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Services

Employment and Labor

- Employment Litigation
- Governmental and Public Entities
- Human Resources Counseling and Training
- Labor Relations

Industries

K-12 Education

Education

New York University School of Law,
J.D., 1982

Harvard University, B.A., 1979

Bar Admissions

Illinois

Court Admissions

U.S. Courts of Appeals

- Second Circuit
- Fifth Circuit
- Sixth Circuit
- Seventh Circuit
- Ninth Circuit

U.S. District Courts

- Northern District of Illinois (including trial bar)
- Central District of Illinois
- Southern District of Illinois
- Northern District of California

Supreme Court of Illinois



Robert T. Zielinski

Principal

Bob Zielinski has been representing employers in virtually all aspects of their relationships to employees and various government agencies since 1982. His representations include union organizing, negotiations and arbitrations; litigation of individual or class employment claims over discrimination, wages, benefits and so forth; compliance programs; and proactive advice on managing situations to avoid litigation. Given the length and breadth of his experience, Bob takes a holistic approach to helping clients resolve issues in the context of general compliance and the client's business strategy. Bob has been recognized by *Best Lawyers in America* for Employment Litigation and Labor Law (Management Side) every year since 2012, and has been recognized as an Illinois Super Lawyer since 2005.

Representative Matters

Robert and his team helped a client negotiate a complex thicket of labor law, contract and publicity issues involving its acquisition of portions of a unionized facility in a smaller city. The strategy they implemented enabled the client to successfully complete the acquisition and begin operating its business. By contrast, most of the other parties to the transaction wound up in protracted and expensive litigation, in which the union's position ultimately prevailed.

Free Speech

Defeated a preliminary injunction request by a state university employee and student newspaper editor claiming that they were retaliated against in violation of the First Amendment for running articles that were unflattering to the university administration.

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First Amendment Case

In this First Amendment student press case, the plaintiff, a former journalistic advisor, was terminated by the paper's board of directors.

Hospital Labor and Employment Litigation

Obtained summary judgment on disability and retaliation case, as well as a favorable award in earlier arbitration with plaintiff's union.

Building Maintenance and Facility Services Provider Labor and Employment Litigation

Obtained summary judgment on plaintiff's claim of race discrimination in termination, despite plaintiff's testimony that his supervisor had allegedly suggested he was lucky to have been hired at all given "the small number of blacks working for the company."

Security Company Labor and Employment Arbitration

Obtained an arbitration award upholding client's refusal to hire three long-service employees when it took over a subcontract for security services.

Hospital Labor and Employment Litigation

Secured summary judgment for defendant hospital in a complex case under the Pregnancy Discrimination Act Amendments to Title VII, FMLA and common law.

Manufacturing Company Labor and Employment Litigation

Represented a global manufacturer, distributor, and marketer of food and beverages. Obtained one of only two appellate level decisions in New York history overturning an adverse order of the State Human Rights Division on the grounds of administrative delay.

National Bank Labor and Employment Litigation

Obtained summary judgment in a race discrimination and retaliation claim on behalf of one of the largest banks in the Midwest.

Reported and Published Decisions

Bush v ABM Lakeside, Inc. (N.D. IL 2007)

In Re SEIU local 1 (unreported (2007)

Manning v University of Chicago Hosp., 401 F. Supp. 2nd 858 (N.D. IL 2005)

Waugaman v The University of Chicago Hospitals, 00 C 2851 (N.D. IL 4/2002)

Bethea v LaSalle National Bank, 01 C 7441 (N.D. IL 10/03)

Pepsico, Inc. v Rosa, 213 A.D.2d 550, 624 N.Y.S.2d 622 (N.Y.App.Div. 1995), app. denied

Robert T. Zielinski

Teaching

Instructor, Employment Law, Loyola University of Chicago

Honors

Best Lawyers in America, Labor Law - Management, 2012–present; Labor and Employment Litigation, 2012–present

Illinois Super Lawyers, Employment and Labor, 2010–present

Leading Lawyers, Employment Law: Management, Labor Law: Management, 2004–present

Professional Activities

American Bar Association, Labor Section, Individual Employee Rights Subcommittee

Leading Lawyers of Illinois

Speeches

"Everything Old is New Again, Again - What the Change in Administration Likely Means for Labor Law," Miller Canfield 2025 HR Spring Training

"Correcting Overtime and Worker Misclassification Issues Before They Result in Litigation," Miller Canfield 2024 HR Spring Training

"Maintaining Ethical Standards while Helping Your Client Through Polarized Times: Duties to Your Institution, Its Constituents, the Public and the Profession," National Association of College and University Attorneys (NACUA) Annual Conference, June 2023

"Maintaining Ethical Standards while Helping Your Client Through Polarized Times: Duties to your Institution, Its Constituents, the Public and the Profession," NACUA Spring 2023 CLE Workshop, March 2023

"Why Every Employer – Union and Non-Union Alike – Needs to Pay Attention to Recent Developments at the NLRB," Miller Canfield 2022 HR Fall Training Camp

"NLRB General Counsel Opines That College Athletes Are Employees: Ramifications in Athletics and Beyond," Panelist, Employment Law Alliance webinar, Oct. 26, 2021

"Why Every Employer - Union and Non-Union Alike - Needs to Pay Attention to Recent Developments at the NLRB," Miller Canfield 2021 Employment Law Webinar, September 23, 2021

"Tuition Refund Lawsuits: Worse than the Pandemic?", Panelist, Employment Law Alliance webinar, April 14, 2021

