



Stewart S. Manela

COUNSEL

Stewart's practice involves representing and advising employers on personnel decision making, planning employee terminations, and counseling employers regarding extraordinary employment actions such as mergers and acquisitions, reductions in force, plant closings, and union organizing.



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Education

The George Washington University Law School, JD, high honors, 1977

University of Wisconsin, BA, 1973

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He has extensive experience with the employment laws and socio-economic programs that apply to companies that are involved in contracting with the federal government and frequently advises government contractors.

Client Work

Stewart regularly advises employers on compliance strategies involving the full range of laws covering the workplace, including labor standards, equal employment opportunity, and affirmative action compliance for federal contractors; the Americans with Disabilities Act; Federal Fair Labor Standards Act; state wage and hour laws; the Family and Medical Leave Act; the Occupational Safety and Health Act; unemployment compensation requirements; workers' compensation; veterans' reemployment rights; drug testing; evaluating employees; the use of contingent employees; and other federal, state, and local laws and regulations. Stewart counsels clients on employment contracts, hiring, handbooks, adverse employment decisions, affirmative action compliance programs, training managers, and immigration compliance. He advises employers in union-management relations, such as union organizing drives and elections, strikes, and collective bargaining negotiations. He has represented and advised the Washington Capitals and Washington Wizards in workers' compensation, grievances, arbitrations, and other matters.

Stewart has represented employers in state and federal courts and agencies in employment litigation for more than 30 years. For example, he represented a federal manufacturing contractor in a multimillion dollar dispute with OFCCP involving allegations that the client's hiring and placement processes were discriminatory, its affirmative action plan was not in compliance with federal regulations, and a demand by the government for back pay for hundreds of applicants and employees, hiring of affected applicants, and promotion of affected employees. He represented the lieutenant governor of Virginia in a wrongful discharge case, a former legal counsel to the President of the United States in a sexual harassment case, and a pizza delivery company in a highly publicized civil rights case. He also represented the chairman of the board of a billion-dollar construction company in a breach of employment contract and fraud case, and represented a national residential builder in a well-publicized housing discrimination case. Following a month-long jury trial on a case involving a breach of a covenant not to compete, Stewart recovered a \$4.8 million judgment for his

client. In another breach of a non-solicitation case in which he represented the defendant, Stewart prevailed on the contract claim and was awarded attorneys fees of nearly \$1 million by the trial court.

Stewart has also had significant appellate experience. In responding to a plaintiff's appeal of a defense judgment in a Title VII matter, he not only was successful in having the judgment affirmed, but also won the first award by the District of Columbia Circuit Court of Appeals of attorney's fees to a defendant under Title VII. See *Harris v. GHA*, 662 F.2d 869 (1981). He also handled another appeal that produced an important attorney's fee decision. See *Brooks v. George Hyman Construction Co.*, 963 F.2d 1532 (1992). In another widely reported matter, in which he was responding to a union's appeal of a jury verdict under the Labor Management Reporting and Disclosure Act (LMRDA) in favor of his client, Stewart successfully established important precedents involving the statute of limitations and awards of punitive damages in LMRDA cases. See *Quinn v. DiGiulian*, 739 F.2d 637 (1984). Stewart also handled several appellate matters involving the District of Columbia Worker's Compensation Act, litigating important issues in the early days of that law, as well as more recently in the course of his representation of professional sports teams. See *George Hyman Construction Co. v. DoES*, 498 A.2d 563 (1985); *Capital Hilton Hotel v. DoES*, 565 A.2d 981 (1989); *Washington Capitals v. DoES*, 831 A.2d 913 (2003); *Washington Capitals v. DoES*, 810 A.2d 862 (2002). In addition, Stewart has appeared in the courts of appeals in OSHA matters. See *American Iron & Steel Inst. v. OSHA*, 182 F.3d 1261 (1999, 11th Circuit). He also litigated an appeal involving a controversial issue under Title VII, in which the DC Circuit granted his client's request for rehearing, and he presented oral argument to the court en banc. See *Aka v. Washington Hospital Center*, 156 F.3d 1284 (1999).

Professional Activities

Stewart is a member of the College of Labor and Employment Lawyers. He served as chair of the American Bar Association Section of Labor and Employment Law in 2012-13. He previously served on the ABA Section on Labor and Employment Law as co-chair of the Trial Advocacy Competition Committee, chair of the Employment Rights and Responsibilities Committee (ERR), and management co-chair of the Trial Advocacy Subcommittee, Ethics Subcommittee, and the Covenants-Not-To-Compete, and Employee Duty of Loyalty Subcommittee. Stewart served as an adjunct professor at George Mason University Law School where he taught the course on traditional labor law. He is listed in the Washington, DC edition of *Super Lawyers* in the area of labor & employment.

Publications, Presentations & Recognitions

Stewart has been quoted in the *Washington Post*, *Fortune Magazine*, *The ABA Journal*, *The National Law Journal*, and *Corporate Counsel*.

Stewart has spoken at the ABA annual meeting on Sarbanes Oxley Whistleblower issues, current issues in labor management relations, employment law ethical issues, legal issues relating to electronic communications, and negotiation of employment contracts. He has presented the management perspective on employment decisions of the Supreme Court at the yearly meeting of ERR and served as a panelist representing the perspective of management counsel in an ABA conference on discovery in employment litigation and litigation of equal employment opportunity cases. Stewart is recognized as a specialist on the whistleblower protection/anti-retaliation provision of the federal False Claims Act and has spoken on this subject at a conference sponsored by Georgetown University. Additionally, Stewart has spoken at Georgetown University Law School on the Family and Medical Leave Act, Americans with Disabilities Act, and workers' compensation leave issues. He recently lectured on conducting workplace investigations, recent developments in the law to an ABA Institute on the Americans with Disabilities Act, and has addressed audiences on a variety of other topics ranging from workers' compensation and occupational safety to fair housing and affirmative action compliance.

Stewart wrote the chapter titled "Complying with Sarbanes-Oxley's Whistleblower Provisions" for the *Aspatore Inside the Minds* series. Stewart was editor-in-chief of *Employee Duty of Loyalty*, published by the Bureau of National Affairs (BNA) in 1995, served as executive editor of the *Human Resources Management Reporter* published by Warren Gorham & Lamont, and was editor-in-chief of the 1991 and 1993 *Supplements of Covenants Not to Compete* published by BNA. He also served on the board of advisors and contributors of the *Journal of Construction Accounting and Taxation*. His article on whistleblower claims under the Sarbanes Oxley Act was published in the *National Law Journal*. His article on electronic communications was published in the July 2002 issue of *The Practical Lawyer*. Stewart also wrote the chapter on workplace investigations in *BNA's Employment Termination: Rights and Remedies* (2003).

Life Beyond the Law

Stewart has coached children's basketball and baseball teams for a number of years. Having experienced many thrills during championship seasons, and the agonies of defeat in his coaching, Stewart cites as his proudest coaching accomplishment the recognition at their high school graduation as the male and female athletes of the year of two players whom he coached in elementary and middle school.

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