



Derek G. Barella

Of Counsel

Chicago
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Derek concentrates his practice on the resolution of complex labor and employment disputes, as well as the development, implementation, and promotion of positive workplace practices and cultures to avoid disputes.

Derek counsels clients on compliance with the myriad of labor and employment laws and regulations they face at the federal, state, and local levels. He assists with the negotiation, preparation, and administration of employment agreements and compensation programs, and regularly advises clients on the human relations impacts of organizational change. Derek is particularly interested in coaching leaders with respect to employee engagement—adopting an engagement mindset and utilizing the right practices to advance it.

For clients facing disputes, Derek has substantial experience litigating a range of labor, employment, trade secrets/employee mobility, and employee benefits claims on an individual, collective, and class basis. He has particularly deep experience with labor litigation before the NLRB, federal courts (including Section 10(j) injunction actions), state courts, and arbitrators. As concerns trade secrets disputes, Derek has represented clients on both sides of the bar—those suing to enforce contractual covenants and protect business assets, and those defending against such claims. Regarding employee benefits matters, Derek has litigated individual claims and multiple class action lawsuits for alleged vested retiree medical benefits.

Beyond litigation, Derek regularly represents clients in all phases of anticipated and actual labor disputes, including developing collective bargaining strategies, proposals, and contingency plans, participating in labor negotiations,

maintaining operations during work stoppages, and responding to labor union corporate and in-plant campaigns and secondary pressure tactics.

Derek also frequently assists clients facing labor union organizing campaigns and in representation cases before the NLRB. This work includes delivering leadership training, conducting risk assessments, implementing engagement initiatives, and providing representation through all phases of union certification and decertification campaigns and election proceedings.

Derek's practice crosses a wide range of industries, including representing clients in the manufacturing, transportation, logistics, financial services, and energy sectors, as well as cultural institutions and nonprofit organizations. Derek also has developed particular experience working with health care systems and addressing the unique labor and employment relations issues arising in that sector.

Outside of the labor and employment space, Derek enjoys teaching first through eighth grade students in the Chicago Public Schools as part of the Constitutional Rights Foundation of Chicago's Lawyers in the Classroom program.

Recognitions

- Fellow, College of Labor and Employment Lawyers
 - Recognized by *Best Lawyers* for Employment Law–Management (2021-2024)
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Credentials

EDUCATION

Derek received his B.S. in finance, *cum laude*, from Ball State University in 1991. Derek earned his J.D. from Indiana University Maurer School of Law in 1994, where he was an editor of the *Indiana Law Journal*.

ADMISSIONS

- Illinois

Related Insights & News

Derek regularly speaks and writes about a variety of labor and employment topics. He has taught labor and employment law as an adjunct professor at Benedictine University and served as a guest lecturer on employment issues at Northwestern University School of Law. A representative sampling of his recent publications and presentations includes:

- *The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act*, Contributing Editor (2004-2024)
- "NLRB Update," Annual Employment Law Conference, National Employment Law Institute, Speaker (2019, 2022-2023)
- "Cultural Institutions and Labor Dynamics," Legal Issues in Museum Administration, Washington, DC, Speaker (2022)

- *How Low Can You Go? Labor Board's Final Joint Employer Rule Sets Exceedingly Low Bar for Assessing Joint Employer Liability*, Author (Nov. 2023)
- *One Strike, You're Out: NLRB Overturns Decades of Precedent, Institutes Mandatory Bargaining for Employers that Commit ULPs in Union Election Process*, Author (Aug. 2023)
- *Double Secret Probation! NLRB Propounds Expansive List of Potential Remedies*, Author (Apr. 2023)

CLIENT ALERT

SCOTUS "Lowers the Bar" for Title VII Job Transfer Claims

APRIL 25, 2024

CLIENT ALERT

California Protects Communications Linked to Sexual Harassment Complaints

AUGUST 24, 2018

CLIENT ALERT

Massachusetts Passes Legislation Regarding Employee Noncompetition Agreements

AUGUST 20, 2018

CLIENT ALERT

Legislative Trends Update: Pay Equity & Inquiries

JULY 5, 2018

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2018

MAY 30, 2018

CLIENT ALERT

An "Epic" Win for Employers on Arbitration Agreements

MAY 22, 2018

CLIENT ALERT

New York City Enacts New Employee Protections Against Sexual Harassment

MAY 18, 2018

CLIENT ALERT

Paid Sick Leave: New Jersey Continues the Trend

MAY 7, 2018

CLIENT ALERT

California Supreme Court Announces Rigid Test for Independent Contractor Classification

MAY 3, 2018

CLIENT ALERT

New Jersey Enacts Most Rigorous Pay Equity Legislation Yet

APRIL 26, 2018

CLIENT ALERT

Illinois Federal Court Dismisses Non-Compete Claim Based on Facially Overbroad Activity Restraint

APRIL 23, 2018

CLIENT ALERT

New York's Budget Includes Employee Protections Against Sexual Harassment

APRIL 17, 2018

Capabilities

Labor & Employment

Litigation/Trials

ERISA Litigation

Trade Secrets, Non Competes & Restrictive Covenants

Appellate & Critical Motions

Class Actions & Group Litigation

Executive Compensation Plans & Agreements

Financial Services Litigation

Health Care

Medical Devices

Technology, Media & Telecommunications

Energy

Food & Beverage

Media & Entertainment

Professional Services

Retail & Luxury

Automotive & Mobility