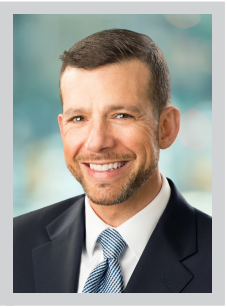
FLASTER GREENBERG
Attorneys at Law | A Professional Corporation



Adam E. Gersh

Shareholder

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Adam E. Gersh is a member of Flaster Greenberg's Labor and Employment and Litigation Practice Groups. He is also a member of the Board of Directors. He represents businesses and executives in employment and complex business disputes in the federal and state courts of New Jersey and Pennsylvania and before federal and state administrative agencies. Adam regularly works with businesses to resolve employment and labor related matters which include defending actions and claims by employees, negotiating with unions on behalf of management, addressing all aspects of non-compete agreements, drafting employment and separation agreements, planning for reductions in force, preparing organizations for federal and state wage and hour audits, guiding businesses as to OSHA compliance, arbitrating labor grievances, and representing management before the National Labor Relations Board.

Adam has experience litigating many types of employment disputes, including whistleblower, sexual harassment, age discrimination, race discrimination, gender discrimination, unemployment compensation and Family Medical Leave Act cases. He also has trial and appellate experience representing clients in commercial litigation including contract, restrictive covenant, landlord-tenant, construction, insurance coverage, medical malpractice defense, trademark infringement and securities cases. In addition to representing clients in trials, appeals and administrative agency hearings, Adam represents clients in mediations and arbitrations.

"The passion and vigor with which Adam mounted our complaint against [a large healthcare organization] is a great example of his passion, professionalism and positive energy in battling against an entire legal team."
H.R., Founder and Strategic Partner

Adam is the former co-chairman of the Camden County Bar Association's Continuing Legal Education Committee and a Camden County Bar Association trustee. He has lectured on a wide-range of labor and employment issues, including limiting employer liability in the healthcare profession and moderated seminars on legal negotiation techniques and hot topics in employment law. He

Practice Areas

Cannabis Law

Labor and Employment Law

Litigation

Industry Groups

Automotive

Higher Education

Pharmaceutical

Admissions

New Jersey

Pennsylvania

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

Education

- Rutgers University School of Law–Camden, J.D., high honors
  - Dean's Merit Scholar
  - Recipient of the Alfred Finn Award for Professional Ethics and the 1st year writing award
- Franklin & Marshall College, B.A., English

is also a former member of the board of The Betty and Milton Katz Jewish Community Center.

Before beginning his career in law, Adam wrote award-winning advertisements for Fortune 500 clients in the pharmaceutical industry.

REPRESENTATIVE MATTERS

- $1.7 million arbitration award
- Connection Training Services v. City of Philadelphia
- Primepoint, L.L.C. v. Primepay, Inc.
- Tina M. Brown v. HCF of Shawnee
- Fitzpatrick & Associates, Inc. v. True & Kookogey, et al.
- John P. McGee v. City of Philadelphia, et al.
- John J. Rafferty v. Princeton University, et al.

HONORS & AWARDS

- Named an Awesome Attorney, Labor and Employment Law, *South Jersey Magazine*, 2007, 2009, 2013 - 2020, 2022
- Top Attorney List - Employment Discrimination, *SJ Magazine*, 2017 and 2018
- Named a New Jersey "Rising Star," 2009 – 2014, by Thomson Reuters, publishers of *New Jersey Super Lawyers* magazine
- Named a Pennsylvania "Rising Star," 2014, by Thomson Reuters, publishers of *Pennsylvania Super Lawyers* magazine
- Best Attorneys in Business List, Labor and Employment Law, *South Jersey Biz* magazine, 2014
- Top Attorney List - Labor Law, *SJ Magazine*, 2011, 2014
- Named to the Burlington County Forty Under 40 Class by the *Burlington County Times,* 2013
- Neighbor's Choice Attorney, *Philadelphia Inquirer*, 2007

A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

PROFESSIONAL AFFILIATIONS

- Camden County Bar Association
  - Trustee
  - Former Co-chair, Continuing Legal Education Committee
- Cherry Hill Business Council
  - Member

