

# Mitch Boyarsky

Partner

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Mitch is the co-chair of the Employment and Labor Practice Group and focuses his practice on employment and labor matters. He advises clients in a variety of workplace subjects, particularly focused on restrictive covenant, wage and hour, executive contracts matters, transactional employment matters especially related to mergers and acquisitions, disability law compliance measures, and related employment litigation. For more than 25 years, he has represented management in workplace law.

## Experience

The following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

### Restrictive Covenant Matters

- Assists clients in both litigating and defending against claims involving non-competition, non-solicitation, and confidential information agreements
- Drafts numerous restrictive covenant agreements for clients
- Assists clients in recovering misappropriated information and trade secrets prior to litigation by issuing cease and desist correspondence and negotiating resolutions

### Wage and Hour Matters

- Assists clients in classifying employees as exempt and non-exempt, including preparing related policies, communications materials, and time-keeping procedures
- Conducts internal wage audits of employee classifications, record-keeping, and reporting obligations to help clients comply with wage and hour laws
- Represents clients in wage and hour audits by state and federal departments of labor focused on misclassifications, independent contractor status, time-keeping, and record-keeping
- Litigates cases involving wage and hour claims asserted under

## Education

Brooklyn Law School, JD (1994)

University of Massachusetts Amherst,  
BA, cum laude (1991)

## Admissions

New York

New Jersey

U.S. District Court for the District of  
Colorado

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 New  
Jersey

U.S. Court of Appeals for the Second  
Circuit

U.S. Court of Appeals for the Third Circuit

## Practice Areas

[Employment & Labor](#)

[Trade Secrets & Employee Mobility](#)

## Industries

the Fair Labor Standards Act (FLSA) and equivalent state laws

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### **Discrimination and Harassment Matters**

- Defends against numerous lawsuits and government administrative complaints alleging violations of Title VII, Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Section 1981, Family Medical Leave Act (FMLA), and equivalent state fair employment laws
  - Represents clients investigated by state and federal government agencies
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### **Privacy Matters**

- Advises clients on the use of background checks conducted by credit reporting agencies
  - Advises clients on employee misuse of corporate communications systems and databases
  - Prepares social media, corporate communications, and confidentiality policies
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### **Labor Matters**

- Negotiates first-time collective bargaining agreements and renewal agreements
  - Arbitrates disciplinary and contract interpretation cases
  - Handles unfair labor practice proceedings before the National Labor Relations Board
  - Advises clients responding to strikes and work stoppages
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### **Previous Professional Experience**

- Head of Employment and Labor practice, New York office of East Coast law firm
- Partner, New York and New Jersey offices of national law firm
- In-house counsel, Reuters America LLC
  - Handled the company's employment and labor matters in the Americas
  - Chief spokesperson and head of the bargaining committee for the company in union negotiations
- Assistant General Counsel, New York City Mayor's Office of Labor

### **Recognitions**

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be

Consumer Products & Retail

Human Capital Management

Manufacturing

provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [The Best Lawyers in America®](#), Employment Law – Management (2016–2026)
- [Chambers and Partners USA: America's Leading Lawyers for Business](#)
  - Labor & Employment – New York (2020–2025)
  - Labor & Employment – New Jersey (2014–2019)
- [Benchmark Litigation](#) "Litigation Star" – Labor and Employment (2020–2022, 2024–2025)
- [New York "Super Lawyer,"](#) Employment & Labor (2019–2020, 2023–2025)

## Community

- Philip's Academy, Newark, NJ Board of Trustees (2012–2014)
- Millburn Short Hills Chamber of Commerce Board of Directors (2012–2013)
  - Counsel to Millburn Short Hills Chamber of Commerce (2010–2012)

## Articles & Speeches

### Insights

[NLRB General Counsel Reverses Host of Prior Administration Precedent: A Warning Sign for Employers](#), *HR.com* | *HR Legal and Compliance*- Author (June 5, 2023)

[Avoiding Bias in Hiring When Using AI To Recruit](#), *New York Law Journal*- Co-Author (November 2, 2021)

