WIGGIN
WIGGIN AND DANA

Lawrence Peikes

PARTNER

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Larry represents the interests of management in all aspects of the employer-employee relationship and is particularly experienced in litigation defense. He has advocated for employers in a wide range of employment cases—before arbitrators, mediators, and government agencies as well as in state and federal courts. In a field where most attorneys rarely appear before a judge, let alone a jury, Larry has successfully tried cases on both the federal and state levels, as well as in arbitration. Despite his extensive courtroom experience, Larry is first and foremost dedicated to finding the best, most pragmatic business solutions to personnel relations challenges, with an eye toward avoiding litigation. He is also a member of wiggin(x).

Larry's practice encompasses the full range of employment law issues, including workplace discrimination, sexual and other forms of harassment, wrongful discharge, wage-and-hour compliance, non-competition agreements, trade secret protection, and contract negotiations. Larry represents employers in administrative proceedings before such agencies as the U.S. Equal Employment Opportunity Commission; the Connecticut Commission on Human Rights and Opportunities; the New York State Division of Human Rights and its New York City counterpart; the National Labor Relations Board; the U.S., Connecticut, and New York Departments of Labor; and other administrative bodies charged to enforce federal and state labor laws.

When litigation proves unavoidable, Larry and his team of seasoned employment lawyers have an enviable record of success, disposing of lawsuits on motions, at trial, and by way of advantageous settlements. What sets Larry apart is his knack for swaying jurors, as exemplified by a string of defense verdicts in jury trials including most recently

- Procuring a favorable arbitration award in a novel transgender discrimination case following a multi-day hearing
- Successfully defending a restaurant industry employer against sexual harassment claims brought to arbitration
- Defending a wire-and-cable manufacturer in federal court against claims of retaliatory discharge and disability discrimination, with the favorable verdict being upheld by the U.S. Court of Appeals for the Second Circuit.

- Prevailing before a federal court jury in New York City in an off-the-clock wage-and-hour case for a telecom client, where the jury returned a defense verdict following less than 20 minutes of deliberation.
- Vindicating a hospital client in a highly charged whistleblower suit in Connecticut state court.
- Procuring a defense verdict from a Connecticut state court jury in a contentious gender discrimination case.

Apart from litigation, Larry's practice entails day-to-day counseling of employers large and small, with respect to all aspects of the employment relationship, including employee terminations and discipline, performance management, collective bargaining, employment contracts, workplace discrimination issues, investigation and resolution of sexual harassment complaints and other charges of wrongdoing, compliance with federal and state wage payment laws, enforcement of restrictive covenants, union avoidance, policy development and implementation, human resources best practices, and alternative dispute resolution. The ultimate goal is to maintain compliance with the myriad rules and regulations governing the employment relationship, avoid unnecessary litigation, conserve time and company resources, and develop strategies that minimize legal risk while promoting the client's overriding business interests.

Larry has also actively supported the home health care and hospice care sectors as litigation defense counsel and by offering day-to-day guidance to ensure compliance with employment laws while fostering a compassionate and fair work environment for employees within these essential care services and tailoring legal strategies that address the unique challenges faced by professionals in this critical field.

Larry frequently lectures and writes on employment law issues ranging from sexual harassment and developments under federal and state civil rights legislation to wage-and-hour laws to restrictive covenants. Among other academic initiatives, Larry is a Co-Editor-in-Chief of Bloomberg/BNA's *Fair Labor Standards Act* treatise, a contributor to that publisher's treatise *The Family and Medical Leave Act*, and Co-Editor of the Employment Law volume of the *Connecticut Practice Series*.

In addition, Larry is a founding member of the Wage & Hour Defense Institute, a nationwide network of experienced and carefully screened wage-and-hour defense attorneys dedicated to advocating the interests of management on pay issues. Larry is also an active member of the American Bar Association's Labor and Employment Law Section and previously served as the management-side Co-Chair of its Federal Labor Standards Legislation Committee.

Chambers USA has ranked Larry in the Labor & Employment category since 2012 and notes that he continues to be recognized for his handling of employment litigation in representing management in wage-and-hour, restrictive covenant, and discrimination cases. In 2021, Larry was elected as a fellow of the College of Labor and Employment Lawyers.

Larry received his J.D. with honors from The George Washington University's National Law Center and a B.A. from the University of Maryland.

