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My clients trust me to help them manage their most challenging workplace relationships. To do so effectively, we work collaboratively to understand the interpersonal challenges that have led to the possibility of legal exposure for the company under workplace employment laws, and to craft practical solutions to manage legal risk consistent with business needs. It is as important to understand why people have come into workplace conflict if one is to explore creative approaches to resolve or manage those conflicts or, as necessary, to aggressively defend clients' workplace decisions in court. At the outset of such cases I emphasize understanding my client's goals and what a win in that context looks like for them.

Employment lawyer and litigator Jon Trafimow counsels clients on all aspects of employment-related issues, conducts workplace investigations and is an experienced trial lawyer. Jon is also an experienced mediator.

Jon's advice and counsel practice includes guiding clients who confront myriad workplace requests and complaints, ranging from allegations of violations of policy to harassment, discrimination and retaliation. He assists clients with disciplinary matters, addressing requests for leaves of absence for various reasons; managing reductions-in-force, drafting handbooks, severance agreements and

other documents, and workplace training. The advice and counsel aspect of Jon's practice also includes workplace investigations.

Jon is an experienced litigator and trial lawyer. He has been counsel of record in numerous reported and unreported decisions. Jon is an experienced mediator, and brings those skills to benefit his clients seeking resolution of their disputes. The focus of his litigation is on claims of workplace discrimination, harassment and retaliation, but extends to claims of breach of contract and other employer-employee disputes.

Jon was previously a Fellow of the Coro Foundation Leadership New York Program. He frequently writes and lectures on employment law topics and has authored a book chapter (updated) entitled "Discrimination", published in the HR Guide to Employment Law: A Practical Compliance Reference (2009) and co-author of "The Sovereign Power of the State: A Proposed Theory of Accommodation," 12 Cardozo L.Rev.951.

Experience

- *Moscattelli v. Owl's Nest, Inc., et al.*, 554 F. Supp. 3d, 2021 WL 3577908 (E.D.N.Y. Aug. 12, 2021)
- *Penn v. N.Y. Methodist Hospital*, 884 F.3d 416 (2d Cir. 2018) (*writ of certiorari denied* 139 S. Ct. 424 (Oct. 29, 2018));
- *Sethi v. Narod*, 12 F. Supp. 3d 505 (E.D.N.Y. 2014);
- *Thomas v. iStar Fin., Inc.*, 652 F.3d 141 (2d Cir. 2010) and 629 F.3d 276 (2d Cir. 2010);
- *Caban v. N. Y. Methodist Hosp.*, 119 A.D.3d 717 (2d Dep't. 2014);
- *Alizadeh v. Pei*, 2017 N.Y. Misc. LEXIS 4767 (N.Y. Sup. Ct., Kings Co., Dec. 11, 2017)
- *Sethi v. Morrissey*, 105 A.D.3d 833 (2d Dep't 2013).

Publications

For more information or to view any article in its entirety please contact trafimow@clm.com

