

OF COUNSEL

## David M. Felper

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### OVERVIEW

David Felper is a senior labor and employment lawyer, focusing his practice on advising colleges and universities, nonprofits and social service agencies, primarily in central Massachusetts. David also represents employers in the manufacturing sector along with other traditional businesses. “My clients vary in size, ranging from a few employees to several thousand. Regardless of their size or type, I strive to be highly responsive.”

Employers seek David’s even-tempered help with high-profile, high-exposure cases – in and out of the courtroom. These typically comprise:

- Discrimination and termination claims
- Grievances and arbitration
- Wage-and-hour and OSHA complaints
- Non-competition agreements and contract negotiations
- Union organizing and
- Permissible conduct under all federal and state labor and employment laws

He represents management-side clients in federal and state courts, at arbitration hearings, in administrative hearings before the NLRB, EEOC, MCAD, MLRC and in other federal and state administrative litigation and proceedings. These also include unemployment compensation and Section 28 Workers’ Compensation hearings. David also drafts employment contracts, personnel policies and other employment-related documents.

David is the immediate past Chair of the firm’s Labor & Employment and Higher Education practice area, a responsibility he held for ten years. In addition, he is a frequent speaker on employment and labor law and has taught courses in the field of labor and employment law.

### Besides work

David is an avid runner, with several marathons to his credit. He also likes to read mysteries. “Anything that takes me away.”

## EXPERIENCE

### Finding a successful new strategy in mid-arbitration

A unionized employer in Massachusetts moved a termination grievance to arbitration. According to David, the terminated employee demanded an unconditional reinstatement with full pay and benefits or one year's salary. Despite losing a key witness just prior to the two-day hearing, David's defense team didn't panic, instead adjusting the strategy and finding replacement witnesses. As David described it, "I looked at the practical aspects of the case which, if not addressed, would harm our client's competitiveness and more." The termination was upheld.

### Dealing with a high-profile student safety issue

A university client was faced with a significant student conduct issue when a female student showed aggressive behavior toward other students. "It was a complicated case, with safety and disability concerns combined with the active involvement of the student's parents," David explained. By working with the client and its communities, David developed a timely, workable strategy that would meet subsequent challenges in the courtroom. "The university removed the student while providing reasonable accommodations," David explained, "by making arrangements for her to finish her studies off campus."

## AFFILIATIONS

- Trustee, Spectrum Health Systems, Inc. Board of Trustees
- Chairman, Spectrum Health Systems, Inc. Board of Directors
- Corporator, Milford-Whitinsville Regional Hospital
- Member, [National Association of College and University Attorneys](#)

## PREVIOUS

- Former Director and member, Board of Directors, Horace Mann Educational Associates, Inc.
- Former President, Valley Tech Educational Foundation, Inc.
- Former President and Director, Blackstone Valley Chamber of Commerce
- Former Chairman and member, Board of Directors, United Way of Tri-County
- Former President, Horace Mann Educational Associates, Inc.
- Former Member, Labor and Employment Law Section Council, Massachusetts Bar Association
- Former Executive Committee Member, Blackstone Valley Chamber
- Former Executive Committee Member, Horace Mann Educational Associates

## HONORS

- Selected to Massachusetts *Super Lawyers* since 2015 for Employment & Labor
- *Best Lawyers in America*, selected by his peers for inclusion in the field of Employment Law – Management since 2013
- *Best Lawyers in America* "Lawyer of the Year" 2017, 2019, 2021 and 2024 in the field of Employment Law – Management

## ARTICLES & TALKS

### ARTICLES

- [“NLRB Modifies Rule Governing Off-Duty Workplace Access for Employees of Contractors,”](#) Bowditch, December 22, 2022
- [“NLRB Expands Unfair Labor Practice Penalties in All Workplaces,”](#) Bowditch, December 15, 2022
- [“Paid family and medical leave comes to Massachusetts,”](#) *Worcester Business Journal*, December 3, 2018
- [“Opinion: NLRB Decision Opens Pandora’s Box,”](#) WGBH On Campus, August 29, 2016
- [“NLRB Rules that Students Have the Right to Unionize,”](#) Bowditch & Dewey, August 25, 2016
- [“Student Unions: The Implications for Colleges and Universities,”](#) New England Journal of Higher Education, December 9, 2015
- [“Attorney General Publishes Final Regulations for Earned Sick Time Law,”](#) Bowditch & Dewey, June 24, 2015
- [“AG Grants ‘Transition Year’ For Paid Time Off Policies,”](#) Bowditch & Dewey, May 19, 2015
- [“Massachusetts Voters Approve Paid Sick Time Law,”](#) Bowditch & Dewey, November 6, 2014
- [“Massachusetts Enacts Domestic Violence Leave Law,”](#) Bowditch & Dewey, September 15, 2014
- [“Appeals Court Rules Against National Labor Relations Board Posting Requirement,”](#) Bowditch & Dewey, May 8, 2013
- [“Discrimination Against Unemployed Jobseekers May Soon Be Illegal,”](#) Bowditch & Dewey, September 19, 2011
- [“National Labor Relations Board Issues New Posting Requirement On Rights To Organize,”](#) Bowditch & Dewey, September 13, 2011
- [“Connecticut Legislature Mandates Paid Sick Leave: Massachusetts Employers Should be Wary,”](#) Bowditch & Dewey, July 8, 2011
- [“Final ADA Regulations Effective May 24th,”](#) Bowditch & Dewey, May 24, 2011
- [“New Employee Notices Required For Massachusetts Employers,”](#) Bowditch & Dewey, September 13, 2010
- [“Significant Changes to CORI Mean Significant Changes to Employer Practices,”](#) Bowditch & Dewey, August 18, 2010
- [“President Obama Signs New Employee Protection Act Requiring Employers to Provide Reasonable Breaktime for Nursing Mothers/Employees,”](#) Bowditch & Dewey, May 20, 2010