Education

- George Washington University, National Law Center (J.D., 1987)
  - Graduated with honors
- University of Maryland (B.A., 1984)

Bar Admissions

- California (Inactive)

- Connecticut
- Massachusetts
- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Seventh Circuit
- US Court of Appeals for the Ninth Circuit
- US District Court (District of Connecticut)
- US District Court (District of Massachusetts)
- US District Court (Eastern District of California)
- US District Court (Northern District of California)
- US District Court (Eastern District of New York)
- US District Court (Northern District of New York)
- US District Court (Southern District of New York)
- US District Court (Western District of New York)

Memberships and Affiliations

- American Bar Association
  - Section of Labor & Employment and Federal Labor Standards Legislation Subcommittee
- College of Labor and Employment Lawyers
  - Elected fellow
- Wage Hour Defense Institute
- WESFACCA

Publications

February 21, 2025
2024 M&A Year-End Report

August 22, 2024
Texas Court Strikes Down FTC's Rule Banning Non-Competition Covenants

April 29, 2024
Federal Trade Commission Issuing Non-Compete Clause Rule

April 24, 2024
Three Major Initiatives: New York's Paid Prenatal Leave, DOL's Overtime Pay Expansion and FTC's Ban of Non-Compete Agreements

February 15, 2024
2023 M&A Year-End Report

April 17, 2023
CT Supreme Court Expands Narrow Tort of Wrongful Discharge in Violation of Public Policy

March 3, 2023
District Court Provides Expansive Interpretation of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021

February 28, 2023
Employee Paid $963 Per Day Is Not Exempt From Overtime Under the FLSA

February 28, 2023
NLRB Reverses Two Trump-Era Rulings on Severance Agreement Provisions

February 10, 2023
2022 M&A End Year Report

January 19, 2023
Connecticut Appellate Court Holds Continued Employment May Be Sufficient Consideration for a Restrictive Covenant

December 21, 2022
Notable Year End Developments at the NLRB

June 30, 2022
First Circuit Upholds Dismissal of Whole Foods Employees' BLM Masks Race Discrimination and Retaliation Suit

June 8, 2022
Supreme Court Finds Airline Worker Cannot Be Compelled To Arbitrate Class-Wide Wage Claims

June 6, 2022
Discouraging FMLA Leave Alone May Trigger Liability

May 26, 2022
The U.S. Supreme Court Rules the Federal Arbitration Act ("FAA") Does Not Authorize Federal Courts to Tailor an "Arbitration-Specific Procedural Rule"

April 29, 2022
Connecticut Supreme Court Issues their Decision on Connecticut Jud. Branch v. Gilbert

June 16, 2021
Connecticut Wage Law Amended to Require Disclosure of Wage Ranges and Change Pay Equity

March 25, 2021
Connecticut District Court Rejects Medical Marijuana User's ADA Claims

March 22, 2021
Connecticut Appellate Court Strikes Down Noncompete Provision of Partnership Agreement as Overly Restrictive

March 18, 2021
CT Bans Discrimination Based on Hairstyles Historically Associated With Race; NY Mandates Paid Leave for Employees to Receive COVID-19 Vaccine

July 17, 2020
"DOL Wage and Hour Division Issues New FMLA Forms and Requests Comment on FMLA Regulations" Published by The National Law Review
The National Law Review

June 12, 2020
"A Virtual Discussion Series | Part I" is Published in The National Law Review
The National Law Review

January 13, 2020
New York State Issues Guidance on Salary History Ban

January 8, 2020
Limitations and Best Practices for Using Non-Competition Agreements to Protect Company Trade Secrets
The National Law Review

January 2, 2020
NLRB Rolls Back Key Obama-Era Decisions

September 30, 2019
Labor, Employment and Benefits Attorneys Author Chambers USA 2019 Regional Employment Guide
Chambers USA Regional Employment 2019 Second Edition Guide

September 24, 2019
Update: Labor, Employment and Benefits, "Increased FLSA Exemption Threshold"

June 27, 2019
New York Employers Should Prepare for Big Changes Under Proposed Amendments to Human Rights Law

June 5, 2019
Supreme Court Rules That EEOC Charge Filing Requirement Is Non-Jurisdictional

May 14, 2019
CHRO Issues New Guidance on CT Workplace Accommodations for Pregnancy, Childbirth, and Related Conditions

