

## Richard M. DeAgazio

Senior Counsel

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### Focus Areas

Discrimination and Harassment  
Litigation and Trials  
Leaves of Absence and Disability Accommodation  
Whistleblowing, Compliance and Investigations  
Hiring, Performance Management and Termination

### Overview

Richard M. DeAgazio concentrates his practice in the area of employment litigation and counseling on behalf of corporate clients and individual defendants in diverse industries such as retail, insurance/reinsurance, public sector/municipal, private equity management, private educational institutions, pharmaceutical marketing and advertising, and medical practices.

Rich has over 25 years of experience in litigating employment claims from inception through trial and appeals in both state and federal courts in New Jersey, New York, Pennsylvania, and numerous other jurisdictions in the eastern half of the country, and in federal and state agencies such as the Equal Employment Opportunity Commission (EEOC) and New Jersey Division on Civil Rights.

He has successfully handled cases relating to discrimination, wrongful discharge, whistleblower retaliation, workplace harassment, failure to accommodate disabilities, family and medical leave, wage and hour laws, and restrictive covenants. Rich has litigated matters under numerous state and federal laws, including but not limited to:

- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act (ADEA)
- Americans With Disabilities Act (ADA)
- Family and Medical Leave Act (FMLA)

- Fair Labor Standards Act (FLSA)
- Racketeer Influenced & Corrupt Organizations Act (RICO)
- New Jersey Law Against Discrimination (NJLAD)
- New Jersey Conscientious Employee Protection Act (CEPA)
- New Jersey Family Leave Act (NJFLA)
- New Jersey Civil Rights Act (NJCRA)
- New York State Human Rights Law (Executive Law § 296 et seq.)
- New York City Human Rights Act (NYC Admin. Code § 8-107)
- Pennsylvania Human Rights Act (PHRA)
- Pennsylvania Whistleblower Act (PWA)
- State antidiscrimination laws in Missouri, Michigan, Louisiana, Kentucky, and Florida

Rich had significant input on the brief in *Beck v. Prupis*, 529 U.S. 494 (2000), in which the Supreme Court held that employees lack standing to sue for wrongful termination under the conspiracy provision of the civil RICO statute. The Court's decision adopted an argument primarily written by Rich.

Rich also provides employment advice and counsel to employers, both large and small, on such issues as employee discipline and termination, reasonable accommodations, wage and hour issues, WARN Act issues, human resources policies and handbooks, and internal harassment investigations. With his extensive litigation background, Rich is able to provide advice to his clients that helps guide them through difficult employee relations issues with the goal of minimizing risk and avoiding litigation.

During law school, he was senior articles editor for *Fordham Urban Law Journal*.

## Professional and Community Affiliations

- Member, Labor & Employment Section, New Jersey State Bar Association
- Member, American Bar Association

## Recognition

- Named, 40 Under 40 , *New Jersey Law Journal*, September 2004
- Named, Henry Rutgers Scholar in History, summa cum laude, *Rutgers University*

## Education

J.D., Fordham University School of Law, 1993

B.A., Rutgers College, 1990, *cum laude*

## Bar Admissions

New Jersey

## Courts

U.S. Supreme Court  
U.S. Court of Appeals, 2nd Circuit  
U.S. Court of Appeals, 8th Circuit  
U.S. District Court, District of New Jersey  
U.S. District Court, Southern District of New York  
U.S. District Court, Eastern District of New York  
U.S. District Court, Northern District of New York  
U.S. District Court, Eastern District of Michigan

## Publications & Press

### **Disability, Reasonable Accommodation, and Time Off: A Primer for Small and Larger Firms**

*Jer-Z-Journal (New Jersey Association of Legal Administrators)*  
Summer/Fall 2008

### **Do Departing Employees Get Vacation Pay?**

*New Jersey Law Journal*  
May 29, 2006

### **New Jersey Supreme Court Clarifies Sexual Harassment Law**

*Martindale-Hubbell publications*  
2004

### **Promoting Fairness: A Proposal for a More Reasonable Standard of Constructive Discharge in Title VII Denial of Promotion Cases**

*19 Fordham Urban Law Journal 979*  
Summer 1992

## Speaking Engagements

### **Disability, Reasonable Accommodation, and Time Off: A Primer for Small and Larger Firms**

New Jersey Association of Legal Administrators  
February 12, 2008

### **10 Questions and Answers Under the FMLA**

Lorman Education Services, Parsippany, NJ  
May 15, 2007

**Sexual Harassment at Holiday Parties**

It's Your Call with Lynn Doyle, CN-8 (Comcast Network)

December 18, 2002

**Hiring and Firing**

Seminar, West Essex Chamber of Commerce and North Essex Chamber of Commerce

2002