Stevens & Lee

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Kenneth D. Kleinman

Senior Counsel

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Philadelphia

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Practice

Labor and Employment

Ken represents management in all areas of employment counseling, employment litigation and labor relations law. He is recognized as one of the leading authorities in occupational safety and health matters.

Ken maintains an active national litigation practice. He represents employers across the country in matters involving thousands of employees' claims under the Federal Labor Standards Act (FLSA) and applicable state law, as well as wage and hour collective actions. Ken has been lead counsel in dozens of employment discrimination actions across the country. He has successfully tried numerous employment cases in federal and state courts, including a week-long ERISA trial which resulted in costs being awarded to his client and a two-week long wrongful discharge trial in which the jury awarded damages to the company defendant Ken represented. Ken is also experienced in litigating restrictive covenant matters in Pennsylvania, New Jersey and Delaware. He successfully defended an employer in Montgomery County that hired an employee subject to a non-compete clause in a week-long preliminary injunction trial and has enforced non-compete clauses against employees who attempted to breach their agreements.

In the labor relations arena, Ken has acted as chief negotiator for many union negotiations, including 1,000 person nursing units for a major Philadelphia hospital system, and other negotiations with unions such as the Teamsters, Steelworkers, Operating Engineers and Service Employees. Ken's traditional labor practice also includes representing employers in arbitrations and unfair labor practice proceedings. Ken assisted a client that moved from Philadelphia to the suburbs in successfully withdrawing recognition from one of the most powerful Teamster unions in Philadelphia. He has tried numerous employment contract arbitrations, including a contract/age discrimination claim that took 19 days of hearing and resulted in a decision in favor of, and counterclaim damages awarded to, the employer.

Ken has also successfully negotiated or tried dozens of high-profile, six-figure OSHA citations, including

cases involving fatalities, multiple-employer work sites and criminal prosecutions. He is an editor and chapter author of the nationally recognized treatise, *Occupational Safety and Health Law*, published by the American Bar Association and the Bureau of National Affairs. He is also a former Management Chair of the ABA Occupational Safety and Health Committee of the Labor and Employment Law Section.

In addition to his litigation, labor relations and OSHA practice, Ken regularly provides advice to Fortune 500 firms and executives with respect to the drafting and enforcement of employment, confidentiality, restrictive covenant and severance agreements. He also advises clients on hiring, training, discipline and termination issues, particularly in connection with employment discrimination statutes, the ADA and the FMLA.

After law school, Ken was a law clerk to the Hon. Walter Jay Skinner of the U.S. District Court for the District of Massachusetts.

Affliations

- American Bar Association, Labor and Employment Law Section OSHA Committee, Past Management Chair
- Cornell University School of Industrial and Labor Relations Alumni Association, Former President
- Action Wellness, Past Board Member, Former President
- Symphony House, Past Board President
- Pennsylvania Bar Association
- Philly Forward, Past Board Member
- Research for Action, Past Board Member

Recognition

- Elected as a Fellow of the College of Labor and Employment Lawyers, a highly selective national organization recognizing lawyers who have made long-standing and significant contributions to the field of labor and employment law
- Named in Chambers and Partners USA, Nationwide, OSHA, 2022 - Present
- Listed in Super Lawyers, Philadelphia, Employment & Labor, 2004 - 2007, 2009 - Present
- Recipient of the 2017 Friend for Life Award from Action Wellness in recognition of his years of service to the Philadelphia Community

Education

- Harvard Law School, J.D., *magna cum laude*
- Cornell University School of Industrial and Labor Relations, B.S., *summa cum laude*

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Western District of Michigan