April 2, 2019
DOL Proposes Updating Regular Rate Regulations

March 11, 2019
DOL Announces New Proposed Overtime Rule

March 6, 2019
2019 Labor, Employment and Benefits Client Briefing Update

November 19, 2018
New York's Minimum Salary for Exemption and Minimum Hourly Wage Increasing in the New Year

November 13, 2018
Legal Issues for High-Growth Technology Companies
The National Law Review

September 19, 2018
DOL Publishes New FMLA Forms (Sort Of)

August 28, 2018
Wage and Hour Fundamentals: "A Guide for Early Stage Companies"
The National Law Review

May 10, 2018
Connecticut Bans Employers From Inquiring About Applicants' Pay History

January 18, 2018
DOL Adopts Less Stringent Internship Test Under FLSA

August 29, 2017
Federal Law Does Not Preempt Employee Protections under Connecticut's Medical Marijuana Law

August 21, 2017
Connecticut Expands Protections for Pregnant Employees and Job Applicants

May 25, 2017
Second Circuit Addresses Two Hot-Button Employment Law Issues

May 12, 2017
New York City's Freelance Law Goes Into Effect

March 31, 2017
Connecticut Supreme Court Confirms That Independent Contractors Are Not "Misclassified" Employees Simply Because They Only Work For One Company

December 20, 2016
Employment Law 2016 – Year In Review

November 23, 2016
Federal Court Issues Nationwide Injunction Putting New Overtime Regulations On Hold

July 14, 2016
Legislative Update: New Laws Affecting Connecticut Employers

April 18, 2016
Start Spreading the News: Paid Family Leave and $15 Minimum Wage Coming to New York

February 5, 2016
Important Regulatory Changes on the Horizon

January 29, 2016
U.S. Department of Labor Expansively Defines FLSA Joint Employment in New Guidance

January 4, 2016
IRS Extends the Due Dates for 2015 Information Reporting Under Sections 6055 and 6056 In IRS Notice 2016-4

December 28, 2015
Employment Law 2015 – Year In Review

October 19, 2015
Take a Fresh Look at the FLSA
New York Law Journal

January 16, 2013
Projecting the Impact of Medical Marijuana on Connecticut Employers

January 31, 2011
White-Collar Workers Challenge Overtime Exemptions
Connecticut Law Tribune, Vol. 37, No. 5

September 23, 2010
Sound Overtime Policies Enable Employer to Overcome Claim for Unrecorded Time
Wage and Hour Defense Institute Blog

September 15, 2010
The Curious Case Of Pharma Sales Reps And The FLSA
Law360

January 25, 2010
Wage-Related Claims Seek Class-Wide Relief
Connecticut Law Tribune, January 25, 2010, Vol. 36, No. 4

November 25, 2009
Rarely Required Duty May Be an Essential Job Function Under the ADA
Council on Education in Management HR Spotlight.com

September 29, 2009
Deductions from Salary to Recover Bonus Overpayment Renders Employees Nonexempt
Council on Education in Management HR Spotlight.com

July 23, 2009
Supervisor's Remark About Propensity of Men to Harass is Evidence of Discrimination
Council on Education in Management HR Spotlight.com, July 9, 2009

July 17, 2009
Recent Developments in ADA Law
Connecticut Lawyer, May/June 2009

July 2, 2009
Court Upholds Termination of Employee Based on Information Discovered During FMLA Leave
Council on Education in Management's HR Spotlight.com, May 13, 2009

December 1, 2006

Disparate Impact Analysis Under the ADEA and Title VII Testing Claims

Published in the CBA *Labor & Employment Law Quarterly*, Fall 2006, Vol. 12, No. 3. Reprinted with permission from the Connecticut Bar Association

August 1, 2006

Second Circuit Finds Employee Working Abroad Has No Remedy Under Section 1981 For Discriminatory Conduct Occurring Outside the United States

SHRM Online, August 2006

December 27, 2005

Alaska Supreme Court Rules Denial of Equal Benefits to Gay and Lesbian State Employees' Domestic Partners Violates State Constitution

SHRM Online - Society for Human Resource Management , Court Report - *Alaska Civil Liberties Union. v. State of Alaska,* No. S-10459, 2005 WL 2812481 (Alaska Oct. 28, 2005).