COMMUNITY ACTIVITIES

- The Betty and Milton Katz Jewish Community Center
  - Former Board Member

ARTICLES & ALERTS

BREAKING NEWS: The FTC's New Rule Invalidates Most Non-competition Clauses
(April 24, 2024)

Navigating the Ever-Changing Legal Landscape of the Workplace for Multi-State Employers
New Jersey Law Journal (March 12, 2024)

NJ Employers Must Add This Step to Their Separation Protocols
(August 8, 2023)

FTC Noncompete Ban Could Harm Buyers And Sellers In M&A
Law360 (February 10, 2023)

No More Misclassification: New Jersey Draws the Line
Legal Alert (August 11, 2021)

If There's Smoke, Is It OK to Fire? New Cannabis Rules for Employers
The Legal Intelligencer (May 26, 2021)

FFCRA Opt-In Expanded Under American Rescue Plan Act of 2021
Legal Alert (March 30, 2021)

Can I Fire an Employee Who Stormed the Capitol?
Law@Work Blog (March 16, 2021)

THE YEAR THAT (SORT OF) WASN'T: Five Lessons Employers Learned During the COVID-19 Pandemic and What They Mean for the Future
Law@Work Blog (March 15, 2021)

WHAT ARE YOU SMOKING? New Jersey's New Cannabis Law Also Changes the Rules for Employers
Legal Alert (March 9, 2021)

Employers' COVID Update: To Mandate Or Not To Mandate?
Legal Alert (December 22, 2020)

Litigation Newsletter - June 2020
Newsletter (June 30, 2020)

SCOTUS Rules Discrimination Against LGBTQ Employees Is Discrimination On The Basis Of Sex
Legal Alert (June 18, 2020)

What Employers Can Learn From Early COVID-19 Employee Lawsuits
(April 13, 2020)

Employers Take Note: U.S. Department of Labor Issues FFCRA Notice for Employees
Legal Alert (March 25, 2020)

PART 3: An Employer's Guide to the COVID-19 Coronavirus Outbreak & FAQs
Legal Alert (March 20, 2020)

PART 2: An Employer's Guide to the COVID-19 Coronavirus Outbreak & FAQs
Legal Alert (March 18, 2020)

Part 1: An Employer's Guide to the COVID-19 Coronavirus Outbreak & FAQs
Legal Alert (March 16, 2020)

Supreme Court of NJ Affirms Employee May State A Claim for Reasonable Accommodation for Medical Cannabis Use
Law@Work Blog (March 13, 2020)

Fuzzy green lines
NJBiz (March 2, 2020)

New Laws Bolster NJ's Worker-Friendly Bona Fides, Attorneys Say
Law360 (January 22, 2020)

2019 Law At Work - Year In Review
legal alert (December 9, 2019)

New 2020 Overtime Rule Means Employers Must Reevaluate Which Employees Are Overtime Eligible
Legal Alert (October 1, 2019)

What Employers Need to Know About New Jersey's Tough New Wage Theft Law
Legal Alert (August 16, 2019)

New Jersey Prohibits Employers From Asking Prospective Employees About Their Salary Histories
Legal Alert (August 12, 2019)

SCOTUS Rules Requirement to File Charge Before Suing Under Title VII is Nonjurisdictional: Employers Must Raise Defense Timely
Legal Alert (July 31, 2019)

New Jersey Creates Employment Protections for Medical Cannabis Patients and Providers
(July 8, 2019)

New Jersey Requires Pre-Tax Transportation Fringe Benefits
(June 4, 2019)

What Employers Need To Know: New Jersey's Appellate Division Issues Historic Ruling On Medical Marijuana Users' Rights in the Workplace
(April 1, 2019)

What New Jersey's New Law On Employment Contracts Means for Employers: Are Non-Disclosure and Arbitration Provisions Out?
(March 20, 2019)

Law @ Work Employer Newsletter - March 2019
(March 13, 2019)

New Jersey Expands Paid Family Leave: Action Items for New Jersey Employers
Legal Alert (February 28, 2019)

