



## NELSON D. CARY

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### PRACTICE AREAS

Labor and Employment

Litigation

### INDUSTRIES

Financial Services

Health Care Services

Manufacturing

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*, Phi Beta  
Kappa

### BAR AND COURT ADMISSIONS

District of Columbia

Ohio

Virginia

U.S. Court of Appeals for the  
Fourth Circuit

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

Nelson 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 counseling employers on compliance with, and defending 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. He also advises employers on union elections and unfair labor practice proceedings before the National Labor Relations Board (NLRB) and the Ohio State Employment Relations Board (SERB), negotiates union contracts, and defends labor contract arbitration proceedings. Nelson has experience advising clients with government contracts on the Service Contract Act (SCA), Davis-Bacon Act (DBA) and Ohio prevailing wage issues.

### Career highlights include:

- Counseling employers of all sizes in the financial services, retail, social services, manufacturing and health care sectors on proactive legal compliance strategies and difficult employee relations issues
- 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
- Leading the firm's management of the HR for Community Bankers Program, which is co-sponsored by the Ohio Bankers' League
- Successfully obtaining jury verdicts for a security services contractor for the federal government in multi-plaintiff age discrimination lawsuit in federal court
- Assisting employers in many industries in regard to union organizing activity or election campaigns
- Advising developers, expanding businesses and political subdivisions regarding Ohio and federal prevailing wage requirements, including those applicable to public/private partnerships
- Prosecuting and defending lawsuits regarding covenants not to compete and trade secrets and advising employers in connection with the drafting of such agreements
- Defending a Fortune 500 company in a multi-plaintiff race discrimination and racial harassment lawsuit in federal court
- Defending a mid-sized employer in a multi-plaintiff age discrimination claim in federal court arising from a reduction-in-force
- 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

VORYS

*Admitted to practice law only in the states listed above.*

#### **JUDICIAL CLERKSHIPS**

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

## **NELSON D. CARY**

### **(Continued)**

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

Nelson has spoken at numerous seminars on many topics, including updates on wage/hour, disability discrimination and FMLA updates; activity at the NLRB; 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.

Nelson 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.

Nelson 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, where he was a member of Phi Beta Kappa.

Nelson clerked for the Honorable Jackson L. Kiser, formerly Chief Judge of the Western District of Virginia.

Nelson is the immediate past chair of the Board of Trustees of The Breathing Association and serves as a member of the Board's Executive Committee. Nelson received the 2012 Carrie Nelson Black Award in recognition of his service to the Association. In the past, Nelson has served as a member of the Board of Advisors for the Columbus Chapter of the National Association of Women Business Owners (NAWBO).

## **Insights**

*"Labor and Employment Alert: Supreme Court Decision Strikes Down Mandatory Agency Fee Payments to Public Sector Unions,"* June 27, 2018

*"Labor and Employment Alert: New NLRB Guidance Gives the Green Light on Common Sense Employee Work Rules,"* June 20, 2018

*"Labor and Employment Alert: NLRB's Creation of New Standard for Employee Handbooks is a Present for Employers,"* December 29, 2017

*"Labor and Employment Alert: 'A Day Without a Woman' May Bring Employers a Day Of Legal Troubles,"* March 6, 2017

*"Labor and Employment Alert: Missouri May Become a Right-To-Work State,"* February 8, 2017

*"EEOC Issues Expansive Enforcement Guidance on Retaliation,"* Winter 2017

*"Labor and Employment Alert: Kentucky Becomes a Right-To-Work State,"* January 11, 2017

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(Continued)

"*Labor and Employment Alert: New DOL Overtime Rules Blocked!*," November 23, 2016

"5 Labor Law Developments for Your 'To Review' List," *Ohio State Bar Association's Fine Print Newsletter*, August 3, 2016

"*Labor and Employment Alert: Federal Court Blocks Enforcement of Department of Labor's 'Persuader Rule'*," June 27, 2016

## Honors and Awards

*The Best Lawyers in America*, Columbus Employment Law Management "Lawyer of the Year," 2017

*The Best Lawyers in America*, Employment Law – Management, 2013-2017, 2019

*The Best Lawyers in America*, Labor Law – Management, 2013-2019

*The Best Lawyers in America*, Litigation - Labor & Employment, 2013-2019

Carrie Nelson Black Award, The Breathing Association, 2012

## Events

2018 Akron Labor and Employment Seminar

2018 Ohio Provider Resource Association Fall Conference

2018 Cincinnati Labor and Employment Update

Opioid Symposium: Education, Strategies and Best Practices for Public Libraries

2017 Ohio Economic Development Incentives Conference

DOL Overtime Rule Update

New DOL Overtime Threshold Regulation

HR Academy: Cincinnati Labor & Employment Law Update

OBL HR for Community Bankers

Employment Law Update in Ohio

Employment Law Update & OBL HR Program for Community Bankers

Employment Law Update

10 Labor and Employment Law Developments You Should Know About

Labor Law Issues of Interest to Health Care Employers

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(Continued)

Recent Labor Law Developments for the Health Care Employer

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