December 27, 2005

Tenth Circuit Holds Five Year Age Difference Sufficient to Satisfy Prima Facie Proof Requirement in ADEA Cases.

SHRM Online - Society for Human Resource Management , Court Report - *Whittington v. Nordam Group, Inc.*, 429 F.3d 986 (10th Cir. 2005).

December 27, 2005

Fourth Circuit Recognizes That Sex Discrimination Claimants Need Not Always Prove Replacement By Someone Of Opposite Gender In Order To Establish A Prima Facie Case Under Title VII

SHRM Online - Society for Human Resource Management , Court Report - *Miles v. Dell, Inc.*, No. 04-2500, 2005 WL 3111917 (4th Cir. Nov. 22, 2005).

November 16, 2005

FLSA Class Actions: Six strategies for limiting your exposure to class action lawsuits

Human Resources 2006, Winter Edition, Thompson Publishing Group

March 15, 2005

Pain and dizziness did not amount to disability

SHRM Online - Society for Human Resource Management , Court Report - Guzmann-Rosario v. United Parcel Service, Inc., 1st Cir., No. 04-1046, Feb. 3, 2005

March 15, 2005

Hospital's RNs held not supervisors under NLRA

SHRM Online - Society for Human Resource Management, Court Report - Hospital General Menonita v. National Labor Relations Board, 1st Cir., No. 03-2734, December 23, 2004.

March 15, 2005

Lateral transfer was not an adverse action under Title VII

SHRM Online - Society for Human Resource Management, Court Report - *O'Neal v. City of Chicago*, 7th Cir., No. 4-1402, Dec 20, 2004.

May 3, 2004

Biased information taints neutral decision

SHRM Online - Society for Human Resource Management, Court Report - Cariglia v. Hertz Equipment Rental

Corporation, 1st Cir., No. 02-2199, April 5, 2004.

April 16, 2004

Continued at-will employment is sufficient quid pro quo for noncompetition agreement

SHRM Online - Society for Human Resource Management, Court Report - Lake Land Employment Group of Akron, Ohio v. Columber, 101 Ohio St.3d 242, 804 N.E.2d 27 (March 10, 2004)

March 12, 2004

Working not substantially limited by alcholism

SHRM Online - Society for Human Resource Management, Court Report - Sullivan v. The Neiman Marcus Group, Inc. , 1st Cir., No. 03-1606, Feb. 27, 2004.

March 3, 2004

Connecticut rules out 'compelled self-publication' defamation claims

SHRM Online - Society for Human Resource Management, Court Report - Cweklinsky v. Mobil Chemical Co., Conn., SC 16846, Jan. 6, 2004.

February 2, 2004

Employer pays for reneging on promise

SHRM Online - Society for Human Resource Management, Court Report - Stewart v. Cendant Mobility Services Corp., Conn., No. SC 16913, Dec. 23, 2003.

February 2, 2004

Unauthorized leave time counts as service for FMLA eligibility

SHRM Online - Society for Human Resource Management, Court Report - Babcock v. BellSouth Advertising, 4th Cir., No. 02-1791m, Oct. 28, 2003.

November 17, 2003

Company president personally liable for refusal to pay severance

SHRM Online - Society for Human Resource Management, Court Report - Chisholm, Jr. v. Ultima Nashua Industrial Corp., No. 2002-456 (N.H. Oct. 14, 2003).

August 26, 2003

Do You Know Who Your 'Supervisors' Are?

Connecticut Law Tribune, August 18, 2003

August 4, 2003

Obese People Are Taking Their Bias Claims To Court

The New York Times, August 4, 2003

July 30, 2003

Co-employee had 'supervisor' status in creating hostile work environment; Court Report

SHRM's HR Magazine, July 1, 2003

June 3, 2003

No wrongful discharge claim for at-will employee fired for seeking legal counsel

SHRM Online - Society for Human Resource Management, Court Report - Porterfield v. Mascari, II, Inc., Md. Ct. App., No. 14, May 8, 2003

April 21, 2003

420-pounder sues McDonald's

New Haven Register, April 17, 2003, by Michelle Tuccitto

April 7, 2003
New Rule on Overtime Overdue
Stamford Advocate, April 4, 2003

October 15, 2002
Medical Screening Of Employees: When Is It Legal?
The Corporate Counsellor, Volume 17, Number 4, September 2002.