

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 on day-to-day workplace issues and labor relations issues in all industries, with an emphasis on healthcare and home healthcare. Ira has an extensive practice representing licensed home care services agencies and fiscal intermediaries in all aspects of labor and employment law specific to home healthcare, including wage parity, wage and hour compliance and litigation including representation before various governmental agencies and defending lawsuits, handbook and policy creation and compliance, leave issues and avoiding and defending discrimination issues in the workplace.

He has extensive experience before the National Labor Relations Board (NLRB) defending and filing unfair labor practice charges, representing clients when faced with representation petitions and bargaining collective bargaining agreements. 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) and before governmental agencies
- Counseling clients in employee issues including leave and accommodations and discrimination issues
- Providing guidance to home healthcare clients on compliance with laws and regulations unique to those clients including wage parity, wage and hour issues, LS62 compliance and representing clients before the NYDOL, NYDOH, OMIG, NYAG, US Attorney, NYSDHR and other governmental agencies

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 1,000 labor arbitrations, conducting organizing campaigns, 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 and governmental investigations common in the industry. Some of 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 State Budget Will Eliminate Many Fiscal Intermediaries in the State's Consumer Directed Personal Assistance Program

Littler ASAP

April 24, 2024

Governor Hochul's Executive Budget Proposal Calls for Significant Changes to New York's Consumer Directed Personal Assistance Program

Littler Insight

February 23, 2024

New York Department of Health Sets New Due Dates for Submission of Home Care Worker Wage Parity Compliance Certifications and Statements

Littler ASAP

September 22, 2023

New York Begins Repeal of Healthcare Worker COVID-19 Vaccine Mandate

Littler ASAP

May 31, 2023

New York State Budget Brings Sweeping Changes to the Home Health Care Industry

Littler Insight

May 8, 2023

New York Updates Return-To-Work Protocols for Healthcare Personnel

SHRM Online

December 13, 2022

New York Department of Health Updates Return-To-Work Protocols for Healthcare Personnel and Adopts CDC Recommendations

Littler Insight

December 5, 2022

New York State to Follow CDC Guidance on COVID-19 Quarantines

SHRM Online

September 22, 2022

New York State to Follow CDC Guidance on COVID-19 Quarantines and Isolations

Littler ASAP

September 19, 2022

New York Department of Health Extends Deadline and Issues Additional Guidance for Health Care Worker Bonus Program

Littler Insight

August 31, 2022

New York Department of Health Revises Health Screening Requirements for Home Care Workers

Littler ASAP

August 25, 2022

New York Announces Health Care Worker Bonus Program

SHRM Online

August 23, 2022

New York State Announces Health Care and Mental Hygiene Worker Bonus Program Requiring Employers to Administer Bonuses

Littler Insight

August 17, 2022

New York City Council Seeks to Disrupt the Home Care Industry by Limiting Hours Aides Can Work

Littler ASAP

April 15, 2022

New York State Healthcare Worker COVID-19 Booster Deadline Will Not Be Enforced – For Now

Littler ASAP

February 18, 2022

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

The Changing Union Environment in Home Health Care For Union and Non-Union Agencies

April 11, 2024

Caring for Your Caregivers: A New York HCM Compliance Primer

October 12, 2023

How NY Agencies Stay Medically Compliant

HHaEXchange

March 7, 2023

Do you know if your agency's medical records are compliant?

HHaEXchange and NY Best Medical

March 7, 2023

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