



# Thomas S. Giotto

## Chair, Labor & Employment Department

### Pittsburgh

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#### Practice Areas

- Labor & Employment
- Employment Litigation
- Labor Relations & Disputes
- Affirmative Action, OFCCP, and Related Compliance

#### Industry Sectors

- Education
- Sports

#### Education

- Duquesne University School of Law, J.D., 1983
- Pennsylvania State University, B.A., 1978

#### Bar Admissions

- Pennsylvania

#### Awards & Honors

- Pittsburgh Employment Law-Management "Lawyer of the Year" by Best Lawyers in America, 2013, 2018, 2021, 2024, and 2025
- Best Lawyers in America, 2007-2025
- Chambers USA, 2006-2024
- Chambers Global, 2020
- Benchmark Labor & Employment Star for the Northeast
- Pennsylvania Super Lawyers, 2004-2024
- Fellow, College of Labor and Employment Lawyers
- Business Today, Top 10 Innovative Labor & Employment Lawyers in Pennsylvania, 2023
- Pennsylvania Labor Power 100, 2023

Thomas is chair of the firm's Labor & Employment Department and concentrates his practice on representing management in many aspects of labor, employment, and employment-related litigation. Tom's traditional labor practice includes representing employers during union organizing campaigns, collective bargaining, and grievance arbitrations. He has represented employers in litigation involving race, sex, sexual harassment, age and disability discrimination, and against claims alleging violations of the Fair Labor Standards Act, Family and Medical Leave Act, COBRA, and wrongful discharge and related common law claims. Tom has particular experience representing clients in the manufacturing, oil and gas, oil refining, chemical production, hospitality, health care, higher education, sports, and office building association industries.

Tom has experience speaking on a range of employment law topics. Tom has been named one of the top labor law attorneys since 2006 in *Chambers USA*. Since 2004, he has been consistently selected to the Pennsylvania Super Lawyers list. He has been featured in *The Best Lawyers in America*® since 2006. Tom was also named Best Lawyers' Pittsburgh Employment Law – Management Lawyer of the Year for 2013, 2018, 2021, and 2024.

Tom received bachelor's degrees in general arts & sciences and labor studies from the Pennsylvania State University and he earned his law degree from Duquesne University School of Law.

#### Experience

##### *Collective Bargaining*

- Represent employers in negotiations throughout the country in manufacturing, refining, chemical, health care, distribution, mining, higher education, print media, and sporting facilities.
- Negotiated major concessionary package for the largest chain manufacturer that included wage concessions, termination of defined benefit pension plans, retiree medical benefits, and other reduction in benefits.
- Negotiated a consumer-directed health plan as part of the single corporate health plan for all union-represented employees covered by numerous collective bargaining agreements.
- Negotiated a three-year collective bargaining agreement with a two-year extension contingent upon the completion of the acquisition of a competitor.
- Restructured employer-related costs by negotiating the termination or freezing of retiree medical benefits and defined benefit pension plans and wage rates and job consolidations for manufacturing, health care, chemical, mining, public utility, and automotive parts supply clients.
- Guided a client through temporary replacement of its workforce. Defended and avoided NLRB complaints of related unfair labor practice charges and obtained 10(j) injunctive relief in federal court to end union-related violence.
- Completed the negotiations of the first collective bargaining agreement for a financially troubled health care employer while the employer unilaterally implemented numerous changes to avoid

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bankruptcy and avoided a NLRB complaint on all related unfair labor practice charges.

- Negotiated an early retirement package that led to reduction of nearly one-half of the bargaining unit. Negotiations also included the remaining operations.
- Negotiated numerous shutdown agreements (effects bargaining in manufacturing, chemical processing, health care, and other industries), subcontracting of a hospitality employer's in-house laundry operation, and managed WARN notices.
- Negotiated the outsourcing of a health care client's dietary operations and related effects bargaining agreement for those same employees.
- Negotiated the right to contract out work.
- Negotiated faculty and first-time athletic coaches agreement.
- Represented a provider of performance materials and chemicals, and environmental catalysts and services, in connection with its integration with another entity. The representation included negotiating several collective bargaining agreements at five different plants located throughout the United States and integrating benefit plans.
- Successfully represented an employer in its negotiations with the United Steelworkers covering approximately 470 employees. The negotiations resulted in the ratification of a new three-year collective bargaining agreement.

#### ***Arbitration***

- Defended approximately 50 grievances protesting management's decision to contract out bargaining unit work, which involved millions of dollars of lost wage opportunity claims for bargaining unit employees.
- Handled more than 60 subcontracting arbitrations over the past 15 years for a mining and soda ash processing facility.
- Represented a major utility in a series of arbitrations with the IBEW involving contracting out of meter reading work and transfer of bargaining unit work to related entities where there is no union representation.
- Guided a theft of time investigation that resulted in the termination of 12 of 18 department employees and won all but two of the discharge arbitrations. Also defended the company's decision to contract out the department's bargaining unit work, as well as numerous related unfair labor practice charges.
- Prevailed at arbitrations involving the discharge of hospitality employees for covertly threatening a supervisor.
- Guided a broad investigation into employee workplace drug use that resulted in the termination of 16 employees and the defense of numerous discharge grievances.
- Prevailed in representing employers' right to make unilateral changes to health and welfare plans.
- Successfully represented the employer in a six-day labor arbitration concerning the discharge of an employee for violating the company's Substance Abuse Policy. The hearing involved the examination of three expert witnesses related to the extrapolation of breath alcohol levels to determine the employee's blood alcohol level when he reported to work and at the time of a work-

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related accident; and numerous challenges to provisions of the Substance Abuse Policy.

### ***Union Organizing***

- Counseled multiple health care employers during union organizing drive.
- Guided a chemical client whose entire workforce signed union membership cards in support of union organizing efforts.
- Argued lead operators out of the bargaining unit as statutory supervisors and led employer to an election victory by a 3-1 ratio, thus avoiding the obligation to recognize the union as a bargaining agent.
- Successfully counseled more than 50 employers through union organizing campaigns.

### ***NLRB Hearings***

- Represented a health care employer in multi-bargaining unit petitions involving nurses, service maintenance, skilled maintenance, office/clerical, and technical employees. Handled numerous bargaining unit issues including supervisory status and the appropriate slotting of employees into the appropriate bargaining unit positions.
- Demonstrated the supervisory status of numerous employees prior to representation elections in industries such as acute care, long-term care, manufacturing, and chemical production.
- Helped the NLRB to secure a 10(j) injunction to stop picket line violence.
- Defended unfair labor practice charges and avoided NLRB complaint alleging that the employer unlawfully implemented its last, best, and final offer.
- Defended unfair labor practice charges and avoided NLRB complaint alleging that the employer unlawfully locked out its union-represented employees but continued operations with temporary replacements.
- Defended NLRB complaint alleging employer unlawfully contracted out bargaining-unit work.

### ***Employment Litigation***

- Obtained multiple summary judgments dismissing disparate treatment, harassment, retaliation, defamation, and FMLA claims.
- Obtained defense verdict after a five-day jury trial in United States District Court on race discrimination claims filed against multiple defendants by a former in-house lawyer.
- Obtained a defense verdict after a four-day jury trial in West Virginia State Court in a case alleging race discrimination filed against multiple defendants.
- Defended clients in multiple jurisdictions including Pennsylvania, West Virginia, California, New Jersey, and Illinois.