[Successful COVID-19 Workplace Vaccination Policies: Legal Pitfalls, Communications Strategies, and Practical Tips](#), *New York Law Journal*- Co-Author (Feb. 4, 2021)

[COVID-19 Calls for Increased Monitoring of Remote Workforce](#), *New York Law Journal*- Co-Author (Oct. 30, 2020)

[Understanding Recent Changes to the DOL Joint Employer Test](#), *FSR*- Co-Author (September 2020)

[Diversity and Inclusion Efforts on Leadership Promotion](#), *ACC Docket*- Co-Author (March 10, 2020)

### Events/Speaking Engagements

FTC Noncompete Rule Webinar - Speaker (June 17, 2024)

[The Art of the Deal: Mediation Preparation, Presentation, and Strategy](#)- Panelist (July 20, 2022)

[Employer Takeaways for the OSHA and CMS Vaccination Mandate Rules](#)- Speaker (November 10, 2021)

[Employer's Legal Considerations for Vaccine Mandate in the Workplace](#)- Presenter (October 6, 2021)

[Vaccine Mandates for Manufacturers | The Legal Implications](#)- Speaker (September 14, 2021)

[Coronavirus Townhall For Clubs – One Year Later](#)- Panelist (March 16, 2021)

[COVID-19 Vaccines: Business and Workplace Planning, Policies, and Implementation](#)- Presenter (Jan. 14, 2021)

[COVID-19: Considerations and Plans for Reopening Your Business](#)- Speaker (May 12, 2020)

[Navigating the Legal, Economic, and Business Challenges of the Coronavirus Pandemic | Webinar 2](#) - Co-Presenter (March 26, 2020)

Legal Ramifications of COVID-19 and Your Club: A Legal Q&A Session, National Club Association Webinar - Co-Presenter (March 19, 2020)

[Coronavirus — Workplace Management Considerations for Employers](#) - Speaker (March 18, 2020)

[Coronavirus Town Hall for Clubs](#) - Speaker (March 16, 2020)

Ethics in Reductions in Force (RIFs) and Non-GAAP SEC Disclosure of One Time Layoffs - Speaker (January 9, 2020)

The Conference Board's Webinar, "Strategies to Prevent & Address Workplace Sexual Harassment" - Speaker (May 1, 2018)

Commerce and Industry Association of New Jersey (CIANJ), "The Opioid Epidemic: What Employers Need to Know" - Speaker (November 2, 2016)

Greater Philadelphia Delaware Valley Chapter of ACC, "Wage and Hour Update" - Speaker (February 12, 2015)

German American Chambers of Commerce, "United States Employment Law Hot Topics for Foreign Businesses" - Speaker (October 22, 2014)

CIANJ, "Human Resources Roundtable: On Your Mark, Get Set. Are You Ready for the 2014 Challenges?" - Speaker (December 4, 2013)

NJCCA, "US Trade Secrets Law: Insights for Corporate Counsel" - Speaker (September 20, 2013)

New Jersey Business & Industry Association, "Making Training Work" - Speaker (May 10, 2013)

## Alerts

[FTC's New Non-Compete Rule: FAQs for Employers](#), Additional Nelson Mullins Alerts (May 10, 2024)

[Navigating the Business Landscape After Silicon Valley Bank and Signature Bank](#), Additional Nelson Mullins Alerts (March 16, 2023)

[5th Circuit Rejects Request from United Airlines Employees to Block Company's COVID-19 Vaccine Mandate](#), Additional Nelson Mullins Alerts (December 16, 2021)

[Change in Return to Work Guidance](#), Additional Nelson Mullins Alerts (July 28, 2020)

[OSHA Issues Three-Phase Guidance On Return To Work for Non-Essential Businesses](#), OnePoint Alert (June 23, 2020)

[UPDATE: Senate Adds \\$310 Billion to Paycheck Protection Program – Businesses Urged to Apply ASAP](#), Additional Nelson Mullins Alerts (April 23, 2020)

[Paycheck Protection Program Loan Applications Open Today: Is Your Business Prepared?](#), Additional Nelson Mullins Alerts (April 3, 2020)

[DOL Issues Additional Guidance on FFCRA Paid Leave](#), Additional Nelson Mullins Alerts (March 25, 2020)

