



## Wayne E. Pinkstone

Partner

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An experienced labor and employment attorney, Wayne helps in-house counsel, human resources executives and company leadership identify and solve a full range of workplace legal challenges, particularly those involving safety and health issues.

### **OSHA Compliance & Defense**

Wayne provides strategic advice and conducts Occupational Safety & Health Act compliance audits that help employers in a wide range of industries — including health care, manufacturing, services, construction, retail and technology — mitigate compliance risk, avoid violations and respond effectively to OSHA inspections and investigations.

In the event of a workplace incident, Wayne provides pragmatic, comprehensive representation. He conducts thorough internal investigations to arm clients with the facts, helps them determine their best course of action and acts as their liaison with OSHA investigators. A tenacious advocate when the best option is to contest a citation or enforcement action, Wayne is also adept at finding avenues to reduce fines and penalties and improve clients' long-term relationship with OSHA.

In addition, clients benefit from Wayne's far-reaching employment law experience, which allows him to see the broader implications of workplace safety and health on other employment-related issues.

### **Labor & Employment Counsel**

Wayne is experienced in developing strategies to contain costs associated with employee relations, personnel and labor issues. He advises clients on leave and disability matters at the federal and state level and on employment discrimination, diversity, sexual harassment, wage and hour compliance and work force reductions. He also conducts in-house training sessions on topics including leave and disability, hiring practices, employee discipline, terminations, investigations, harassment prevention and supervisory skills and practices.

Wayne defends employers in federal, state and administrative courts in claims involving discrimination, wrongful discharge, employee whistle-blower and wage and hour collective actions. In addition, Wayne handles disputes concerning restrictive covenants and trade secrets and assists clients with the creation of noncompetition, nonsolicitation and nondisclosure agreements.

### **Representative Matters**



- Currently representing client in OSHA fatality investigation involving alleged violations of OSHA fall protection standards, now in litigation.
- Secured settlement of multiple violation citation involving amputation in heavy industry setting.
- Consult on multiple-citation matter with penalties in excess of \$100,000 for a large nationwide manufacturer/distributor of ice products.
- Provided strategic guidance to a major shipping logistics company in dealing with an OSHA fatality investigation and defended OSHA citations and proposed penalties — pre-litigation settlement reached.
- On behalf of construction general contractor, defended citations and proposed penalties issued by OSHA under its multi-employer worksite policy — settlement reached before trial.
- On behalf of a national food and beverage company, defended OSHA citations and proposed penalties involving alleged chemical hazards and manufacturing process violations — favorable settlement reached with OSHA prior to hearing.
- Assisted a large national distribution company and retailer in dealing with an OSHA fatality investigation — settlement reached avoiding litigation.
- Defended a large nationwide facility management company against claims alleging race and age discrimination — early settlement reached prior to engaging in extensive discovery.
- On behalf of a national sports and entertainment company, defended claims in federal court alleging gender harassment and age discrimination — settlement reached following motion for summary judgment.
- Achieved defense verdict in a jury trial on behalf of an international corporation sued by a former employee claiming she was discriminated against because of her gender.
- Secured judgment on behalf of a national corporation sued by two former employees claiming race discrimination and retaliation.
- Negotiated favorable settlement of wage and hour collective action on behalf of an international manufacturing company.

### **Before Fox Rothschild**

Prior to joining the firm, Wayne was a partner with Fisher & Phillips, LLP; Saul Ewing LLP; and Harvey, Pennington, Cabot, Griffith & Renneisen.

### **Beyond Fox Rothschild**

Wayne speaks on topics such as OSHA compliance and dealing with investigations, the interplay between the ADA and FMLA, addressing workplace harassment, FLSA compliance and internal investigations. Wayne is the President of the Board of Directors of Meals on Wheels of Mercer County.

### **Honors & Awards**

- Martindale-Hubbell "AV" rated\*
- Named a Distinguished Advocate by the Support Center for Child Advocates (2017)
- Recipient of the Exemplary Pro Bono Services Award from the First Judicial District of Pennsylvania (2009 and 2010)

\*[Awards Methodology](#)

### **Practice Areas**



- Workplace Safety & Health
- Labor & Employment
- Executive Compensation
- Employment Counseling, Policy Developments & Audits
- Employment Litigation
- Employee Privacy & Background Checks
- Employment Training
- Sexual Harassment Prevention Training
- Staffing Law
- Wage & Hour Law
- Unfair Competition & Trade Secrets
- Animal Law
- China

#### **Bar Admissions**

- New Jersey
- Pennsylvania

#### **Court Admissions**

- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. Court of Appeals, Third Circuit

#### **Education**

- Widener University School of Law (J.D., 1994)
- Rutgers University (B.A., 1991)

#### **Memberships**

- American Bar Association
- Philadelphia Bar Association
- Volunteer Attorney, The Support Center for Child Advocates