

MICHAEL G. PRENDERGAST

Partner / Jacksonville

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Mike Prendergast concentrates his practice on providing representation and counsel to management in the private and public sector in matters related to employment law.

He routinely represents employers in employment litigation in state and federal court and before various administrative agencies. Providing preventive advice is also a significant focus for Mike, and he assists clients in resolving and avoiding employment law issues by developing practical workplace solutions to comply with the myriad of federal and state employment laws and regulations.

Mike has experience representing clients in a broad range of industries including construction, transportation, shipyards, paper and paper products, automotive, healthcare, food distribution, grocery and beverage. He has advised these clients in issues relating to union avoidance, collective bargaining, arbitration, employment discrimination, sexual and other forms of harassment, disability issues, affirmative action, family and medical leave, minimum wage, overtime and child labor laws, reductions in force (including employee notification requirements), non-compete, confidentiality and trade secret issues, public and private sector whistleblower claims, workplace safety and health, and various work-related constitutional and common law claims.

Mike also advises government contractor clients in preparing and updating of affirmative action programs and in responding to Office of Federal Contract Compliance Programs (OFCCP) desk audits. He has also represented employers in OFCCP investigations and has defended employers in OFCCP claims seeking class-wide relief.

In addition to providing employment law counsel, Mike is adept at navigating the complex legal issues associated with labor relations. He regularly conducts training programs to help employers remain union-free and has represented clients before the NLRB and the Florida Public Employee Relations Commission. Mike has represented both private and public sector clients in collective bargaining and has assisted private sector clients in responding to strikes and strike-related violence. He also has experience advising public sector clients regarding the State of Florida's impasse

EDUCATION

- » University of Florida College of Law (J.D., *with honors*, 1983)
- » University of Florida (B.A., *Phi Beta Kappa*, 1980)

BAR ADMISSIONS

- » Florida

COURT ADMISSIONS

- » U.S. Supreme Court
- » U.S. Court of Appeals for the Eleventh Circuit
- » U.S. District Court for the Southern District of Florida
- » U.S. District Court for the Middle District of Florida
- » U.S. District Court for the Northern District of Florida

procedures.

Mike has a breadth of experience in occupational safety and health regulations and has represented employers at OSHA inspections. He has also assisted employers in responding to citations from OSHA and has defended employers in administrative litigation before the Occupational Safety and Health Review Commission. Mike's experience with OSHA cases includes cases which involved workplace fatalities and attempts by OSHA to impose substantial fines and mitigation obligations on employers accused of willful violations.

Mike's public sector experience includes defending clients facing equal protection, free speech, due process and political patronage claims and has assisted public officials who were sued in their individual capacities in avoiding liability based on qualified or absolute immunity. He has also represented clients in claims filed with the Florida Commission on Ethics and in investigations by the governor's office and the Florida Department of Law Enforcement.

Representative Experience

- » Dismissal with prejudice of wrongful discharge claim filed by doctor against former medical practice.
- » Dismissal with prejudice and award of attorneys' fees in fraudulent inducement case filed by convenience store district manager.
- » Dismissal of whistleblower claim filed against group home for disabled adults.
- » Successful assertion of absolute immunity defense for local legislative officials sued for violation of due process by former city treasurer and summary judgment on the merits for city.
- » Summary judgment for county property on claim alleging termination in violation of protected property and liberty interests.
- » Summary judgment for county property appraiser on claim alleging termination for speech protected by First Amendment.
- » Summary Judgment for county tax collector on claim alleging political patronage dismissal.
- » Summary judgment for community college sued by professor for race discrimination, retaliation and defamation.
- » Summary judgment on ADA discrimination claim filed by former in-house labor and employment counsel.

- » Summary judgment on race discrimination claim filed by maintenance employee for apartment complex.
- » Summary judgment for national grocery chain on race discrimination claim by warehouse employee.
- » Summary judgment for delivery service employer sued for race discrimination by former driver claiming disparate treatment in termination for delivery errors.
- » Successfully negotiation of first labor agreement for government contractor following defeat of union's NLRB refusal to bargain charge.
- » Administrative ruling following evidentiary hearing for distribution center on race discrimination claim.
- » Directed verdict on ERISA and related fraud and estoppel claims filed by former executive against employer and employer-sponsored pension plan.
- » Arbitration award defeating union challenge to work schedule installed to meet high production demand.

Honors & Awards

- » *The Best Lawyers in America* "Lawyer of the Year" for *Labor Law – Management* and Employment Law Management for the Jacksonville area (2024)
- » *The Best Lawyers in America* "Lawyer of the Year" for *Labor Law – Management* for the Jacksonville area (2022)
- » *The Best Lawyers in America*, Employment Law - Management, Labor Law - Management, 2009-2024
- » *The Best Lawyers in America* 2017 "Lawyer of the Year" Jacksonville Labor Law - Management
- » *The Best Lawyers in America* 2020 "Lawyer of the Year" Jacksonville Employment Law - Management
- » American Bar Association Military Pro Bono Outstanding Service Award, 2016
- » Martindale-Hubbell AV Preeminent Peer Review Rated
- » "Florida Super Lawyers," *Super Lawyers* magazine

Memberships

- » The Florida Bar, Labor and Employment Law Section, Local Government Law Section
- » Jacksonville Bar Association, President, 2001-2002
- » Federal Bar Association

- » United Way of Northeast Florida, Board of Trustees
- » Jacksonville Urban League, Chair, 2009-2010
- » Rotary Club of West Jacksonville, President, 2004-2005
- » Leadership Jacksonville, Class of 2006

News & Insights

- » August 17, 2023 - Nineteen Florida-Based FordHarrison Attorneys Listed in the 2024 Best Lawyers in America and Eight Listed in Ones To Watch
- » August 17, 2023 - Three FordHarrison Attorneys Named Lawyer of the Year 2024 by the Best Lawyers in America
- » January 26, 2022 - OSHA Withdraws COVID-19 Shot-Or-Test Emergency Rule
- » November 05, 2021 - Navigating OSHA's New COVID-19 Emergency Temporary Standard
- » August 19, 2021 - Four FordHarrison Attorneys Named Lawyer of the Year 2022 by the Best Lawyers in America

Events

- » November 16, 2021 - Navigating OSHA's New COVID-19 Emergency Temporary Standard - Complimentary Webinar
- » June 24, 2021 - OSHA Emergency Temporary Standard For Healthcare Employers - Complimentary Webinar
- » September 24, 2020 - OSHA Considerations in the COVID-19 Era for the Healthcare Industry - Complimentary Webinar
- » September 10, 2020 - OSHA Issues During the COVID-19 Pandemic - Complimentary Webinar
- » August 07, 2020 - Now What? Judge Invalidates Key FFCRA Regulations Leaving Employers with More Questions Than Answers - Complimentary Webinar Briefing

Offices

- » *Jacksonville:*
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