



# JOSEPH L. BRACCIO Partner

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Since 1986, Joe has counseled private sector employers on the full range of labor and employee relations issues, with particular concentration in contract negotiations, contract administration, arbitration, representation of employers before the National Labor Relations Board (NLRB), strike management, and employee discipline and discharge cases. Joe's extensive experience includes representing private employers in the industrial manufacturing, food, acute and long-term health care, construction, high-technology, chemical, and service sectors of the economy. He also regularly counsels employers on wage and hour issues, prevailing rate problems, and employment discrimination.

His many years of experience and deep understanding of the law enable him to analyze client labor and employment problems, and develop and pursue with determination creative solutions to those problems to achieve clients' goals. Solving problems without extended and expensive litigation is Joe's first priority, but if necessary, Joe is always prepared to defend clients in adversarial proceedings before arbitrators, the NLRB, and other agencies. He has a 30-year track record of success in his field and that could not have been achieved without strong and well-honed advocacy skills.

Joe exclusively practices U.S. law and is admitted to practice in New York.

### Honors

- Listed, Best Lawyers in America (Employment Law Management, Labor Law -Management, Litigation - Labor and Employment) 2012 - 2024
- Listed, Upstate New York Super Lawyers, (Employment & Labor) 2014 2020
- Listed, "Lawyer of the Year" in Best Lawyers in America (Litigation Labor and Employment) 2018

440 Royal Palm Way Suite 202 Palm Beach, FL 33480

#### Practices & Industries

Labor & Employment

Wage & Hour

Canada-U.S. Cross-Border

Manufacturing

Non-Compete, Non-Solicit & Trade Secrets

#### Admissions

New York

U.S. District Court, Western District of New York

#### Clerkships

New York State Appellate Division, Fourth Department

#### Education

Hobart College, B.A.

Pace University, J.D. cum laude

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## Experience

Hodgson Russ handles the day-to-day and complex labor and employment related matters for various large food and beverage manufacturers, including union negotiations, advice on executive compensation, defense of employment-related disputes and advice on employee benefit matters.

Several of our clients in the food, automotive, and chemical industries contribute to multiemployer defined benefit plans. The plan trustees imposed on these clients millions of dollars in additional contributions and withdrawal liability to remedy the underfunded status of the plans. In many cases, we were able to negotiate changes in the wage and benefit packages in the applicable collective bargain agreements to offset the cost of these additional contributions. In other cases, we negotiated substantial reductions in withdrawal liability.

Hodgson Russ attorneys successfully negotiated a collective bargaining agreement for one of our heavy manufacturing clients that included a complex tiered wage and benefit package. This enabled our client to compete against stiff foreign competition. The union vehemently objected to our proposals and conducted a five-month strike, during which the company continued to operate the plant. We guided the company through the strike and related National Labor Relations Board (NLRB) proceedings.

A teamsters local in Detroit filed a representational petition against a Hodgson Russ client. Our labor and employment attorneys intensively advised the client during the campaign, and the company won the election. The union filed objections to the results, but our attorneys were able to convince the National Labor Relations Board (NLRB) to dismiss the objections.

Attorneys from Hodgson Russ acted as Chapter 11 bankruptcy counsel to a meat distribution company in its Chapter 11 bankruptcy proceedings. At the time of its filing, the company was one of the largest family-owned meat distribution companies in the country, with yearly revenues in excess of \$900 million.

A well-funded union launched an organizing drive against a Hodgson Russ client with more than 3,000 employees in multiple locations. Our attorneys created a plan consisting of union-free training and employee communications and meetings that successfully ended the organizing drive.

#### In the News

Fifty-Five Hodgson Russ Attorneys Named to Best Lawyers 2014 August 28, 2013

Fifty-Four Hodgson Russ Attorneys Named to Best Lawyers 2013 August 30, 2012

Joseph L. Braccio to Speak on NLRB Developments at Regional Conference February 16, 2012



Joseph L. Braccio Assumes Leadership of Hodgson Russ's Employment, Benefits, and Immigration Practice Area January 4, 2011

Joseph L. Braccio Interviewed About NYS WARN Act February 9, 2009

Joseph L. Braccio Interviewed About Employee Free Choice Act February 8, 2009

#### **Press Releases**

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

71 Hodgson Russ Attorneys Ranked in 2023 Edition of Best Lawyers in America Hodgson Russ Press Release, August 19, 2022

55 Hodgson Russ Attorneys Ranked in 2022 Edition of Best Lawyers in America Hodgson Russ Press Release, August 19, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers Hodgson Russ Press Release, September 8, 2020

55 Hodgson Russ Attorneys Ranked in 2021 Best Lawyers in America Hodgson Russ Press Release, August 20, 2020

52 Hodgson Russ Attorneys Named to Various Best Lawyers Listings Hodgson Russ Press Release, August 20, 2019

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers *Press Release*, August 12, 2019

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

48 Hodgson Russ Attorneys Named to Various Best Lawyers Listings *Press Release*, August 15, 2018

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

## **Publications**

FTC Adopts Rule Banning Most Non-Competes and the Legal Slugfest Begins Hodgson Russ Non-Compete, Non-Solicit, and Trade Secrets Alert, April 24, 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\*

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

New York State Bans Employee Captive Audience Meetings Hodgson Russ LLP Labor & Employment Alert, September 28, 2023

OSHA Launches National Emphasis Program Targeting Warehousing and Distribution Operations Hodgson Russ Occupational Safety & Health Act Alert, August 8, 2023

New York Amends and Expands Scope of Statewide "Pay Transparency" Law Hodgson Russ Labor & Employment Alert, July 6, 2023

### Presentations & Events

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

25th Annual Labor & Employment Conference Buffalo Niagara Marriott, Amherst, NY, November 14, 2019

United States Law Firm Group Presentation Hodgson Russ, 140 Pearl St, Buffalo, NY 14202, May 17 to May 18, 2018

23rd Annual Labor & Employment Conference Buffalo Niagara Marriott, Amherst, NY, November 2, 2017

22nd Annual Labor & Employment Conference Buffalo Marriott Niagara, 1340 Millersport Highway, Amherst, NY, November 3, 2016



21st Annual Labor & Employment Conference Buffalo/Niagara Marriott, 1340 Millersport Highway, Amherst, NY, November 5, 2015

Labor & Employment Conference Buffalo/Niagara Marriott, 1340 Millersport Highway, Amherst, New York, November 6, 2014

19th Annual Labor & Employment Conference Hodgson Russ, Amherst, NY, November 7, 2013

18th Annual Labor & Employment Conference Hodgson Russ, Amherst, NY, November 1, 2012

## **Professional Affiliations**

- Chair, Labor & Employment Section: United States Law Firm Group
- New York State Bar Association: Labor and Employment Law Section

## Community & Pro Bono

Joe is a past president of Families of FANA of Western New York, which is an organization of more than 500 families devoted to the support of the orphanage in Bogota, Colombia, from which Joe and all the involved families adopted their children, as well as other children's charities throughout the United States.

Joe is also a nationally certified USA competitive swimming official.