



David C. Hertel

SENIOR COUNSEL

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OVERVIEW

Throughout his career, David has represented management in all aspects of labor and employment law.

A significant part of his practice is representing management in labor contract negotiations, unfair labor practice proceedings, labor grievances and arbitrations, and responses to union organizing efforts. David also regularly defends employers in employment litigation involving discrimination and wrongful discharge, including sex, age, race and disability discrimination actions. In addition, he has extensive experience in representing employers in complex occupational safety and health proceedings, wage and hour proceedings and covenants not to compete litigation. He represents businesses in the manufacturing, technology and transportation industries; in addition, he has extensive experience in representing commercial construction, financial, food and insurance companies, as well as employers in the healthcare industry.

David represents clients before the U.S. Department of Labor, National Labor Relations Board, Equal Employment Opportunity Commission, Occupational Safety and Health Administration, Wisconsin Department of Workforce Development and Office of Federal Contract Compliance Programs, as well as in state and federal courts.

David also advises employers on compliance with employment and labor laws. In this capacity, he counsels businesses on labor and employment issues that arise in connection with reductions in workforces, acquisitions, sales, mergers, plant closings and relocations. David also prepares executive employment

Industries

Manufacturing
Technology
Transportation

Services

Employment Class & Collective Actions
Labor & Employment
Non-Competes & Restrictive Covenants
Nonprofit Organizations & Religious Institutions
OFCCP Compliance
Tax
Traditional Labor Relations
Workplace Safety & Health

agreements, confidentiality and noncompete agreements, consulting and independent contractor agreements, and employment policies, as well as termination and exit incentive plans and documents. In addition, he prepares affirmative action programs and represents management in audits of such programs by federal, state and local governmental agencies; develops and conducts training sessions for supervisors and managerial employees; and develops procedures to comply with state and federal family and medical leave laws, the Americans With Disabilities Act and workers' compensation laws.

Experience

- Successfully defended one of the leading manufacturers of complex aluminum components for the automotive industry in the U.S and Europe against a two-year initiative by the United Auto Workers to organize the company's operations. This included representing the company against unfair labor practice charges and developing cutting-edge policies and procedures to enhance its employee relations at its U.S. facilities.
- Worked closely with in-house counsel, management and human resources personnel of a Fortune 100 company to develop and implement employment and labor relations strategies in connection with a complex spinoff of a manufacturing business involving both union and nonunion plants throughout the U.S. and more than 30 foreign countries.
- Assisted a Fortune 500 manufacturer on a corporate transaction involving the outsourcing of its worldwide IT function, specifically those aspects of the transaction dealing with labor and employment issues and the management and transfer of workforces around the globe.
- Serves as labor and employment counsel for a nationwide industrial general contractor, representing the client throughout the country in employment litigation, NLRB proceedings, grievances and arbitration proceedings, trade union jurisdictional disputes, and safety and health proceedings before OSHA and the Federal Mine Safety and Health Review Commission.
- Successfully negotiated a settlement for a leading producer of high alloy commercial castings in a multiyear dispute with OSHA over air quality and employee exposure. The settlement protected the workers and did not require the installation of any new engineering controls.

Experience

- Defended a corporation with facilities throughout the U.S. in OSHA proceedings regarding the potential hazards of combustible dust in the client's production processes. Prior to trial, the Secretary of Labor conceded and withdrew all citations and penalties against the client, who was not required to make any changes in its operations, processes, equipment or facilities.

Recognition

- *The Best Lawyers in America*®, Employment Law - Management, Labor Law - Management, 2013-2024, Litigation - Labor and Employment, 2012-2024
- Wisconsin Super Lawyers, 2007-2008, 2015-2019
- Martindale-Hubbell AV Preeminent

Education

- J.D., University of Wisconsin Law School
- B.S., University of Wisconsin-Madison

Admissions

- U.S. District Court, Eastern District of Wisconsin
- Wisconsin
- Arizona
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit

Community Leadership

- Next Act Theatre, Board of Directors and Past President



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