



## Ira D. Wincott

Shareholder

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## Focus Areas

Labor Management Relations  
Healthcare  
Home Health and Home Care  
Litigation and Trials  
Discrimination and Harassment  
Employee Benefits  
Policies, Procedures and Handbooks

## Overview

Ira D. Wincott represents and counsels clients in a range of labor and employment matters, with particular emphasis in complying with the National Labor Relations Act (NLRA), and advising on day to day workplace issues. He has extensive experience before the National Labor Relations Board (NLRB) defending and filing unfair labor practice charges and representing clients when faced with representation petitions. Ira has an extensive practice representing licensed home care services agencies and fiscal intermediaries in all aspects of labor and employment law. His focus encompasses:

- Advising and representing employers in union avoidance strategies, during union organizing campaigns and elections, in addition to strategies required in potential successor employer situations
- Guiding employers through collective bargaining and labor arbitrations
- Devising labor objectives and strategies for clients
- Drafting employment agreements, handbooks, and policies
- Counseling clients and human resource professionals with day to day workplace issues and defending employment discrimination cases
- Defending clients in wage and hour litigation (individual and class actions)

He practices before all New York federal, state and local courts, as well as various federal, state and local labor and employment agencies, including the NLRB, the Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights, the New York City Commission on Human Rights, Department of Labor (DOL), Department of Health (DOH), the Office of Medicaid Inspector General (OMIG) and the New York State Attorney General.

Ira's former experience as general counsel to a large labor union and as counsel to its funds for nine years allows him to provide clients with a unique perspective when dealing with labor relations issues. That experience included the filing and/or conducting of 1000 labor arbitrations, collective bargaining, and preparation of collective bargaining agreements, appearing before the NLRB on 400 matters involving a wide variety of issues and arbitrating and litigating Fund matters as counsel to the Union's various affiliated Funds.

Besides his vast experience in the retail and wholesale food industry, Ira has an extensive practice representing employers in the home healthcare industry in all phases of labor and employment issues, including educating employers in union organizing strategies and labor relations issues with unionized employers. With respect to employment issues, Ira has experience in keeping healthcare clients educated, updated and in compliance with the ever-changing rules and regulations in healthcare, which includes wage and hour issues, wage parity and handling audits. Ira's other clients include retailers, manufacturing companies, car dealerships, school bus operators, and property managers.

## Professional and Community Affiliations

- Member, New York State Bar Association
- Member, Nassau County Bar Association

## Education

J.D., New York Law School, 1984, *cum laude*

B.S., State University of New York at Albany, 1981

## Bar Admissions

New York

## Courts

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

U.S. Court of Appeals, 2nd Circuit

## **Publications & Press**

### **NY Agency Updates Guidance Regarding Health Care Personnel Returning to Work Following COVID-19 Exposure and Travel**

*Littler Insight*

April 19, 2021

### **New York Enacts Paid Vaccination Leave Law**

*Littler ASAP*

March 15, 2021

### **NY DOL Issues Notice of Pay Rate Form in Response to Wage Parity Law Amendment as Pay Stub Requirements Take Effect**

*Littler ASAP*

October 7, 2020

### **New York Agencies Issue Guidance on COVID-19 Sick Leave for Health Care Workers**

*Littler ASAP*

July 1, 2020

### **NY Agencies Issue Joint Guidance on COVID-19 Paid Leave for Health Care Workers**

*Littler Insight*

May 26, 2020

### **Notable Amendments Made to New York's Wage Parity Law Will Affect Home Health Care Employers**

*Littler ASAP*

April 13, 2020

### **NLRB Allows Employers to Stop Deducting Union Dues After Expiration of the Collective Bargaining Agreement**

*Littler ASAP*

December 23, 2019

### **Second Circuit Sends Home Care Worker's Putative Class Claims to Union Arbitration on an Individual Basis**

*Littler ASAP*

July 3, 2019

### **NY Court of Appeals Decision Saves the NY Home Care Industry – What's Next for Home Care Providers?**

*Littler Insight*

March 27, 2019

**A Paramount Reversal Just Saved the New York Home Care Industry**

*Littler ASAP*

March 26, 2019

**Certainty is (Even Closer) on the Horizon for the New York Home Care Industry**

*Littler ASAP*

February 13, 2019

**New York Court Nullifies Recent Emergency Amendment Codifying Longstanding "13-Hour Rule" for Home Care Industry**

*Littler ASAP*

September 28, 2018

**Certainty is on the Horizon for the New York Home Care Industry**

*Littler Insight*

March 8, 2018

**Another Federal Court Holds Home Health Aides in NY are NOT Necessarily Entitled to Pay for Every Hour of a 24-Hour Shift, but that the DOL's Home Care Rule Took Effect on January 1, 2015**

*Littler Insight*

December 21, 2017

**NYDOL Issues Explanatory Statement on Recent Wage Order Amendment Codifying its Longstanding Interpretation of the "13-Hour Rule"**

*Littler ASAP*

October 25, 2017

**NY DOL to Soon Issue Explanatory Statement on Recent Wage Order Amendment**

*Littler ASAP*

October 11, 2017

**NY DOL Issues Amendment to the Regulation Governing the Payment of Wages to Home Care Aides Who Work a Shift of 24 Hours or More**

*Littler ASAP*

October 9, 2017

**Another New York State Appellate Court Finds 24-Hour Non-Residential Home Care Attendants Must be Paid for Sleep and Meal Periods**

*Littler ASAP*

September 15, 2017

**Littler's Long Island Office Continues Growth with the Addition of Three Attorneys**

*Littler Press Release*

September 13, 2016

**Speaking Engagements**

**Legal Considerations in Home Care**

Melville, NY

January 28, 2021

**Latest Legal Developments Impacting New York Home Care Providers**

New York, NY

August 30, 2017

**Latest Legal Developments Impacting New York Home Care Providers**

New York, NY

August 29, 2017