## Blogs

[Disparate Impact: Executive Order Restoring Equality of Opportunity and Meritocracy v. Title VII & the Courts](#), The HR Minute - Author (May 2, 2025)

[The Fourth Circuit's Ruling and What it Means for Employers](#), The HR Minute - Co-Author (April 17, 2025)

[Virginia Expands Law on Non-Compete Covenants](#), The HR Minute - Author (April 10, 2025)

[New Jersey and New York Legislators Introduce Bills Proposing New Restrictions on Employment Agreements](#), The HR Minute - Co-Author (April 9, 2025)

[Maryland Federal Court Enjoins Implementation and Enforcement of Two Trump Executive Orders Directed at DEI](#), The HR Minute - Author (February 25, 2025)

[Supreme Court Rejects Heightened Evidentiary Standard for FLSA Cases](#), The HR Minute - Author (January 16, 2025)

[New California Whistleblower Notice Requirements for Employers](#), The HR Minute - Author (January 9, 2025)

[Texas Federal Court Strikes Down DOL's Overtime Rule](#), The HR Minute - Author (November 27, 2024)

[Massachusetts Enacts Salary Transparency Law](#), The HR Minute - Author (September 26, 2024)

[Breaking: FTC Non-Compete Rule Set Aside by Texas Court](#), The HR Minute - Co-Author (August 21, 2024)

[FTC Non-Compete Ban to Become Effective in Early September Following Pennsylvania, Texas Rulings](#), The HR Minute - Co-Author (July 25, 2024)

[Supreme Court Overrules Chevron, Calling Federal Agency Rules into Question Including FTC Non-Compete Rule](#), The HR Minute - Co-Author (June 28, 2024)

[The Potential End of Chevron Agency Deference and Implications for Employers](#), The HR Minute - Co-Author (June 26, 2024)

[DOL Announces Rule Increasing Minimum Salary Threshold for Exempt Employees](#), The HR Minute - Co-Author (June 5, 2024)

[EEOC Announces New Workplace Harassment Guidance](#), The HR Minute - Co-Author (May 22, 2024)

[EEOC Issues Final Rule Implementing the Pregnant Workers Fairness Act](#), The HR Minute - Co-Author (May 14, 2024)

[FTC Final Rule Banning Noncompetes Challenged in Court on Same Day](#), The HR Minute - Co-Author (April 25, 2024)

[New York Employers Must Now Provide Paid Prenatal Leave](#), The HR Minute - Co-Author (April 24, 2024)

[Proposed DOL Overtime Rule Increasing the Minimum Salary Threshold for Exempt Employees Likely to Take Effect Later this Year](#), The HR Minute - Author (March 6, 2024)

[Department of Labor Issues New Rule Regarding Classification of Independent Contractors](#), The HR Minute - Author (January 17, 2024)

[Recent EEOC Action Updates for Employers Relating to AI Hiring Tools, Pregnancy, and Pay Reporting](#), The HR Minute - Co-Author (September 7, 2023)

[Proposed Broad Non-Compete Ban Looms for New York Employment Sector](#), The HR Minute - Co-Author (June 26, 2023)

[Non-Competes Under Fire from NLRB General Counsel](#), The HR Minute - Co-Author (June 7, 2023)

[NLRB General Counsel Issues Guidance on Severance Agreement Restrictions following McLaren Macomb](#), The HR Minute - Co-Author (April 3, 2023)

[NLRB Proposes to Expand Joint-Employer Liability Standard](#), The HR Minute - Co-Author (October 3, 2022)

[State Law Restrictive Covenants Update](#), The HR Minute - Co-Author (June 30, 2022)

[U.S. Department of Labor Issues Guidance on FMLA Use for Mental Health Conditions](#), The HR Minute - Author (June 27, 2022)

[New Jersey Considering Sweeping Non-Compete Legislation](#), The HR Minute - Co-Author (May 16, 2022)

[New York City Council Passes Amendment to the Salary Transparency Law](#), The HR Minute - Co-Author (May 6, 2022)

