

Michael A. Pavlick

Partner

Pittsburgh
+1.412.355.6275

michael.pavlick@klgates.com

OVERVIEW

Michael Pavlick is a partner in the firm's Labor, Employment, and Workplace Safety practice. He concentrates in labor and employment law, including representation of clients before the National Labor Relations Board and the National Mediation Board; collective bargaining; arbitrations conducted pursuant to labor contracts; union elections and campaigns; labor litigation under the National Labor Relations Act and the Railway Labor Act; minimum wage and overtime litigation under the Fair Labor Standards Act; employment discrimination litigation under the Civil Rights Acts of 1866, 1871, 1964, and 1991, the Age Discrimination in Employment Act, and the Americans with Disabilities Act; wrongful discharge litigation under state law; benefits litigation under the Employee Retirement Income Security Act; litigation of noncompetition and confidentiality agreements; OSHA proceedings; unemployment compensation and other administrative hearings; and client counseling on labor and employment issues.

PROFESSIONAL BACKGROUND

Mr. Pavlick frequently speaks at seminars and classes on labor and employment issues, has contributed to employment-related newsletters, and has had several articles published in law reviews. Before joining the firm, Mr. Pavlick served as a full-time judicial clerk to a judge sitting on the United States Court of Appeals for the Third Circuit in New Jersey.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Labor & Employment in Pennsylvania, 2025-2026
- Recognized in *The Best Lawyers in America*® in Pittsburgh, PA
  - Labor Law - Management, 2013-2026
  - Litigation - Labor and Employment, 2012-2026
- Named a Thomson Reuters Stand-out Lawyer, 2024-2026

- Named "Lawyer of the Year" by *The Best Lawyers in America*® for Litigation - Labor & Employment in Pittsburgh, 2012

PROFESSIONAL / CIVIC ACTIVITIES

- Allegheny County Bar Association (Labor and Employment Law Section)
- American Bar Association (Labor and Employment Law Section)
- Pennsylvania Bar Association (Labor and Employment Law Section)
- President, Steel Valley Soccer Club Board of Directors (2018 PA West Volunteer of Year)
- President, Munhall Borough Parks and Recreation Board
- Board Member, Personnel Committee, Pittsburgh Parks Conservancy
- Personnel Committee, Women's Center and Shelter of Greater Pittsburgh
- Recognized for performing at least 50 pro bono hours of legal counseling per year since 2015

SPEAKING ENGAGEMENTS

- “Unions 101: Responding to a Union Organization Campaign,” Presenter, hosted by K&L Gates, 15 November 2022

EDUCATION

- J.D., Case Western Reserve University School of Law, 1990 *(magna cum laude; Order of the Coif)*
- B.A., Drew University, 1987 *(magna cum laude; Phi Beta Kappa)*

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Northern District of Ohio
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- March 2026, February and March 2026 Accolades
- 1 October 2024, Loper Bright's Potential Effect on Federal Labor and Employment Law: Possible Consequences for Agencies and Practitioners
- 31 August 2023, NLRB Weakens Secret-Ballot Elections in Union Campaigns, Increasing Unionization Perils
- 9 August 2023, NLRB Imposes Strict New Limits on Employer Work-Rules
- 15 June 2023, NLRB Imposes Stricter Independent Contractor Test on Employers
- 31 May 2023, NLRB General Counsel Seeks to Outlaw Most Noncompetition Agreements
- 17 May 2023, NLRB Expands Protections for Employee Abusive Conduct, Returns to Setting-Specific Standards
- 24 March 2023 , NLRB General Counsel Issues Compliance Guidance on Recent Ruling Limiting Severance Agreements
- 24 February 2023, NLRB Imposes Broad Restrictions on Severance Agreements
- January 2023, Reductions in Force: Strategies to Minimize Litigation Risk in Downsizing
- 25 March 2020, COVID-19: Workers in a COVID-19 World
- 2 September 2015, NLRB Broadens Joint Employment Standard

OTHER PUBLICATIONS

- "Employers Held Captive by Mandatory Meeting Imbroglio," *American Health Law Association*, 8 December 2022
- "How NLRB Guidance Supports Employer-Led Wage Hikes," *Bloomberg Law*, 24 October 2022
- "What Happens if NLRB Cuts Captive Audience Meetings," *Bloomberg Law*, 5 October 2022

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 2 February 2026, Nearly 50 K&L Gates Lawyers Recognized on *Thomson Reuters* Stand-out Lawyers List
- 10 November 2025, K&L Gates Advises Albemarle on Sale of a Controlling Stake in Ketjen to KPS Capital Partners
- 11 March 2025, Nearly 50 K&L Gates Lawyers Receive Global Recognition in *Thomson Reuters*' Stand-out Lawyers List

- 28 January 2025, K&L Gates Advises Universal Stainless and Alloy Products in its Acquisition by Aperam
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 11 June 2021, K&L Gates Advises SPX Corporation on Agreement to Sell SPX Transformer Solutions to GE-Prolec Transformers
- 4 May 2021, Managing What's Next: Key Considerations on the Return to the Workplace and Vaccine Landscape for Employers, hosted by Pennsylvania Chamber of Commerce
- 16 March and 23 March 2021, What You Need to Know About 2021's Trends and Developments in Labor and Employment Law
- 1 June 2016, K&L Gates Advises Cascades Inc. in Packaging Plant Purchase From Rand-Whitney

OTHER MEDIA MENTIONS

- Quoted, “Four-Day Work Week Means Navigating Overtime Pay, Union Talks,” *Bloomberg Law*, 20 December 2022.
- Quoted, "Union Drives Show Young Workers' Collective Action Interest," *Law360*, 3 May 2022.
- Quoted, "Employers Brace For More Suits After NLRB GC Threat Memo," *Law360*, 3 February 2022.

