

## Sean P. O'Connor

Partner

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### Overview

Sean O'Connor represents both public and private sector employers in numerous industries on the full range of labor and employment matters. He counsels clients of all sizes in connection with non-competition and other restrictive covenant agreements, trade secret misappropriation, wage and hour disputes (minimum wage, tip disputes, overtime, unpaid wages, misclassification, etc.), hiring, background check compliance, performance management, leaves of absence and reasonable accommodations, terminations, reductions in force, separation and severance agreements, employment policies and handbooks, internal and agency investigations, discrimination, harassment, retaliation, wrongful discharge and unfair labor practice charges. He also regularly advises clients on litigation avoidance techniques involving compliance with state and federal labor and employment laws, including the Massachusetts Noncompetition Agreement Act, the Defend Trade Secrets Act, the Massachusetts Wage Act, the Massachusetts Tips Act, the Massachusetts Overtime Law, the Massachusetts Independent Contractor Law, the Massachusetts Equal Pay Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Massachusetts Paid Family and Medical Leave Law, the Massachusetts Earned Sick Time Law, the Massachusetts Parental Leave Act, the Massachusetts Pregnant Workers Fairness Act, the Massachusetts Fair Employment Practices Act, COBRA, the National Labor Relations Act, Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act and other related state and federal statutes as well as common law contract and tort-based claims arising in the workplace.

Throughout his tenure, Sean has earned the respect of his clients as well as his peers for his ability to navigate complex legal issues in an intelligent and professional manner. Sean zealously represents his clients when their practices are challenged, including before state and federal courts and administrative agencies as well as in arbitration throughout the country. He successfully defends clients in class actions, collective actions and individual actions, including multiple appellate cases before the First Circuit Court of Appeals and the Appeals Court of Massachusetts.

Sean joined Morgan, Brown & Joy in 2008 and was elevated to the partnership in 2015. Prior to joining the firm, Sean served as a legal intern for Federal Magistrate Judge Robert B. Collings of the U.S. District Court for the District of Massachusetts, at Skadden, Arps, Slate, Meagher & Flom LLP in New York, NY and at Grasty, Quintana, Majlis & Cia in Santiago, Chile.

Sean has deep experience advocating for and defending his clients. A sampling of his recent work includes:

- Successfully argued a significant collective action overtime lawsuit before the First Circuit Court of Appeals on a matter of first impression involving the highly-compensated employee exemption under the Fair Labor Standards Act and Massachusetts State Overtime Law, with the Court of Appeals affirming the District Court's award of summary judgment on all counts. Also successfully defeated the plaintiffs' attempts to expand the case into a nation-wide class action under Massachusetts law based upon the client, an international political consulting firm, maintaining its headquarters in the Commonwealth.
- Representing numerous clients in restrictive covenant and trade secret matters, including successfully defending an international defense and technology consulting firm and its employee against a motion for preliminary injunction in the U.S. District Court for the Southern District of New York where the plaintiff, a competing business, alleged claims for breach of contract (non-competition and confidentiality provisions), misappropriation of trade secrets, tortious interference with contractual relationships and unfair competition.
- Prevailed before the First Circuit Court of Appeals on behalf of an international parking and transportation services company in a case involving a terminated employee's claims of retaliation and discrimination on the basis of religion, national origin and gender, obtaining a decision affirming the District Court's dismissal of all claims.
- Successfully defended a global defense and aerospace company before the First Circuit Court of Appeals in a case involving a terminated employee's claims of defamation, breach of contract, tortious interference with contractual relations, wrongful termination and constructive discharge, with the Court of Appeals affirming the District Court's dismissal of all claims.
- Obtained a judgment, on behalf of an East Coast construction and industrial supply company, from the Massachusetts Appeals Court in an age discrimination case related to a reduction in force, obtaining a decision affirming the grant of summary judgment on all counts by the Massachusetts Superior Court.
- Representing numerous public-sector employers at the Massachusetts Civil Service Commission, including a large city's police department in a complex five-month evidentiary hearing involving the appeals from ten officers who were discharged after testing positive for drugs through the department's hair testing process.

**Training.** Sean completed the Massachusetts Commission Against Discrimination (MCAD) certified train-the-trainer training programs: Preventing Workplace Discrimination & Harassment; and Conducting Internal Discrimination Complaint Investigations. He also served as a faculty member of MCAD certified train-the-trainer program, Conducting Internal Discrimination Complaint Investigations.

**Publications.** Sean lends his deep knowledge for published work. He has served as a contributing editor for *The Developing Labor Law* through Bloomberg Law (BNA) since 2009. He has also been a prolific contributing author to the *Massachusetts Employment Law* (MCLE) since 2009. In prior years, Sean was also a contributing author to *Employment Law for Business Lawyers and In-House Counsel* (MCLE) and to *Labor and Employment Law Surveys; State Leave Laws: Massachusetts* (Practical Law Company).

## The Personal Perspective

Hard work and dedication are the cornerstones of Sean's practice. The proud son of a registered nurse and a mechanic who started and owns his own business, Sean's work ethic was instilled at an early age and he has been regularly employed in various jobs since the age of 14. He graduated from college early, even though he worked contemporaneously for the university's Athletics Department where he became the full-time Sports Information Director for the baseball program. He then put himself through law school to pursue his desire to work on labor and employment law matters. Today, Sean's dedication to his work is mirrored only by that of his personal commitment towards those around him including his wife Emily, his daughter Hadley, and his close-knit group of family and friends.

## Awards & Recognition

- Super Lawyers, Rising Stars, Employment & Labor, 2017 – present

## News & Publications

- 2019 Massachusetts Super Lawyers Recognizes 23 Morgan, Brown & Joy Attorneys
- CLIENT ALERT: Governor Baker Signs Noncompetition Agreement and Trade Secret Reform into Law – By Jeffrey S. Siegel and Sean P. O'Connor
- CLIENT ALERT: Massachusetts Legislature Passes Noncompetition Agreement and Trade Secret Reform – By Jeffrey S. Siegel and Sean P. O'Connor
- Sean P. O'Connor Authored Article in Law360
- CLIENT ALERT: Massachusetts "Grand Bargain" Raises Minimum Wage, Ends Sunday and Holiday Premium Pay, Creates Paid Family and Medical Leave – By Sean P. O'Connor
- CLIENT ALERT: Are Extended Leaves of Absence Reasonable Accommodations? A Federal Appeals Court Recently Said No – By Sean O'Connor and Jon Persky

## Memberships

- American Bar Association, Labor and Employment Section
- Boston Bar Association, Labor and Employment Section
- Defense Research Institute
- Federal Bar Association
- Maine Bar Association
- Massachusetts Bar Association
- New York State Bar Association
- North Shore Chamber of Commerce

## Bar Admissions

- Maine
- Massachusetts
- New York

### **Court Admissions**

- United States Court of Appeals for the First Circuit
- United States District Court for the District of Connecticut
- United States District Court for the District of Massachusetts
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York
- United States District Court for the Southern District of New York
- United States District Court for the Western District of New York

### **Education**

- University of Maryland, College Park, B.S., Finance, 2004
- Northeastern University School of Law, J.D., 2008