

Damien M. DiGiovanni

Partner

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Overview

Damien DiGiovanni represents public and private sector clients in various industries, including higher education, transportation, retail, public utilities, municipalities and health care, both in Massachusetts and across the country. His labor law practice includes day-to-day counseling to clients regarding contract administration and compliance with various state and federal labor laws, representing employers in collective bargaining, grievance arbitration, and in proceedings before the National Labor Relations Board, the Massachusetts Department of Labor Relations, and state and federal courts.

Damien is also an experienced litigator, handling employment law matters involving discrimination, retaliation, wrongful discharge, non-compete agreements and wage and hour class action lawsuits, including successfully arguing *Casseus, et al. v. Eastern Bus Co. Inc., et al.*, before the Massachusetts Supreme Judicial Court. Damien regularly appears before government agencies including the EEOC, the Department of Labor, and state anti-discrimination agencies across the country.

Additionally, Damien is often invited to speak on a wide range of labor and employment law topics with organizations such as the Massachusetts Continuing Legal Education, the Boston Bar Association, the Retailers Association of Massachusetts and the College and University Professional Association.

During law school, Damien clerked at the New York State Public Employment Relations Board, where he regularly conferred with Administrative Law Judges about ongoing cases and assisted in drafting Board decisions.

Damien has extensive experience advocating for and defending his clients. A sampling of his recent work

includes:

- Successfully argued an interlocutory appeal of a significant class action wage and hour lawsuit before the Massachusetts Supreme Judicial Court on a matter of first impression which established the standard for applying the common carrier exemption under the Massachusetts Overtime law.
- As co-counsel during a five-day hearing at the National Labor Relation Board, obtained a dismissal of a Petition to represent a unit of medical school faculty as they were all determined to be managerial employees, preventing them from unionizing.
- Obtained summary judgment for a large government contractor on a claim of disability discrimination in Rhode Island federal district court.
- Obtained the dismissal of Wage Act and contractual claims filed against a municipality in Massachusetts under the doctrine of primary jurisdiction in Massachusetts Superior Court.
- Represented a large transportation client in a nine-month Federal Department of Labor wage and hour audit.
- As co-counsel, obtained summary judgment for a higher education client in Massachusetts federal district court on all counts including gender and disability discrimination, retaliation, and interference with her rights under the Family Medical Leave Act.
- Obtained an affirmance of a dismissal of an unfair labor practice charge before the Commonwealth Employment Relations Board after a Massachusetts charter school terminated an employee who was the primary organizer in a campaign to unionize the faculty.

Awards & Recognition

- Best Lawyers, Employment Law – Management, 2024
- Super Lawyers, Rising Star, employment and labor law, 2018-present
- Justinian Honorary Law Society, member
- The National Order of the Barristers, member
- Patrick B. McNamara Prize, awarded to the student with the highest academic standing in the Labor Law field.
- ABA Law Student Division – Negotiation Competition, regional champion and national finalist

News & Publications

- Morgan, Brown & Joy's Damien DiGiovanni to Present on MCLE Webinar, "Navigating Noncompetes in a Shifting Legal Landscape"
- Morgan, Brown & Joy's Damien DiGiovanni Presents on MCLE Webinar, "Confidentiality & Non-Disparagement Provisions in Severance and Separation Agreements"

- **CLIENT ALERT: New York Department of Labor Finalizes Updates to the State’s Model Sexual Harassment Prevention Policy**
- **Morgan, Brown & Joy’s Damien DiGiovanni Spoke at BBA Webinar, “Recent Key Decisions by the National Labor Relations Board – Understanding the Implications for Both Unionized and Non-Unionized Workplaces”**
- **Nicholas DiGiovanni and Damien DiGiovanni Featured in Law360 Article**
- **Morgan, Brown & Joy’s Damien DiGiovanni Serves as Program Chair and Presenter for MCLE Webinar, “Roadmap to Unionized Workplaces & NLRA/MLRA Rights in Non-Union Workplaces”**

Memberships

- Boston Bar Association, Labor and Employment Law Section and College and University Law Section
- American Bar Association

Bar Admissions

- Massachusetts
- Connecticut

Court Admissions

- United States District Court for the District of Massachusetts
- United States Court of Appeals for the First Circuit

Education

- Fairfield University, 2006
- Albany Law School, *cum laude*, with a concentration in Labor and Employment Law, *with honors*, 2011