

TEN LEADERS

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EMPLOYMENT LAW

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EDUCATION

State University of New York at Stony Brook, BA, summa cum laude, 1981
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AFFILIATIONS

Richard Zuckerman is a member of the American and New York State Bar Associations and the Nassau County Bar Association. He is a member of the Executive Committee of both the State Bar's Municipal Law Section and its Labor and Employment Law section. He is also a member of the Board of Directors of the New York State Association of School Attorneys, and serves as secretary of that organization. Zuckerman has served on the Editorial Board for the American Bar Association's "Discipline and Discharge in Arbitration," a publication on arbitration issues. Has also served as inaugural chair of the Municipal Law Sections' Employment Relations Committee of the State Bar. He is also Continuing Legal Education Committee Chair for the State Bar's Labor and Employment Law Section.

BIOGRAPHY

Richard Zuckerman established his reputation as a shrewd and skilled practitioner of employment law early - still in his 20s and an associate attorney at Rains & Pogrebin, P.C. It was a Labor Day weekend in the mid-80s, and a teacher strike seemed all but inevitable. At 3:30 am, four hours before the strike had been called, and the schools' opening delayed, Zuckerman ignored staff hierarchy and protocol, which dictated that he take a second seat to his partner, approached the union president, whom he had known since childhood, and got him talking about the major stumbling block that was preventing the settlement that both sides truly wanted. Four hours later, school started on time. "The whole experience taught me that listening is more important than talking," says Zuckerman today. "I caught grief" from colleagues, including superiors, "but I wouldn't hesitate to do it all again."

During the two decades since, the Oakdale, Long Island, native has emerged as one of the leading labor attorneys in the region, principally representing municipalities and school districts in the face of contract and other disputes with teachers, police, and firefighters and other blue and white collar employee unions. On affluent Long Island, where there's been a generation of taxpayer generosity to public workers, Zuckerman has taken on some very tough challenges.

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The son of teachers, Zuckerman says such matters were dinner-table conversation; after graduating at the top of his class from Stony Brook, he went to Columbia Law School where he also excelled. He joined Rains & Pogrebin, a firm well prominent in labor and employment law, and was named partner in 1992. When the firm dissolved in early 2004, he joined Lamb & Barnosky, LLP in Melville, Suffolk County's largest commercial law firm. He's regarded by peers as a personable negotiator with a results-oriented, non-ideological approach. "I make it a point to keep my politics out of my work," says Zuckerman. More than three-quarters of his practice is devoted to public-sector issues. Lamb & Barnosky has 31 attorneys (16 are partners), and Zuckerman handles cases throughout the region, well beyond Long Island. An avid New York Mets and New York Rangers fan, Zuckerman's office is a veritable trophy case of professional sports team caps, souvenir baseballs and game pucks. Keeping his priorities straight, Zuckerman for years has been a little league coach for his children's teams in hometown Baldwin, about 30 minutes from his Melville office.

Richard Zuckerman: Observations & Perspectives

Remember getting your report card? The anxiety, the hope, the dread? A semester's work boiled down to a single letter - the significance was such a boost or such a burden. And when it arrived, you looked at it, absorbed its meaning, and moved on.

Not today. The world is a different place from the one I grew up in. Today, schools are seen not simply as vehicles of progress, but also as surrogate parents. The issue of students' rights -- and parents' rights -- plus the many statutory mandates imposed on districts, have led to an atmosphere ripe for litigation. If a child doesn't make the honor society, the inclination now is to sue. If a poor performing employee is let go, the tendency is to blame the system for the employee's inadequacy or misconduct, rather than engaging in self-assessment. The result? A law suit. It is common place now for people to talk at each other through their attorneys, rather than speaking with each other and listening to and learning about the other side's concerns.

I strongly believe that it is my responsibility as counsel to attempt to find common ground where it exists. I recently successfully negotiated the public removals from employment of a number of employees accused of inappropriate personal conduct. I was particularly mindful that the victims would have to testify about what had happened to them if a settlement could not be reached. Nevertheless, I was completely prepared to vigorously prosecute or defend our client's, and the community's, interests had an acceptable settlement not been reached. And, if we went to war, we would go to win. The bottom line, as far as I was concerned, was that the settlements were approved by all of the affected parties, and so the right results occurred. That's the best part of the job, being a part of the solution, not an extension of the problem.

Lately, a major "growth area" of

workplace law is in romance. We had a case of a teacher/principal relationship that caused concern in the community, not to mention the teachers' lounge. The superintendent called both staff members into his office and requested that one of them agree to be transferred to another building. Both refused, and the union got involved and the matter proceeded to arbitration. When I cross-examined the principal, I asked him

whether if he and his paramour had ever argued "off-duty" about work. He admitted that he had complained to her in the car the day before, accusing her of not taking his side during a staff meeting. Right there, he proved our case that it was not possible for him to treat his entire staff the same while functioning in a dual role as a supervisor and a paramour.

While their relationship was legal, New York courts have split over the extent to which employers have the right to regulate these types of work-based romances. New York pro-

jects lawful off-duty activities. But when sex enters into the equation, the balance becomes harder to strike and very often the line gets moved. In my case, the school district was absolutely right to move one of the paramours because of the potential for negative fall-out on the students, other faculty members and, of course, themselves.

I work for management and the taxpayers and shareholders they represent, but I feel I always work for what's right. If there's a course of action I'd counsel against - I counsel against it. That's what I'm there for. Elected officials and in-house counsel request my input, and usually welcome it, precisely because they know that I will give them a straight call rather than merely tell them what they want to hear.

At the end of the day, it's less about the money than it is about having respect for, and being respected by, those with whom you're doing business.

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