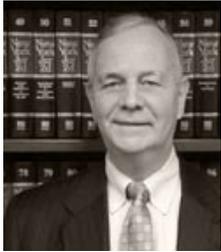


## PHILIP S. MORTENSEN

### Partner



Philip S. Mortensen has been representing both private and public sector employers in labor and employment law matters for over thirty years. Prior to joining Barton, Phil was with Jackson Lewis and Kreitzman, Mortensen & Borden.

Mr. Mortensen's Labor Law practice has concentrated in the areas of union avoidance, collective bargaining, National Labor Relations Board litigation and arbitration.

Mr. Mortensen's Employment Law experience extends from drafting employee handbooks to working closely with managers and training supervisors to ensure compliance with all applicable laws such as equal employment opportunity laws and wage/hours laws. He has conducted many on-site, in-depth "Risk Review" meetings with management in order to make certain of employer's compliance with Federal and State anti-discrimination laws, to identify potential risks and exposures, and to recommend appropriate and lawful action in order to rectify those potential vulnerabilities. In both administrative proceedings as well as related court litigation, Mr. Mortensen has represented and defended management in numerous employment discrimination actions.

Mr. Mortensen is a member of the American Bar Association, New York State Bar Association, the Association of the Bar of the City of New York, and The Florida Bar. He has authored various comments and articles regarding NLRB case law developments and recommended management approaches to Equal Employment Opportunity issues.

# BARTON

## Contact

P: 212.687.6262

F: 212.687.3667

pmortensen@bartonesq.com

---

## Education

Pennsylvania State University, B.S., 1969

Suffolk University, J.D., 1972

---

## Key Capabilities

Employee discrimination charges

Wrongful Discharge charges

Sexual Harassment suits

Union Avoidance

Union Decertification

Labor Negotiations

Litigation Avoidance

NLRB Litigation and Arbitration

## Practice Areas

Union Avoidance

Collective Bargaining

National Labor Relations Board

Employment

Litigation and Arbitration

---

## Bar & Court Admissions

New York, 1973

Florida, 1976

U.S. District Court, Southern District New York,  
1974

U.S. District Court, Eastern District New York,  
1974

U.S. District Court, Middle District Florida, 1977

U.S. District Court, Connecticut, 1985

U.S. Court of Appeals, Fifth Circuit, 1978

U.S. Court of Appeals, Seventh Circuit, 1981

U.S. Court of Appeals, Eleventh Circuit, 1981

U.S. Court of Appeals, ninth Circuit, 1985

U.S. Supreme Court, 1981

---

## Professional Affiliations

American Bar Association

New York State Bar Association

Association of the Bar of the City of New York

The Florida Bar

## Representative Matters

On behalf of a nation-wide communications company with locations in all states and Puerto Rico, Mr. Mortensen coordinated and conducted labor negotiations, with an attained goal of obtaining consistent labor contracts which maintained maximum management rights and efficiencies. Over a 15 year period, he and his team oversaw the decertification of over 50 collective bargaining units.

Mr. Mortensen and his colleagues successfully defended another large communications company with locations in 40 states against over 100 union organizing drives over a 10 year period. In the only 2 locations where the union was successful, both were decertified within 2 years.

Mr. Mortensen acted as chief spokesperson in labor negotiations for a major entertainment company throughout the nation. Over a 17 year period, was successful in reducing the total number of collective bargaining agreements from over 60 to 2.

He represented a high-profile company in an investigation by the Department of Labor into the Company's classification of many workers as "independent contractors", and was successful in convincing the DOL that all such classified workers were, in fact, independent contractors and not employees.

Acting as chief spokesperson in labor negotiations for another large entertainment company, Mr. Mortensen was able, in every negotiations, to reduce the overall costs of labor covered by the relevant collective bargaining agreements.

Mr. Mortensen worked with another company with locations throughout the United States in targeting offices which were most likely to be susceptible to union organizing attempts, conducted in-depth risk analyses at these locations and developed a strategy to successfully maintain union-free status.

Mr. Mortensen successfully defended a company undergoing a state-wide union organizing attempt. Of the six NLRB petitions that progressed to a government supervised election in one year, all six elections were won by the Company.

He subsequently represented another company undergoing a state-wide union organizing attempt in the same mid-western state. After 15 months, the union was not successful in gaining enough support in a single location to file an election petition with the NLRB and, eventually walked away.

## Representative Matters (cont'd)

On behalf of a nation-wide communications company with locations in all states and Puerto Rico, Mr. Mortensen and his team trained managers and supervisors throughout the country on how to comply with that agreement and still effectively manage the business.

Mr. Mortensen has successfully defended employers before the EEOC and various state and local human rights agencies against charges of sexual harassment, race discrimination, sex discrimination, age discrimination and disability discrimination.

For a large entertainment company with locations throughout the United States, Mr. Mortensen prepared an in-depth survey of all state child labor laws affecting the Company. In addition, he prepared a survey of all relevant state overtime pay laws.

On behalf of another large nation-wide communications company, Mr. Mortensen periodically conducted union-avoidance training for managers and supervisors.