

Attorney Profiles



Brian D. Pedrow

Partner

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Practice Areas

- Labor and Employment
- Higher Education
- Consumer Financial Services
- Litigation
- P3/Infrastructure
- Accessibility
- Health Care Reform
- Sports

Brian D. Pedrow leads Ballard Spahr's Labor and Employment Group. He represents employers and management in the full scope of matters related to employment, labor, and employee benefit disputes. Mr. Pedrow's practice includes all facets of employment-related litigation, such as discrimination, harassment, retaliation, breach of contract, and employment-based torts. He also has a significant practice representing benefit plans, fiduciaries, and plan sponsors in Employee Retirement Income Security Act (ERISA) litigation arising from benefits eligibility disputes, breach of fiduciary litigation, and interference with benefits claims. Mr. Pedrow's traditional labor practice includes both private and public sector labor negotiations, arbitrations, unfair labor practice charges, and related matters. He routinely represents clients in litigation, regulatory matters, and compliance with Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act (FMLA), the National Labor Relations Act (NLRA), and the Occupational Safety and Health Act (OSHA).

Mr. Pedrow also represents employers in transactional and compliance matters encompassing such issues as employment and benefits aspects of corporate transactions, reductions in force, executive compensation, agreement drafting, policy and handbook reviews, and affirmative action planning. He provides management and workforce training on a wide array of labor and employment law issues and day-to-day counseling and advice to human resources professionals, managers, and in-house counsel. Mr. Pedrow serves as the team leader for related initiatives, including the firm's Accessibility team involving ADA Title III and other public accommodation laws and Diversity and Inclusion (D&I) team which assists with develop and implementation of D&I programs.

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Mr. Pedrow has litigated before the U.S. Supreme Court and has argued appellate cases in several U.S. appellate courts. He counts among his clients Fortune 100 companies, the City of Philadelphia, the Commonwealth of Pennsylvania, SEPTA, a Pennsylvania Supreme Court justice, and the Pennsylvania Chamber of Business & Industry.

Representative Matters

Public Sector Labor Law

- Labor counsel to three Pennsylvania gubernatorial administrations, including Governors Edward G. Rendell, Thomas Corbett, and Tom Wolf, conducting labor negotiations and interest arbitrations and wage and hour litigation
- Labor counsel to the City of Philadelphia during the Rendell and Street Administrations
- Counsel to SEPTA in seven rounds of labor negotiations with the Transport Workers Union, and in other labor and employment-related matters
- Counsel to the Pennsylvania League of Cities and Municipalities

Private Sector Labor Law

- Represents a wide variety of employers in private-sector labor matters, such as labor negotiations, unfair labor practice proceedings, and labor arbitrations; serves as labor counsel to Comcast-Spectacor and Global Spectrum
- Served as labor counsel to the Democratic National Convention Committee and Philadelphia Host Committee for the 2016 DNC Convention in Philadelphia and to Philadelphia 2000, the host committee for the Republican National Convention in Philadelphia in 2000
- Mediated and drafted the labor cooperation agreement for the trades unions at the Pennsylvania Convention Center

Employee Benefits Litigation

- Served as national coordinating counsel on all benefits litigation nationwide for a Fortune 2016 Global 500 company, litigating cases in various appellate circuits around the country
- Represented Group Health Association of America in a lawsuit challenging state regulation of employee benefit plans
- Litigated and won the first filed case in the country involving ERISA's amended anti-cutback rule

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Diversity & Inclusion

- D&I counsel to Comcast Corporation in connection with FCC approval of the NBCUniversal acquisition; negotiated memoranda of agreement with leading civil rights organizations
- Conducts D&I gap assessments and advises on design and implementation of D&I programs, including in connection with the Dodd-Frank Act diversity standards

Accessibility

- Advises clients on compliance with public accommodation and accessibility laws, including Title III of the ADA
- Represents clients in connection with litigation involving accessibility issues, including the testing industry
- Designs policies and procedures governing accessibility

Transactional and Regulatory Work

- Advises employers on employment aspects of mergers, acquisitions, and other corporate transactions
- Assists with the design and implementation of reductions in force, including layoff notices, separation agreements, informational disclosures, and compliance with the Older Workers Benefit Protection Act (OWBPA)
- Serves as counsel to boards of directors and compensation committees regarding executive compensation issues
- Drafts agreements governing the employment relationship, including employment agreements, non-compete, non-solicitation, and confidentiality agreements, and independent contractor agreements
- Reviews employment policies and procedures, including complete employee handbook and manual reviews
- Creates employee leave programs encompassing FMLA, sick leave, and short- and long-term disability leave, and advises on compliance with paid and unpaid leave laws at the federal, state, and local levels
- Represents employers in audits and litigation with the Office of Federal Contract Compliance Programs (OFCCP) and assists with affirmative action plan preparation and related compensation audits
- Conducts workplace investigations in connection with complaints of harassment, discrimination and retaliation, as well as wage and hour audits

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Advice and Training

- Provides day-to-day advice to clients
- Provides all manner of management and workforce training, covering such issues as discrimination, harassment, retaliation, ADA compliance, managing attendance under the FMLA and other leave laws, NLRA issues, among others
- Frequent speaker at public programs, including the Association of Test Publishers (ATP), the Pennsylvania Bar Institute (PBI), the Public Employer Labor Relations Advisory Services (PELRAS), and Society for Human Resource Management (SHRM) chapters
- Guest lecturer at area law schools and universities on labor and employment law topics, including Rosemont College, Temple University, University of Pennsylvania, and Villanova University

Pro Bono Experience

Mr. Pedrow oversees the SOAR disability benefits program at Ballard Spahr in connection with the Homeless Advocacy Project (HAP), representing homeless veterans seeking Social Security benefits. Mr. Pedrow also serves as counsel to the Mural Arts Advocates, assisting with labor and employment matters, such as artists' contracts.

