



JOHN M. GODWIN

Partner

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John focuses his practice on management-side labor and employment law as well as employment tax law. He assists employers with wage and hour matters arising under federal, state, and local laws, including audits and class and collective actions, all aspects of employee-versus-independent-contractor classification, as well as federal and state Worker Adjustment and Retraining Notification (WARN) Act compliance planning and litigation.

John also assists employers with compliance issues and the defense of claims arising under numerous labor and employment laws, including the Family and Medical Leave Act (FMLA), New York Paid Family Leave (PFL), the equal employment opportunity laws, including the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Title VII of the Civil Rights Act of 1964, the New York Human Rights Law, and other corresponding state and local laws. In addition, he regularly advises clients regarding restrictive covenants, commission and incentive compensation plans, paid time off obligations, employment policies and practices, discipline and discharge matters, workers' compensation coverage and premium issues, and unemployment insurance audits and appeals.

Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars (Employment and Labor) 2013 - 2018, 2022
- Judge Matthew J. Jasen Appellate Practice Award for outstanding appellate advocacy
- National Order of Barristers for excellence in oral advocacy
- Best Brief Award, American Bar Association National Appellate Advocacy Competition
- Brooklyn Regional competitor and quarterfinalist, Herbert Wechsler National Criminal Law Moot Court Competition

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Practices & Industries

Labor & Employment
Worker Classification &
Employment Tax
Education
Wage & Hour
Agriculture
Employment Litigation
Home Care
Wine, Beer & Spirits

Admissions

New York

Education

University at Buffalo, B.A., *summa cum laude*
University at Buffalo School of Law, J.D., *magna cum laude*

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- Best Oralist Award, Charles S. Desmond Memorial Moot Court Competition
- Former publications editor and former associate editor, *Buffalo Law Review*
- University at Buffalo Robert L. Stern Prize for top undergraduate thesis in political science
- Phi Beta Kappa

Experience

A Hodgson Russ team of attorneys represented a client in connection with a major corporate acquisition, including extensive employment-related due diligence, the revision of employment-related representations and warranties in purchase documents, WARN Act compliance, the administration of complex benefits issues in connection with the transaction, and the negotiation of employment agreements for executives hired by the company.

As reported in the [New York Times](#), Micron announced the siting of a chip factory complex in the Town of Clay, located north of Syracuse, NY. Micron has retained a team of Hodgson attorneys (Chris Canada (Albany), Glen Doherty (Albany), Chris Doyle (Buffalo), Terry Gilbride (Buffalo), John Godwin (Buffalo), Joe Scott (Albany) and Jeff Swiatek (Buffalo)) to handle IDA, construction, real estate, tax and labor matters. The firm has already handled a significant amount of work of the matter relating to the structuring and completion of a Project Labor Agreement with the local trade unions through the efforts of Glen Doherty, with support by John Godwin and Jeff Swiatek.

The project is expected to be undertaken in multiple phases over a 10 year period, and involve the investment of over \$100 billion. Job estimates include 9,000 Micron employees and over 40,000 jobs for suppliers, contractors and vendors.

The firm secured the work through a contact/referral at the Greenberg Traurig firm, who is acting as government relations consultant to Micron. In addition, the firm was able to demonstrate the experience and skill set necessary to handle such an engagement by describing the work currently being handled by the same team members for a \$300M offshore wind manufacturing project to be sited in the Port of Albany.

Hodgson Russ successfully represented a large company in connection with a wage-and-hour audit by the U.S. Department of Labor regarding the exempt status of certain workers under the Fair Labor Standards Act.

In the News

Non-compete agreements face ban, but legal fight kicks off
The Buffalo News, May 6, 2024

Looking for a New Job? You'll Likely Want to Know About the New 'Pay Transparency Law' in New York State
WKBW-TV, September 18, 2023

Thought Leaders: Labor & Harassment Laws
Buffalo Business First, March 27, 2020

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All workers in New York state now allowed time off to vote
Buffalo Law Journal, October 18, 2019

BNHRA Annual Legal Update
Speaking Engagement, September 17, 2019

Exemptions From OT Requirements in the U.S. With John Godwin
Biz TV Canada, September 2012

Properly Classifying Workers in the U.S.
Biz TV Canada, August 2012

Eight Hodgson Russ Attorneys Newly Admitted to New York State Bar
March 25, 2008

Press Releases

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Hodgson Russ LLP Honored with 2023 New York State Bar Association President's Pro Bono Service Award
April 17, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 23, 2022

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers
Press Release, August 20, 2018

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, September 6, 2017

Sixty-three Hodgson Russ Attorneys Named to 2016 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 31, 2016

Hodgson Russ Announces Six Newly Elected Partners *Twelve Attorneys Promoted to Senior Associate*
Press Release, January 11, 2016

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

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Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 2013

Publications

The Final New York State Budget is Approved and Imposes Significant Disruptions for New York Home Care Providers
Hodgson Russ Home Care Alert, May 6, 2024

U.S. Department of Education Announces Long-Awaited Final Title IX Regulations
Hodgson Russ Education Alert, April 25, 2024

New York State's "Freelance Isn't Free" Act – What Employers Need to Know
Hodgson Russ Labor & Employment Alert, April 18, 2024

Employees Enjoy a Private Right of Action Under Changes to New York City Earned Safe and Sick Time Act
Hodgson Russ Labor & Employment Alert, March 7, 2024

NY General Obligations Law Amended to Limit Further Pro-Employer Provisions in Settlement Agreements
Hodgson Russ Labor & Employment Alert, January 23, 2024

New Year - New Statute of Limitations for Complaints filed with the New York State Division of Human Rights
Hodgson Russ Labor & Employment Alert, December 29, 2023

New York State Increases Minimum Wage and Modifies Other Salary Requirements
Hodgson Russ Labor & Employment Alert, December 22, 2023 - CORRECTED*

New York State Liquor Authority Moves to Tackle Backlog of Items
Hodgson Russ Wine, Beer & Spirits Practice, November 29, 2023

Alternative Instruction for Suspended Students
Hodgson Russ Education Alert, October 20, 2023

Wage Theft In New York Is Now Criminal Larceny
Hodgson Russ Labor & Employment Alert, October 3, 2023

Presentations & Events

State and Local Tax Update for 2023 - NYS & NYC & NJ
ACE Seminars, Long Island Marriott, 101 James Doolittle Boulevard, Uniondale, NY 11553, December 13, 2023

28th Annual Labor and Employment Conference
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, November 8, 2023

27th Annual Labor & Employment Conference
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 12, 2023

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BNHRA Legal Update Breakfast
BNHRA, The Foundry, September 21, 2022

2021 Labor & Employment Webinar Series
November 19, 2021

NYS Society of Human Resources Management Virtual Conference
NYS Society of Human Resources Management, November 19, 2021

Legal Update
Buffalo Niagara Human Resource Association, September 28, 2021

2021 FLSA Compliance (Virtual Master Class)
January 27-28, 2021

2020 Labor & Employment Webinar Series
November 19, 2020

Wage and Hour Update with the Department of Labor
NYS Association of Health Care Providers, October 29, 2020

Professional Affiliations

- Founding member, *Buffalo Law Review* alumni board of consultants
- American Bar Association
- New York State Bar Association