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Collective Labor and Works Councils
- Employment Disputes
- Employment Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Wage and Hour
- Workplace Safety

INDUSTRIES

- Consumer Goods and Services

- Higher Education Institutions
- Manufacturing

REPRESENTATIVE EXPERIENCE

- Represented professional sports league in union election proceeding before the NLRB in New York, resulting in dismissal of original petition of election based upon appropriateness of bargaining unit, successful defense against subsequent unfair labor practices, and election win in bargaining unit advocated by the league.
- Represented professional sports league with respect to WARN Act requirements and bankruptcy issues related to league shutdown.
- Represented lumber company in union organizing campaign in Northern Florida which resulted in no election, most unfair labor practice charges being dismissed, including claims that employees were unfairly disciplined and terminated, and the union request for Section 10(j) injunctive relief being denied.
- Represented Ohio speciality steel manufacturer in repeated elections with USW and ensuing unfair labor practice charges and election objections.
- In connection with airport authority requirement that client enter into a neutrality agreement, successfully negotiated an agreement with a disinterested union, and successfully defended against unfair labor practice charges by principal union that was attempting to organize airport worksites.
- Successfully argued for dismissal of unfair labor practice charges before the NLRB in Albany, New York, with the NLRB agreeing that automobile industry client did not have to negotiate with union its decision to relocate substantial parts of its manufacturing operation to Mexico.
- Successfully argued for dismissal of unfair labor practices charges before the NLRB in Albuquerque, New Mexico, with the NLRB agreeing that the cement block manufacturer did not discriminate against the union or refuse to bargain with union after client acquired assets of union company.
- Developed a hiring program for client that acquired union plant which allowed it to operate plant as non-union, which program was ultimately found to be legal by the NLRB in Cincinnati, Ohio.
- In a case in the US District Court for the Eastern District of Wisconsin, successfully argued that complaint filed by union should be dismissed because in-house employee organizing group was not company union and dispute therefore fell within exclusive jurisdiction of NMB.
- Representation of manufacturer and paper mill in labor contract negotiations in Pennsylvania and Massachusetts, as well as in grievances and arbitrations under the collective bargaining agreement.
- Advised aluminium casting client in lengthy strike involving USW, including proceedings before the NLRB, PA UCBR, state court injunction proceedings, and arbitrations stemming from discharge of strikers. Ultimately, the workers came back to work without a new contract. Strike assistance and collective bargaining assistance was provided in subsequent years.

- Representation of offshore wind developer in dealings with trade unions over PLA and with longshoremen with respect to jurisdictional claim to certain work and unfair labor practice charges.
- Represented a Dutch offshore construction company in the negotiation of project labor agreements with trade unions for offshore wind construction projects.
- For a steel manufacturer, successfully argued for withdrawal of charges alleging that staffing company workers were covered by CBA and that the company engaged in direct dealing with employees over wage increases. Related charges on unilateral changes to CBA are pending hearing.
- Won summary judgment for a railroad in a lawsuit filed by the union in federal court in Massachusetts claiming that the railroad unilaterally changed certain negotiated employee healthcare benefits.
- Advised client with respect to bankruptcy filing's impacts on collective bargaining agreements and subsequent bankruptcy motion practice under Section 1113 involving rejection and modification of CBA's.
- Have provided union avoidance training to multiple companies in a variety of industries.
- In a case of first impression, successfully argued to state trial court and to Pennsylvania Superior Court that federal railroad legislation preempted the Pennsylvania Minimum Wage Act.
- Earned summary judgment and award of attorney's fees against union pension plan which had wrongfully suspended pension benefits of client's employee.
- Represented hospitality industry client in multi-plaintiff wage and hour litigation in US District Court for the Western District of Pennsylvania involving tip pools, including filing of successful motion to dismiss and successful motion for summary judgment (affirmed on appeal and certiorari denied by the US Supreme Court).
- In a case filed as a wage and hour class action involving compensability of sleep time, the class allegations were subsequently dismissed and summary judgment was granted on the merits in favor of the employer.
- After discovery, negotiated nominal settlement for telemarketing client in class action alleging that contractors were employees owed a minimum wage and overtime.
- Successfully represented specialty steel producer in complicated ADA litigation that resulted in a defense verdict after a jury trial in the US District Court for the Western District of Pennsylvania (affirmed on appeal).
- Successfully represented mining machinery manufacturer in disability, age, race, and religious discrimination that resulted in a defense verdict after a jury trial in the US District Court for the Western District of Virginia (affirmed on appeal).
- Successfully represented niche technology company in litigation in the US District Court for the Western District of Pennsylvania against former employee and his company, with court finding after bench trial that former employee violated proprietary information agreement, entering a permanent injunction against the employee from competing, and awarding substantial money damages.
- Successfully represented technology company in litigation brought by former CEO over change of control bonus that resulted in a defense verdict in the Court of Common Pleas of Allegheny County (PA).

- Prosecuted successful appeal before Pennsylvania Superior Court wherein court agreed that expiration of employment contract with non-solicitation clause did not void non-solicitation clause.