

Daniel B. Pasternak

Partner

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About Daniel

Drawing on three decades of experience, Dan Pasternak advises and represents employers across a wide range of industries in traditional union/management labor relations matters and in contentious, often high-stakes, employment litigation.

As a former National Labor Relations Board (NLRB) lawyer and leader of the traditional labor relations practice group of a large international law firm, Dan has both a deep knowledge base and broad experience representing management in the full spectrum of union-related labor relations matters. This includes unfair labor practice charge and representation case proceedings before the NLRB and federal appellate courts, union organizing campaigns, formulating collective bargaining strategy, and conducting at-the-table collective bargaining negotiations, strike and secondary boycott response and contingency planning, as well as grievance arbitration proceedings.

In addition to his traditional labor relations practice, Dan helps employers navigate the day-to-day complexities of managing local, regional, multistate and international workforces in an increasingly complicated, highly regulated workplace compliance environment. From leading sensitive workplace investigations to crafting employment, retention and separation agreements, designing and supporting large-scale organizational restructurings, and advising clients on strategic labor and employment issues arising in merger and acquisition transactions, Dan's focus is to find the right business-sensible solution for employers.

When solutions cannot be found and matters turn to litigation, Dan represents clients nationwide in federal and state courts, before administrative agencies, and in arbitration and mediation proceedings, in disputes arising under the array of federal and state employment laws, including discrimination, harassment, retaliation, whistleblower, wrongful termination, ERISA denial of benefits, wage and hour collective and class action, unfair competition, trade secret, and non-compete and non-solicitation covenant cases.

Dan is a long-time contributor and currently serves as a chapter editor of *The Developing Labor Lawyer*, the definitive treatise on US labor law, and is a regular contributor to print and online legal media on labor and employment topics. Dan also leads our firm's effort to deliver as-they-happen updates on developments affecting employers through its *Employment Law Worldview* blog.

Dan has received recognition in *Chambers USA* since 2010 on the strength of feedback received from clients, commenting that he is “superb in every interaction” and “tenacious,” and noting his “polished performances in the courtroom.” *Chambers USA* noted that “clients describe him as ‘plain-speaking, responsive and helpful’ and praise the ‘consistent high quality’ of his work,” and quoted client feedback notes Dan’s “ability to assess the situation quickly and offer sound guidance.” Dan has also been annually listed since 2012 in *The Best Lawyers in America* in the labor law, employment law, and employment litigation categories.

Credentials

Education

- University of Illinois, J.D., *cum laude*, 1994
- University of Illinois at Urbana-Champaign, B.S., 1991

Admissions

- Arizona
- Illinois

Courts

- U.S. Supreme Court
- U.S. Ct. of App., Third Circuit
- U.S. Ct. of App., Fifth Circuit
- U.S. Ct. of App., Seventh Circuit
- U.S. Ct. of App., Ninth Circuit
- U.S. Ct. of App., District of Columbia Circuit
- U.S. Dist. Ct., Dist. of Arizona
- U.S. Dist. Ct., Dist. of Colorado
- U.S. Dist. Ct., N. Dist. of Illinois

Recognitions

- Recognized by *Chambers USA* 2010-2024, an annual listing of the leading lawyers and law firms in the US, for Labor & Employment in Arizona
- Listed in *The Best Lawyers in America* 2012-2026, an honor based on an exhaustive peer-review process, in the Employment Law – Management, Labor Law – Management and Litigation – Labor and Employment Law categories

Expertise

Services

- Labor & Employment

Industries

- Sports & Entertainment

Publications and Speaking Engagements

Law Review Articles

- Author, "The NLRB's Evolving Joint-Employer Standard: Browning-Ferris Industries of California, Inc.," *ABA Journal of Labor & Employment Law*, Volume 31, Number 2, Winter 2016.
- Author, "One of These Things is Not Like the Other: The Continuing Battle Over the Meaning of Discrimination – Salmon Run Shopping Center v. NLRB and Guard Publishing Company v. NLRB," *The Labor Lawyer*, Volume 24, Number 3, Winter/Spring 2009.

Speaking Engagements

- "NLRB Update for Union and Non-Union Employers: Employer-Friendly in 2020, But Changes Loom in 2021," Squire Patton Boggs Labor & Employment Webinar Series, February 2021.
- "Employment Law Ethics Issues for In-House Counsel," Squire Patton Boggs Labor & Employment Webinar Series, February 2021.
- "Key Developments Impacting Employers and HR Professionals in 2021," SHRM of Greater Phoenix Employment Law Symposium, Phoenix, Arizona, January 2021.
- "COVID-19: Solar Leading the Recovery," Solar Energy Industries Association COVID-19 Solar Industry Impact Webinar Series, June 2020.
- "Key Developments Impacting Employers and HR Professionals in 2020," SHRM of Greater Phoenix Employment Law Update, Phoenix, Arizona, January 2020.
- "Let Me Get This Straight: Accommodate? When and How to Make Reasonable Religious and Disability Accommodations," Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2019.
- "NLRB Update for Non-Union and Union Employers," Squire Patton Boggs Best Practices Webinar Series, October 2018.
- "Arizona Paid Sick Leave, One Year Later; Class and Collective Action Waivers in Employment Arbitration Agreements; and Update on Sexual Orientation Discrimination," Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2018.
- "Managing Leaves of Absence and Understanding Arizona's Paid Sick Leave Law," Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2017.
- "Developments at the National Labor Relations Board: 2016 Update," Squire Patton Boggs Best Practices Webinar Series, October 2016.
- "National Labor Relations Board Update," Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2016.
- "Employee Hiring, Discipline and Discharge: Best Practices and Avoiding Traps," Arizona Society of Human Resource Management Annual Conference, Chandler, Arizona, August 2015.
- "Best Practices in Drafting Employment and Severance Agreements," Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2015.
- "The Evolving Joint Employer Standard of the Board and General Counsel: *Browning-Ferris* Meets *CNN* and *McDonald's*," American Bar Association, Section of Labor & Employment Law, Committee on Development of the Law Under the NLRA, 43rd Annual Midwinter Meeting, Kohala Coast, Hawaii, March 2015.
- "The National Labor Relations Board: 2014 in Review and What's Ahead in 2015," Thompson Reuters WestLegalEdcenter Webinar, March 2015.
- "FLSA Exemption Changes: The Proposed Rules Are Coming," Squire Patton Boggs (US) LLP Best Practices Webinar Series, February 2015.

- “Class and Collective Action Waivers in Arbitration Agreements: The Sequel,” Legal Panel Presentation, Arizona Society for Human Resource Management Annual Conference, Chandler, Arizona, August 2014.
- “National Labor Relations Board (NLRB) Update – The Impact of *Noel Canning*, Employee Handbook Policies Under Siege, and What’s Ahead,” Squire Patton Boggs (US) LLP Best Practices Webinar Series, Phoenix, Arizona, August 2014.
- “Everything (Else) You Need to Know About Employment Law, In Under an Hour,” Squire Patton Boggs Labor and Employment Annual Seminar, Phoenix, Arizona, April 2014.
- “The Policy Police: Employee Handbooks and The New NLRB,” American Health Lawyers Association Annual Meeting, New York City, New York, June 2014.
- “But We Don’t Have a Union! The (New) NLRB’s Continuing Attack on Non-Union Workplace Policies and Practices,” Squire Patton Boggs Labor and Employment Seminar – Southern California, Los Angeles, California, March 2014.

About our firm

One of the world’s strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.