

Melvin J. Muskovitz

Senior Counsel

Ann Arbor

2723 South State Street
Suite 400
Ann Arbor, MI 48104



T: 734-214-7633 mmuskovitz@dykema.com

Areas Of Practice

Labor & Employment
Employment Litigation
Non-Compete, Unfair Competition
and Trade Secrets
Litigation
Unions & Collective Bargaining
Employment Counseling
Biotechnology and Life Science
Health Care
Mergers & Acquisitions
Mergers & Acquisitions Annual
Survey
Dykema Delivers HR Innovation

Bar Admissions

Michigan, 1971

Court Admissions

U.S. District Court, Eastern District
of Michigan, 1971

U.S. District Court, Western
District of Michigan, 1994

Education

University of Michigan, J.D.

University of Michigan, B.A.

Melvin Muskovitz, a member of Dykema's Labor and Employment Practice Group, represents public and private sector employers in federal and state courts, and before administrative agencies. He also devotes a significant portion of his time counseling and assisting employers with respect to issues arising under state and federal employment laws, assisting in drafting employment policies, preparing and enforcing confidentiality, non-solicitation and non-competition provisions, and negotiating employment and severance agreements, including with highly placed corporate executives.

Prior to entering private practice, Mr. Muskovitz investigated and litigated unfair labor practice cases with the National Labor Relations Board and served as in-house employment and labor counsel for the City of Ann Arbor. While in private practice, Mr. Muskovitz has served as outside general counsel for a nationwide fast-food company for over a dozen years, handling all employment and labor matters throughout the United States, and has represented countless employers in a myriad of employment and labor law issues. As a result of this diverse background, Mr. Muskovitz provides a unique counseling perspective, combining his investigative and trial skills with hands-on industry experience, allowing him to find creative and practical solutions to personnel disputes and complex legal issues without disrupting an employer's operations.

Mr. Muskovitz has been named in *The Best Lawyers in America* 2009 to present in the practice area of Labor and Employment Law and named a "Lawyer of the Year" in Ann Arbor for Litigation - Labor and Employment by *Best Lawyers* for 2015, 2017 and 2019.

Experience

- Represented employers in state and federal courts and before administrative agencies with respect to claims arising out of Title VII of the Civil Rights Act (race, sex, national origin, religion), the Americans With Disabilities Act, the Older Workers Benefits Protection Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and the National Labor Relations Act.
- Obtained pre-trial dismissal of claims by former employee alleging Fraudulent Misrepresentation, Breach of Contract, Oppression of Minority Shareholders, Breach of Fiduciary Duty, Breach of Promissory note, Usurpation of Corporate Opportunity & Conversion of Corporate Assets and Wrongful Discharge.

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- Obtained summary dismissal in an arbitration proceeding involving claims by company vice president for breach of contract and wrongful discharge.
- Obtained injunctive relief in state court prohibiting high level management employee from working for a direct competitor.
- Successfully defended employer against claim that its newly hired employee was violating a non-competition covenant with his former employer.
- Successfully defended employers in arbitration hearings involving claims of wrongful discharge and challenges to the employers' management decisions.
- Developed practical accommodations to allow employees with disabilities to continue to work, avoiding claims of violation of the ADA.
- Counseled employers regarding discipline and termination of employees without subsequent employee challenge.

Seminars & Speeches

Mandating Employees Be Vaccinated: What Employers Need to Know and Do, Healthcare Financial Management Association
October 6, 2021

COVID-19 Related Employment Issues, LeadingAge Michigan Liability Summit
July 21, 2021

COVID-19 Vaccines: To Mandate or Not to Mandate?, Detroit Regional Chamber of Commerce, COVID-19 Town Hall Series
January 12, 2021

COVID-19 Vaccines: To Mandate or Not to Mandate?
December 16, 2020

Dykema's 2020 Employer Update, Session 5: Are You Prepared for a New Wave of Whistleblower / Retaliation Claims?
October 27, 2020

COVID-19 Employment Related Issues, MichBio U Webinar
June 17, 2020

The Families First Coronavirus Response Act (FFCRA) – What Public Employers Need to Know, Michigan Municipal League
April 23, 2020

Staff Discipline and Termination – Best Practices, Michigan Library Association Annual Meeting
April 4, 2019