Recognition & Accomplishments

Chambers USA: America's Leading Lawyers for Business, labor and employment law, 2007-2016

The Best Lawyers in America, labor law, employment law, 2008-2017

AV Peer Review Rating, Martindale-Hubbell

Recipient, 2016 Corporate-Firm Partnership Recognition Award, Homeless Advocacy Project

Recipient, 2016 Alan J. Davis Pro Bono Award by Ballard Spahr LLP

Publications

Co-author, "Getting with the Program: Tackling Section 342," *Mortgage Compliance Magazine*, November 1, 2016

Co-author, "FTC and DOJ Release Antitrust Guidance for HR Professionals," Ballard Spahr alert, October 21, 2016

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Co-author, "Pa. Superior Court Affirms Punitive Damage Award in Breach of Noncompetition Agreement," Ballard Spahr alert, September 21, 2016

Co-author, "Now Might Be a Good Time to Review FLSA Overtime Exemptions," *Title News*, July 2015

Co-author, "Must Employers Accommodate Marijuana Users?" *The Legal Intelligencer*, June 30, 2015

Co-author, "Final Diversity and Inclusion Standards Issued Jointly by Six Federal Agencies," Ballard Spahr alert, June 9, 2015

Co-author, "U.S. Supreme Court Notice, Comment Not Required for Federal Agencies Interpreting Regulations," Ballard Spahr alert, March 16, 2015

Co-author, "Laying the Groundwork: Creating a Complaint Section 342 Program," *Mortgage Compliance Magazine*, February 4, 2015

Supreme Court and legislative/regulatory reporter, *Employment and Labor Relations Law* (ABA newsletter)

Co-author, "Raising the Bar on Diversity and Inclusion: Dodd-Frank's Proposed Diversity Standards," *Mortgage Compliance Magazine*, August 2014

Speaking Engagements

Faculty member, professional certification in human resources management courses sponsored by Society for Human Resource Management (SHRM) and Villanova University

Regular participant in annual Employment Law Institute sponsored by Pennsylvania Bar Institute

Planner and annual presenter, Ballard Spahr's Briefing Series on labor and employment topics

Planner and annual presenter, Society for Human Resource Management, Southeastern Pennsylvania chapter (SEPA SHRM) and Ballard Spahr HR Legal Summit

Planner and host of the Public Employer HR Roundtable

"Diversity Issues in Higher Education," Ballard Spahr webinar, April 19, 2016

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"Accommodating Test Takers: Hot Developments, Case Studies, and Practical Tips," The Association of Test Publishers, Innovations in Testing, March 22, 2016

"Kick Off: Hot Topics in Higher Education Webinar Series," Ballard Spahr webinar, December 9, 2015

"Complying with the Final Diversity and Inclusion Standards," Ballard Spahr webinar, July 15, 2015

"Attention Publicly Traded Companies: Dodd-Frank's Diversity & Inclusion Standards Want You! (More Than Just Financial Institutions)," Philadelphia Bar Institute, 21st Annual Employment Law Institute, April 28, 2015

"HR Developments That Impact Business Operations," 2015 HR Legal Summit: Labor and Employment Law Compliance for Today's HR Professional, Ballard Spahr and SEPA SHRM conference, September 11, 2015

"HR Developments That Impact Business Operations," 2014 HR Legal Summit: Labor and Employment Law Compliance for Today's HR Professional, Ballard Spahr and SEPA SHRM conference, September 12, 2014

"HR Developments That Impact Business Operations," 2013 HR Legal Summit: Labor and Employment Law Compliance for Today's HR Professional, Ballard Spahr and SEPA SHRM conference, September 20, 2013

"#disTracted! Driving: Legal Liability and Preventive Measures for Employers," Ballard Spahr webinar, May 14, 2013

Course Planner, "The Family and Medical Leave Act, One Year After the Regs," Pennsylvania Bar Institute program and webcast, December 2009 – January 2010

Community Activities

Volunteer, Homeless Advocacy Project (HAP): Oversees SOAR disability benefits program and participates in legal intake clinic at adopted homeless shelter

Volunteer, Comcast Cares Day: Annually leads a team of volunteers to conduct a food drive for and conduct a workday at the Sunday Breakfast Rescue Mission homeless shelter

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Volunteer, Surrey Services for Seniors: Provides transportation and in-home services to senior citizens in Chester County, Pennsylvania

Board Memberships

President, Society for Human Resource Management, Southeastern Pennsylvania chapter (SEPA SHRM)

Member, Homeless Advocacy Project Board, Philadelphia, PA

Education

Georgetown University Law Center (J.D. 1988, *cum laudè*)

Managing Editor, *Law & Policy in International Business*; Recipient, honors as Law Fellow and Lawyers Cooperative Academic Achievement Award in Constitutional Law

Dickinson College (B.A. 1985, *magna cum laudè*)

Double major in Spanish and psychology with a certificate in Latin American studies

Admissions

Pennsylvania

U.S. Court of Appeals for the Fourth Circuit

U.S. District Courts for the Eastern and Middle Districts of Pennsylvania

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Eighth Circuit