masudafunai

Frank J. Del Barto

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Frank Del Barto is an experienced employment attorney and former Chair of the Firm's Employment, Labor & Benefits Group. He counsels executives and HR managers on the full range of employment, employee benefit plan, and retirement plan matters. Frank's clients, which include domestic and Japanese companies, consistently appreciate his business acumen and practical point of view. Frank's innate ability to problem-solve by distilling complex obstacles into key decision points and workable solutions brings his clients back again and again.

Selected as an Illinois Rising Star for seven consecutive years and an Illinois *Super Lawyer* in 2022, Frank advises executive management on employment discrimination, family and medical leave issues, wage and hour compliance, and employee classification concerns, as well as on critical litigation risk reduction strategies. He has negotiated and drafted numerous employment, severance and independent contractor agreements and employment policies and handbooks. Frank has successfully represented clients in administrative matters before the U.S. Equal Employment Opportunity Commission, the Illinois Department of Human Rights, the Illinois Department of Employment Security, and the Illinois Department of Labor. He has also successfully counseled clients on employment and wage matters in various state and federal courts.

In addition, Frank advises on ERISA issues, COBRA administration, and myriad benefit plan reporting, disclosure and compliance matters. He has represented clients before the U.S. Department of Labor on compliance audits and Form 5500 penalty assessments. As retirement plan compliance has become increasingly more difficult, Frank has guided client management teams through complex 401(k) plan corrections

Education

The University of Illinois Chicago School of Law, (f/k/a The John Marshall Law School), J.D. and LL.M. Employee Benefits Law, with honors, 2007

The Virginia Military Institute, B.A., 1987

Admissions

Illinois

Michigan

U.S. District Court, Southern District of Illinois

U.S. District Court, Northern District of Illinois

U.S. Court of Appeals: Veterans Claims

Practice Areas

Employment, Labor & Benefits

Corporate, Finance & Acquisitions

Languages

English

with the IRS and has counseled clients on the formation and operation of plan committees to improve plan governance and reduce the potential liabilities associated with plan sponsorship.

Prior to joining the firm, Frank spent fourteen years in the insurance industry working with Fortune 500 companies and prominent universities. This real-world experience allows him to bring a unique business-oriented perspective to the legal challenges faced by his clients, ever searching for solutions that fall within each client's acceptable risk tolerance.

A former Army officer and graduate of the elite Airborne and Ranger Schools, Frank's pro bono practice concentrates on assisting military veterans and their dependents appeal disability compensation claim denials with the Department of Veterans' Affairs. A veteran himself, Frank is driven to assist fellow veterans in obtaining compensation for their injuries that are connected to or aggravated by their military service. Frank has received several awards for his pro bono service to veterans including from the Supreme Court of Illinois. In 2020, *Crain's Chicago Business* selected Frank as a Notable Veteran Executive for his dedication to veterans.

Experience

- Tennessee manufacturing company representation in a federal wage and hour lawsuit wherein a former employee alleged that joint employer liability existed between the Tennessee company and its sister company in Ohio; obtained dismissal of the Ohio company; successfully settled the Tennessee portion of the case before any collective action certification.
- Represented an Ohio manufacturing company by spearheading its response to a U.S. Department of Labor audit of its benefit plans.
- Prepared and filed multiple 401(k) plan corrections under the IRS's Employee Plans Compliance Resolution System due to compensation, eligibility, deferral, and loan operational errors.
- Based on extensive experience asserting arguments under the Friendship, Commerce and Navigation Treaty between the United States and Japan, obtained dismissal of a race and national origin discrimination lawsuit filed in Illinois; assisted in the favorable resolution of an age discrimination lawsuit in New Jersey relying on the same FCN Treaty.
- Manufacturing company representation in a disability discrimination matter, negotiating a settlement resulting in a voluntary withdrawal of the Illinois Department of Human Rights charge.
- Assisted in representing a manufacturing company in a former employee's breach of contract claim, resulting in the federal District Court dismissing the four-count complaint with prejudice.

- Successfully represented clients in unemployment claim hearings before the Illinois Department of Employment Security.
- Successfully represented several different clients in pregnancy, race, age and disability discrimination claims before the U.S. Equal Employment Opportunity Commission.

Memberships

- American Bar Association
- Chicago Bar Association - Former Chair of Employee Benefits Committee
- Illinois State Bar Association
- International Foundation of Employee Benefit Plans

Distinctions

- *Crain's Chicago Business* Notable Veteran Executives (2020)
- Illinois *Super Lawyers*, 2022-2026 - (Rising Star, 2011-2017)
- *Leading Lawyers* - Emerging Lawyer, 2017
- Awarded Excellence in Pro Bono Service by the U.S. District Court for the Northern District of Illinois, 2017
- Recipient of The John Marshall Law School Alumni Associations' Distinguished Service Award for Efforts on Behalf of Veterans, 2013
- Recipient of the Supreme Court of Illinois' Distinguished Service Award, 2009
- Legal 500 Chicago Elite – Labor & Employment