Whistleblower Issues – Internal Investigations and Insight to a Practical Approach in Addressing Employee Related Issues, Original Equipment Suppliers Association
October 25, 2018

Building Your Team – Filling the Void, Panelist, New Enterprise Forum
June 21, 2018

Termination of Employment: Best Practices, Michigan Municipal Executives
June 15, 2018

Ensuring a Healthy Work Environment: Employer Reaction to Claims of Harassment – Time to Update the Game Plan; Strategies to Address Workplace Violence; Dealing with Employees with Opioid and other Addictions, Kapnick Insurance Group Symposium
June 13, 2018

Employment Law Issues From Pre-Hire to Post-Termination – Looking Forward to 2018, Michigan Association of Recreation Vehicles and Campgrounds
December 7, 2017

Supervisor & Manager Training – Avoiding Claims of Discrimination, Harassment, Retaliation and Wrongful Discharge, Accommodating an Employee's Religious Beliefs; Accommodating Employees with a Disability, Eltek, Inc.

Melvin J. Muskovitz (Cont.)

September 20, 2017

Leave of Absences: Balancing Employee Rights and an Employer's Business Needs, Kapnick Insurance Group Human Capital Symposium

June 13, 2017

Keeping Abreast of New Employment Law Regulations and Agency Initiatives (Eliminating Hiring Barriers – Background Checks; LGBT Workplace Issues; Application of the National Labor Relations Act to Non-Union Employers, Kapnick Insurance Group

June 14, 2016

Changes in Life Circumstances: Pregnancy, Caregiving Responsibilities and Aging Workforces, Dykema Employment Seminar

October 16, 2014

BYOD (Bring Your Own Device) Your Company is Likely At Risk, Kapnick Insurance 15th Annual Legal/HR Seminar, Plymouth, Michigan

June 11, 2014

News

Mel Muskovitz Addresses Potential Workplace Issues of COVID Vaccine Programs in *Business Insurance*

January 5, 2021

Benefits Pro Article Reports on Dykema Webinar for Employers on COVID-19 Vaccination Mandates

December 22, 2020

Are You Prepared for a New Wave of Whistleblower/Retaliation Claims?, Michigan Chamber of Commerce

November 5, 2020

Dykema Launches 2020 Employer Update Webinar Series To Help HR Departments Handle Turbulent Legal and Business Landscape

September 10, 2020

Melvin Muskovitz to Serve as Featured Presenter for MichBio U's COVID-19 Employment Webinar

June 16, 2020

Melvin Muskovitz and James Hermon Serve as Featured Presenters for Michigan Municipal League Webinar About FFCRA

April 21, 2020

Blog Posts

Hidden in the American Rescue Plan Act: More Reasons for Employees To Take FFCRA Leave and More Time for Employers To Receive Tax Credits

Healthcare Providers Must Remain Vigilant with ADA Service Animal Requirements

Bringing Employees Back to Work Post-COVID-19: What Is Michigan's Work Share Program and Should Employers Take Advantage of It?

A Timely Reminder: Employee Complaints About Working Conditions Are Protected

Health Care Industry Employers Time to Redouble Efforts to Avoid Claims of Disability Discrimination (Part 1)

Memberships & Involvement

- State Bar of Michigan, Employment Law Section, Member; Public Corporation Law Section, Member
- Washtenaw County Bar Association

Melvin J. Muskovitz (Cont.)

- American Bar Association, Labor and Employment Law Section, Member

Awards & Recognition

Named a "Lawyer of the Year" in Ann Arbor for Litigation - Labor and Employment by *Best Lawyers in America*® for 2015, 2017 and 2019

Recognized in *The Best Lawyers in America*® 2009-Present for Employment Law - Management, Labor Law - Management, and Litigation - Labor and Employment. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Named a Top Lawyer by *dbusiness Magazine* for Employment Law - Management, Labor Law - Management, and Labor and Employment Litigation, 2015

Jewish Community Center of Washtenaw County, Founding Member Award

Recipient of an AV® Preeminent™ Rating and 2018 Top Rated Lawyer in Labor & Employment Law by *Martindale-Hubbell*

Ann Arbor United Jewish Appeal, Leadership Award

President's Award, Ann Arbor Symphony Orchestra