



Nelson D. Cary

Partner | Columbus Office

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Mr. Cary is a partner in the Vorys Columbus office and a member of the labor and employment group. He represents management in a broad range of labor and employment matters, including advising employers on union elections and unfair labor practice proceedings before the National Labor Relations Board, negotiating union contracts, and defending labor contract arbitration proceedings. He also counsels employers on compliance with, and defends employers in litigation arising out of, the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Title VII, Age Discrimination in Employment Act (ADEA), Fair Labor Standards Act (FLSA), and similar state laws.

Practice Areas

Labor and Employment
Litigation

Industries

Health Care Services
Manufacturing
Retail
Transportation and Logistics

Education

Washington and Lee University
School of Law, J.D., 1994, *summa cum laude*, Order of the Coif
Albion College, B.A., 1990, *summa cum laude*

Judicial Clerkships

The Honorable Jackson L. Kiser,
Chief Judge of the Western
District of Virginia, 1994-1995

Career highlights include:

- Negotiating union contracts in the manufacturing, retail, and health care sectors
- Providing labor contract interpretation advice and arbitration representation for a large acute care hospital
- Counseling employers in many industries regarding union organizing activity or election campaigns
- Advising developers, expanding businesses and political subdivisions regarding Ohio prevailing wage requirements, including those applicable to public/private partnerships
- Defending a Fortune 500 company in a multi-plaintiff race discrimination and racial harassment lawsuit in federal court
- Defending an employer in a lawsuit brought by the United States Equal Employment Opportunity Commission alleging racial discrimination and racial harassment against multiple individuals
- Defending numerous single plaintiff employment discrimination claims
- Prosecuting and defending lawsuits regarding covenants not to compete and trade secrets

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Mr. Cary is a member of the Ohio Bar Association, the District of Columbia Bar, and is an associate member of the Virginia Bar Association. Mr. Cary is also active in the Columbus Bar Association.

Mr. Cary has spoken at numerous seminars on many topics, including complying with the Americans with Disabilities Act, the employment-at-will doctrine, employment agreements, managing difficult employees, and enforcing disciplinary action. He also has conducted training on union avoidance and positive employee relations, avoiding sexual harassment and other unlawful harassment, and conducting internal investigations.

Mr. Cary is the editor of the blog Vorys on Labor. The blog focuses on traditional labor issues of interest to labor professionals in both the public and private sector.

Mr. Cary received his J.D. *summa cum laude* from Washington and Lee University School of Law where he was a member of the Order of the Coif. He received his B.A. *summa cum laude* from Albion College.

Mr. Cary clerked for the Honorable Jackson L. Kiser, Chief Judge of the Western District of Virginia.

Mr. Cary serves on the Advisory Board of the Columbus Chapter of the National Association of Women Business Owners (NAWBO). He is also a member of the Board of Trustees for The Breathing Association.

Publications

“Labor Relations Board Spells Out Supervisory Role for Charge Nurses,” *Business First*, January 26, 2007

“Employee Handbooks and Labor Law,” *Smart Business*, April 2005 (Cleveland)

Nelson D. Cary & Robert W. Conley, “Maintaining Employment at Will,” *Business First, Personnel Issues Supplement*, October 2005

Client Alert: Hayes Stays: NLRB Moves Forward with Election Rule

Client Alert: NLRB to Vote on Election Process Rule

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Client Alert: One for the Employer: Social Media Posting Results in Lawful Termination

Labor and Employment Alert: Department of Labor Wants Employers to Report Detailed Information Regarding Union Avoidance Activities

Labor and Employment Alert: Senate Bill 5: An Update on Ohio's Collective Bargaining Law

Labor and Employment Alert: EEOC Issues Final Regulations Interpreting the ADAAA

Labor and Employment Alert: Supreme Court Ruling Expands the Scope of Retaliation Protections Under Title VII to Include Third Party Retaliation Claims

Events

Employment Law Update and Review

Prevailing Wage Law in Ohio

Labor and Employment Law Developments for the Health Care Employer

CityScape Columbus: A View Towards Development & Growth Opportunities

CityScape Cleveland: A View Towards Development & Growth Opportunities

Employment Law From A to Z

2010 Ohio Employment Law Seminar Series

Department of Labor Reversal on Overtime for Loan Officers: What to Consider Now

Employment Law Update and Review

Prevailing Wage Law in Ohio

Employment Law Update Seminar

Bar and Court Admissions

District of Columbia

Ohio

Virginia (inactive)

U.S. Court of Appeals for the Fourth Circuit

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U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the District of Columbia

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the Western District of Virginia