law Issues,” Council on Education in Management Employment Law Problems Seminar (Scottsdale, AZ 2002) (presenter)