### TALKS

- [10th Annual Federal and State Employment Law Update,](#) Bowditch & Dewey, Worcester/Framingham/Springfield, Massachusetts, January 2019
- [Wage & Hour Issues on Campus,](#) Bowditch & Dewey, South Hadley/Worcester, Massachusetts, May 2 & 4, 2018
- [9th Annual Federal and State Employment Law Update,](#) Bowditch & Dewey, Worcester/Framingham/Springfield, Massachusetts, January/February 2018
- [8th Annual Federal and State Employment Law Update,](#) Bowditch & Dewey, Worcester/Newton/South Hadley, Massachusetts, January 2017
- [“FLSA On Campus: What You Need To Do Before December 1, 2016,”](#) Bowditch & Dewey College and University Roundtable Series, Worcester/South Hadley, Massachusetts, October 2016

- “FLSA Changes Are Coming – What You Should Do Now to Prepare,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester/South Hadley/Newton, Massachusetts, June 2016
- 7th Annual Federal and State Employment Law Update, Bowditch & Dewey, Worcester/Newton/South Hadley, Massachusetts, January 2016
- “MA Sick Time Law: Impact on ADH Programs and Practical Info for Directors,” Massachusetts Adult Day Services Association (MADSA) Statewide ADH Quarterly Meeting, Worcester, Massachusetts, June 25, 2015
- Massachusetts Senior Care Association’s HR Professionals and Administrators Group, Newton Lower Falls, Massachusetts, February 2015
- 6th Annual Federal and State Employment Law Update, Bowditch & Dewey, Newton/South Hadley, Massachusetts, January/February 2015
- “Don’t Fumble Domestic Violence in the Workplace,” Bowditch & Dewey, Worcester, Massachusetts, October 28, 2014
- “Service and Assistance Animals on Campus,” Association of Independent Colleges and Universities in Massachusetts’ Emerging Challenges to Independent Higher Education Fall Symposium, Worcester, Massachusetts, October 2, 2014
- “Adjunct Faculty,” Bowditch & Dewey College and University Roundtable Series, Worcester/South Hadley, Massachusetts, September 2013
- “Legal Obligations for FMLA and the Intersection of Disability and Workers’ Compensation Laws,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester, Massachusetts, May 29, 2013
- 4th Annual Federal and State Employment Law Update, Bowditch & Dewey, Worcester/South Hadley, Massachusetts, January 2013
- “Form I-9 Compliance for Employers,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester, Massachusetts, November 14, 2012
- “Social Media Issues for Employers: When is it Your Business?” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester, Massachusetts, May 16, 2012
- “NLRB Pro Union ‘Ambush Election’ Final Rule,” Employers Association of the Northeast, Worcester, Massachusetts, January 24, 2012
- “The Perils & Pitfalls of Wage and Hour Laws,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester/South Hadley, Massachusetts, December 2011
- “An Interactive Conversation with MCAD Chairman Julian Tynes,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester, Massachusetts, October 20, 2011
- “Ask the Legal and HR Experts,” Employers Association of the NorthEast/Leominster Credit Union, Leominster, Massachusetts, June 22, 2011
- “Litigation Tools for Employers,” Bowditch & Dewey Breakfast @ Bowditch Series, Worcester, Massachusetts, June 9, 2011
- 2nd Annual Federal and State Employment Law Update, Bowditch & Dewey, Worcester, Massachusetts, February 2011

## BAR ADMISSIONS

- Massachusetts

## EDUCATION

- J.D., *cum laude*, Western New England College of Law
- B.A., George Washington University