Five Things New Jersey Employers Need to Know: Paid Sick Leave, Medical Marijuana & More
(October 29, 2018)

Law @ Work Employer Newsletter - The Savvy Employer's Guide to Legal Developments & Quirks that Affect the Workplace
Newsletter (September 13, 2018)

Higher Law: See the New Workplace Weed Ruling?
The National Law Journal (August 17, 2018)

Supreme Court Confirms There is No Right to Class Actions under the NLRA: Gives Nod to Employer Mandatory Arbitration Clauses
Legal Alert (June 5, 2018)

No Legalization Yet, But 'Shift' Sees NJ Firms Firing Up Cannabis Practices
New Jersey Law Journal (May 16, 2018)

The New Sick Leave Law in New Jersey - What Employers Need to Know
Legal Alert (May 10, 2018)

Pay them now or pay up later - Companies cautioned about the potential cost of salary inequity
NJBiz (May 7, 2018)

Law @ Work Employer Newsletter
Newsletter (May 2018)

"Substantially Similar Work" Requires Equal Pay
Legal Alert (April 25, 2018)

Law @ Work Employer Newsletter
(April 2018)

New Jersey Expands Medical Marijuana Access: Four Action Items for New Jersey Employers
Legal Alert (April 3, 2018)

Service Advisors Are Exempt Under FLSA, Once Again
Legal Alert (April 2, 2018)

A Cautionary Tale: Court Gives Employee Handbook Disclaimer Thumbs Down
Legal Alert (February 20, 2018)

Mass. Court Turns Over A New Leaf: Rules Employer May Be Liable for Failing to Accommodate Employee's Medical Marijuana Use
Legal Alert (July 19, 2017)

Off Campus Expansion: Title IX Applies to Hospitals and Institutions Outside of Education, Appellate Court Rules
Legal Alert (March 21, 2017)

Recall Alert: The Service Advisor Exemption The Courts Just Can't Fix
Legal Alert (January 10, 2017)

BREAKING NEWS: Uncertainty Over New FLSA Overtime Rules Not Quite Over
(November 23, 2016)

Delaware District Court Refuses to 86 Employees' Wage & Hour Suit
(July 15, 2016)

Finally, The DOL's Final Rule Gives Employers Clarity On New Overtime Rules
Legal Alert (May 19, 2016)

Where There's Smoke It's Still OK To Fire: Three Things Employers Need To Know About Pennsylvania's New Medical Marijuana Law
Legal Alert (April 29, 2016)

Independent Contractor or Employee? The DOL Weights In.
Legal Alert (August 12, 2015)

Employers Should Not Go Overboard On Proposed Changes to Overtime
Legal Alert (July 8, 2015)

Love in the time of cubicles
The Washington Post (February 12, 2015)

"The Box" is History — New Jersey "Bans the Box" and Limits When Employers Can Ask Job Applicants About Criminal Histories
Legal Alert (August 19, 2014)

FMLA: Court Ruling Delivers a Warning to Employers Who Cannot Prove Employees Received FMLA Notices
Legal Alert (August 7, 2014)

NO SH*T, SHERLOCK: Investigating employee complaints in the digital world without creating additional liability, waiving privileges, or creating conflicts of interest
Pennsylvania Bar Institute (April 2014)

Valentine's Day Edition: Is Office Romance Forbidden?
Legal Alert (February 12, 2014)

NJ Enacts Leave Law to Protect Victims of Domestic Violence and Sexual Assault, Imposes New Obligations on Employers
Legal Alert (August 1, 2013)

Employers Cannot Afford To Wait To Determine Which Employees Are Full-Time Under The Affordable Care Act
Legal Alert (December 7, 2012)

Will Your Company Blow It? New Whistleblower Laws May Generate More Litigation
Banking & Accounting Supplement to The Legal Intelligencer (February 8, 2011)

Did I Make the Right Choice?
The Barrister (September 2009)

In New Jersey, Everyone is a Whistleblower
Pennsylvania Bar Institute's 14th Annual Employment Law Institute (April 17, 2008)