- *Active Listening for Lawyers*, *Loeb Leadership*, October 30, 2022
- Hospital May Require Its Employees to be Vaccinated, Court Holds, *Client Advisory*, Fall 2021
- Are Non-Competes Headed for Extinction?, *Client Advisory*, August 2021
- Federal Court Affirms Employer Right to Require That its Employees be Vaccinated, *Client Advisory*, June 23, 2021
- *Employer Takeaways from Latest NY And Federal Guidance*, *Law 360*, February 10, 2021
- Updated Covid-19 Guidance for New York Employers at the New Year, *Client Advisory*, February 1, 2021
- Who's the Boss? DOL Repudiates the Court's Ruling by Issuing New COVID-19 Leave Guidance, *Client Advisory*, September 17, 2020
- Court Strikes Down DOL Interpretations of FFCRA, *Client Advisory*, August 14, 2020
- The Unhappy Meal- A Case Study in the Importance of Developing & Executing an Effective Return-to-Work-Policy, *Client Advisory*, July 27, 2020
- A Company's Best Responses to Coronavirus (COVID-19), *Client Advisory*, March 2020
- Face Masks & More- The New Normal, *Client Advisory*, April 2020
- COVID-19 Employment Legislation, *Client Advisory*, April 2020
- Sweeping Anti-harassment Legislation Impacts New York State Employers, *Client Advisory*, September 2019
- New Lactation Room Requirements for New York City Employers, *Client Advisory*, March 2019
- Arbitration and Class/Collective Action Waivers Held Enforceable and New York City Paid Safe Leave Obligations, *Client Advisory*, June 2018
- New York Strengthens Sexual Harassment Rights For Employees—How Should Private Employers Respond?, *Client Advisory*, May 2018
- In-House Counsel's Guide to the New York Paid Family Leave Benefits Law, *New York State Bar Association*, Fall 2017
- *10 Ways to Enhance Cybersecurity with "People Practices"*, *Banking Exchange*, July 28, 2017
- *'Cheeks': Restricting Private Settlements Under Fair Labor Standards Act*, *New York Law Journal*, December 7, 2016

- Seize that Flash Drive!" The Defend Trade Secrets Act Necessitates Immediate Action by Employers, Expands the Scope of Trade Secrets and Provides for Seizure Remedies, *Client Advisory*, August 2016
- Offers of Judgment Checklist68 (Employment Litigation), *Client Advisory*, June 2016
- Offers of Judgment under FRCP Rule 68 in Employment Cases, *Client Advisory*, June 9, 2016
- Meeting Your Cybersecurity Obligations, *New York State Bar Association*, Fall 2015
- Counsel's Capacity to Control Cybersecurity Costs, *New York Law Journal*, August 12, 2015
- Cyber Wars and the Legal Lessons from the Sony Hack (Op-Ed), *Live Science*, December 27, 2014
- Discrimination, *Client Advisory*, December 2, 2014
- Cases Illustrate Creative Uses of Social Media Evidence, *New York Law Journal*, October 20, 2014
- Common Sense Tips to Protect Your Company from a Data Breach, *Client Advisory*, July 2014
- Employment Law Roundup: New Obligations on New York Employers in 2014, *Client Advisory*, January 2014
- Legal Standards Proposed for cybersecurity- Is Your Company in Compliance?, *Client Advisory*, January 2014
- Reshaping Employment Law: Supreme Court Narrows Employer Liability for Workplace Discrimination & Retaliation Claims, *Client Advisory*, June 2013
- Employers Beware: New York City Bans Job Discrimination Against the Unemployed, *Client Advisory*, March 2013
- Federal Agency Extends its Reach to Employers of Non- Union Workers, *Client Advisory*, February 2013
- Laboring Through the America Invents Act, *Client Advisory*, May 2012
- New Employer Annual Notice Requirement, *Client Advisory*, January 2012
- Broadening The Reach of the ADA, *Client Advisory*, August 2011
- New York's New Worker Classification Rules Imposes Strict Rules on Both General Contractors & Subcontractors, *Client Advisory*, November 2010
- Sexual Harassment in the Workplace- Is Your Company Protected?, *Client Advisory*, November 2010
- There's No Such Thing as a Free "Employee", *Client Advisory*, May 2010
- Fighting Harassment Claims- Why Employers Must Properly Train Their Managers: A Case Study, *Client Advisory*, October 2009
- Employee Handbooks: Protect Your Company, *Client Advisory*, July 2009

Outside the Office

I enjoy exercise generally and run and do yoga in particular. I enjoy reading history, biographies and whatever books my children recommend for me. Mostly, I enjoy spending time with my family.

Practices

Litigation and Disputes
Cybersecurity and Data Privacy
Native American Law

Admissions

Bar Admissions

Illinois
New York

Court Admissions

U.S. Court of Appeals, Second Circuit
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
U.S. Supreme Court

Education

New York University School of Law (JD)

University of Chicago (BA)

Awards/Honors

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