

## Alan M. Kaplan

Principal, Schaumburg

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### Schaumburg

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Alan Kaplan represents management in labor and employment litigation, counseling, drafting, negotiations, union relations and OSHA matters. His clients include businesses in the machine tool, automotive, construction and service industries, as well as professionals and executives who need counseling and assistance in drafting, negotiating and litigating employment and non-competition agreements. An Illinois "Super Lawyer" with an AV Preeminent rating from Martindale-Hubbell, Alan's creativity is manifest in the practical results he consistently delivers.

Alan negotiates and drafts executive employment, confidentiality and non-competition agreements and employment policies. He represents buyers and sellers in business transactions and in conducting labor and employment due diligence. Alan advises on compliance with federal and state laws and regulations, the hiring of executives and employees having restrictive covenants, the implementation of employment policies, wrongful terminations, wage and hour, union avoidance and occupational safety and health. In addition, Alan has extensive experience in managing union elections and de-certifications, negotiating union contracts, preventing and stopping illegal picketing, and defending unionized clients during union trust fund audits, union grievances and arbitration hearings. He also aggressively defends companies in employment discrimination and wrongful discharge cases in both federal and state courts and before federal and state employment law agencies.

Alan safeguards and defends his client's business passionately, efficiently, ethically and within the spirit and letter of the law. He is dedicated to providing strategic legal counsel and appreciated for his hands-on, collaborative nature and workable solutions that fall within the parameters of each



### Education

DePaul University College of Law, J.D., 1980

Northwestern University, B.S.E., 1973  
and M.A. Educational Administration, 1975

### Admissions

Illinois

Kentucky

Ohio

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Eastern District of Tennessee

U.S. District Court, Eastern District of Texas

U.S. Court of Appeals: 7th, 9th & District of Columbia Circuit

### Practice Areas

Employment, Labor & Benefits

Litigation

client's overall operational and financial goals. Alan considers how employment decisions actually effect each company's bottom line. His straight-talk, business-oriented and zealous approach to problem-solving demonstrates that he takes his client's business seriously, and his role in their success — personally.

Alan conducts in-house supervisory training sessions on such topics as union avoidance, anti-harassment, employment discrimination, hiring, discipline, safety and how employers should comply with laws relating to ill or injured employees. He was selected to conduct union avoidance training programs for the supplier group of a major Japanese automotive manufacturer and has spoken before the Japan America Society of Kentucky, the Japanese Chamber of Commerce & Industry of Chicago and the Osaka, Japan Chamber of Commerce on labor and employment law issues.

Prior to joining the firm, Alan served as a Hearing Officer and prosecuting attorney in the Chicago Regional Office of the National Labor Relations Board (NLRB). His government experience gives him unique insights and contacts when representing companies before federal, state and local agencies that regulate labor and employment laws, including the NLRB, the Equal Employment Opportunity Commission (EEOC), state departments of human rights, the Occupational Safety Health and Administration (OSHA), and federal and state departments of labor.

## Experience

- Defended and negotiated a settlement on behalf of a computer graphics company in a wrongful termination and non-competition agreement litigation in the Illinois Cook County Circuit Court.
- Obtained a summary judgment against a former employee alleging breach of oral employment agreement, promissory estoppel and wrongful termination in Wyoming Federal District Court.
- Strategized and helped implement reductions-in-force for corporations, including those in Michigan, Illinois and Ohio.
- Negotiated multiple union contracts with Teamsters Union for a unit of warehouse workers in Wood Dale, Illinois as well as negotiated union contracts with Machinists, Auto Workers and other unions in the manufacturing, service and construction industries.
- Advised regarding several anti-union/pro-company campaigns, including decertification of Teamsters Union in Chicago, union losing vote unanimously.
- Represented a multi-national corporation in Americans With Disabilities Act case at Equal Employment Opportunity Commission and Minnesota Department of Human Rights.

- Represented manufacturing and construction companies during investigations, litigation and negotiation of settlements with OSHA and the U.S. Solicitor of Labor's Office regarding the liability of companies for workplace injuries.
  - Obtained a partial summary judgment in Family & Medical Leave Act case in the Eastern District of Tennessee Federal Court for a manufacturing company.
  - Represented a public employer before the Seventh Circuit Court of Appeals in a race discrimination case, which was dismissed because of lies on an employment application.
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### Memberships

- American Bar Association's Subcommittee on Practice and Procedure Before the NLRB
  - Chicago Bar Association
  - Illinois State Bar Association - Chair Ex-Officio, Small Business and Financial Planning Section Council
  - Illinois State Bar Association - Coordinator, Continuing Legal Education, Labor and Employment Section Council
  - Illinois State Bar Association Small Business Advice Section Council
  - Kentucky State Bar Association
  - Ohio State Bar Association
  - Steering Committee of the Labor Law Conference, co-sponsored by Chicago-Kent School of Law
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### Distinctions

- Illinois *Super Lawyers*, 2006, 2011-2020
- *Leading Lawyers*, 2015-2020
- AV Preeminent® Rating by Martindale-Hubbell for 15 consecutive years, 2017