[U.S. Supreme Court Halts OSHA's "Vaccine or Test" Mandate but Upholds CMS Vaccination Requirement for Healthcare Workers](#), The HR Minute - Co-Author (January 21, 2022)

[New York City Council Approves Bill Regulating Job Postings](#), The HR Minute - Co-Author (January 5, 2022)

[6th Circuit Dissolves Stay of OSHA ETS Regarding COVID-19 Safety Mandates for Covered Employers](#), The HR Minute - Co-Author (December 20, 2021)

[New York Employer Alert: Updated State Retirement Program Enrollment Requirements for Private Employers](#), The HR Minute - Co-Author (November 9, 2021)

[Employer Takeaways for OSHA's Long-Awaited COVID-19 Mandate](#), The HR Minute - Co-Author (November 4, 2021)

[First Circuit Upholds Maine Vaccine Mandate for Health Care Workers](#), The HR Minute - Co-Author (October 28, 2021)

[California Continues to Whittle Away Non-Disclosure and Non-Disparagement Clauses in Employee Settlement and Separation Agreements](#), The HR Minute - Co-Author (October 26, 2021)

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[OSHA Issues New Guidance to Prevent COVID-19 Exposure in the Workplace](#), The HR Minute - Co-Author (August 18, 2021)

[NY HERO Act for Infectious Disease Prevention is on the Horizon for Employers](#), The HR Minute - Author (July 15, 2021)

[Executive Order Directs Review of Non-Compete Agreements in the Workplace](#), The HR Minute - Co-Author (July 10, 2021)

[Back to Office Vaccination Policy Guidance](#), The HR Minute - Co-Author (June 16, 2021)

[New York City Enacts Protections for Fast Food Industry Workers Against Termination and Scheduling Changes](#), The HR Minute - Co-Author (Feb. 22, 2021)

[A Comparative Analysis of the New York State and New York City Sick And Safe Leave Laws](#), The HR Minute - Co-Author (Jan. 19, 2021)

[U.S. EEOC Issues Guidelines on COVID-19 Vaccinations](#), The HR Minute - Co-Author (Dec. 21, 2020)

[Vaccination as a Condition of Employment: Evaluating Legal Risks of Mandatory Vaccine Policies During the Pandemic](#), The HR Minute - Co-Author (Dec. 16, 2020)

[DOL Proposes Employer-Friendly New Rule to Ease the Use of Independent Contractors](#), The HR Minute - Author (September 29, 2020)

[EEOC Issues Guidance on Workplace Accommodations and Avoiding Discrimination](#), The HR Minute - Co-Author (June 23, 2020)

[Amendments to New Jersey's WARN Act Provide Employers with Relief for COVID-19-Related Mass Layoffs](#), The HR Minute - Co-Author (June 2, 2020)

[Workplace Reopening Preparedness: Creating a Safe Office and Wellness Policy](#), The HR Minute - Co-Author (April 29, 2020)

[FFCRA Posters Available for Employers](#), The HR Minute - Co-Author (March 26, 2020)

[Employer's Quick Guide to Workplace Management and Communications With Employees for COVID-19 Issues](#), The HR Minute - Co-Author (March 23, 2020)

[Employer's Quick Guide to the Families First Coronavirus Response Act](#), The HR Minute - Co-Author (March 20, 2020)

[Workplace Safety and Health Guidelines for Coronavirus Prevention](#), The HR Minute - Author (March 4, 2020)

[New York City Human Rights Law Anti-Harassment and Discrimination Protections Now Cover Independent Contractors](#), The HR Minute - Author (January 7, 2020)

[U.S. Department of Labor Raises FLSA Exempt Salary Level](#), The HR Minute - Author (October 4, 2019)

[NLRB Issues Several Significant Decisions For Employers](#), The HR Minute - Author (September 24, 2019)

[New Jersey Passes Law Prohibiting Employers from Requesting Applicant's Salary History](#), The HR Minute - Author (September 18, 2019)

[Mandatory Arbitration for Sexual Harassment Suit Ordered by NY Federal Court](#), The HR Minute - Author (July 30, 2019)

[New York Metropolitan Area – Midyear Employment Law Review](#), The HR Minute - Author (July 9, 2019)