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"Why Every Employer - Union and Non-Union Alike - Needs to Pay Attention to Recent Developments at the NLRB,"
Miller Canfield 2020 HR Spring Training: Employment Law Webinar

"Marijuana and the Work Place - Hammering Out the Details," Miller Canfield, August 27, 2019

"Joint Employment in Today's Workplace," Miller Canfield 2019 HR Spring Training: Employment Law Seminar

"Managing Whistleblowers, Charge Filers, and Other Do-Gooders," Miller Canfield 2018 HR Spring Training:
Employment Law Seminar

"Biometric Information Privacy Act," co-presenter with Jeffrey Drake, Miller Canfield, Oct. 11, 2017

"FMLA/ADA," Miller Canfield 2017 HR Spring Training: Employment Law Seminar

"The New Mandatory Paid Sick Leave Laws," co-presenter with Noel Goudreau, Miller Canfield, April 4, 2017

"Yours, Mine & Ours: Joint Employment in the New Age," NACUA CLE workshop, March 2016

"Pregnancy Discrimination Statute Panel," Miller Canfield 2015 HR Spring Training: Employment Law Seminar

"Sexual Misconduct on Campus," Michigan Independent Colleges and Universities (MICU) Higher Education Sessions,
March 10th and 18th, 2015

"Weed and Weapons in the Workplace: What Employers Need to Know Now!," Miller Canfield, September 18, 2014

"Interviewing Client Employees: Pitfalls to be Avoided," Association of Certified Fraud Examiners Greater Chicago
Chapter, March 14, 2014

Annual speaker: Illinois Institute of Continuing Legal Education (IICLE), Labor and Employment Law Symposium, 1999–
present

"Use of Experts in Employment Litigation," 2007

"Alphabet Soup-FMLA, ADA and FLSA for Beginners," 2007

"FMLA and ADA Developments," 2006

"Taking Effective Depositions of Plaintiffs in Employment Cases," 2006

"Americans with Disabilities Act: How to Comply," ADP Seminar

"Family Medical Leave Act: What Every Employer Should Know," ADP Seminar

"What You Don't Know Can Hurt You," Association of Ambulatory Surgery Centers of America

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Publications

"College Athletes as Employees," *The Journal of College and University Law*, Volume 41, Number 1 (2015)

Executive Producer and Co-Screen Writer, "Management Under a Microscope, A Video Handbook for Managers"

Co-author and Producer, "How to Avoid Employment Lawsuits: A Video Handbook for Managers and Attorneys"

Articles

White House NLRB Nominations Signal Continuity in Board Direction and Enforcement Priorities

The NLRB Resets Its Enforcement Priorities: What Every Employer Needs to Know Now

Free Speech or Misgendering? Sixth Circuit Strikes Down School Pronoun Policy

SCOTUS Rules Mandatory LGBTQ+ Curriculum Without Opt-Out Burdens Religious Freedom

House v. NCAA Settlement: More questions raised than answered

One-Two Punch Delivered to Department of Education on DEI

NLRB Shuts Down Mandatory Meetings on Union Views—But for How Long?

NLRB Issues New Rules on Union Representation

Hard Bargaining or Unlawful Bargaining: What A Difference A Board Member Makes

Department of Labor Announces Final Overtime Rule

U.S. Department of Education: Highly Anticipated Title IX Regulations Published, Compliance Required by August 1, 2024

Federal Court in Texas Strikes Down NLRB Joint Employer Rule and Reinstates Prior Trump Era Rule

College Basketball Players Entitled to Union Election: Regional Director Dunks on Dartmouth

Howdy Stranger, You're My Employee? NLRB Issues Final Rule on Joint-Employer Status

Unions Gain an Organizing Edge: NLRB Lowers Bar for Challenging Work Rules

Getting Sued in All the Wrong Places: Supreme Court Opens Door to Suits in Unrelated States

U.S. Supreme Court: Strike Does Not Protect Union from Lawsuit for Damage to Company Property

NLRB: Confidentiality and Non-Disparagement Provisions are Unlawful

The \$17 Billion Slider? Illinois Supreme Court Decides White Castle BIPA Case

Federal Trade Commission Proposes to Invalidate Non-Compete Agreements

Michigan Court of Appeals Strikes Down Local Ordinance Mandating Contractors Pay Prevailing Wage Rates

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NLRB Issues Twin Rulings Expanding the Scope of 'Make-Whole' Remedies and Easing Union Organizing Burdens

NLRB's Proposed New Joint Employer Rule: What to do now to manage the risk

U.S. Supreme Court Sides with Public High School Coach in Free Speech/Freedom of Religion Case

Government Flagpole, Government Speech? Supreme Court Decides Boston Lawsuit

Supreme Court Holds Emotional Distress Damages Are Not Recoverable for Claims Arising Under Some Antidiscrimination Statutes

NLRB General Counsel Memo States Intent to Make Captive Audience Speeches Unlawful

Ohio Court of Appeals Affirms \$30 Million Libel Verdict Against Oberlin College

Public Sector Application of CMS' COVID-19 Health Care Vaccination Rule

NLRB General Counsel Issues Guidance on Bargaining Obligations under OSHA ETS

Illinois Limits Religious Objections to COVID Prevention Measures

NLRB General Counsel Announces Intent to Treat Some College Athletes as Employees

Illinois Appellate Court Affirms Transgender Access to Restroom Facilities, Largest Ever Emotional Distress Award Made By Human Rights Commission

Supreme Court Holds Union Organizer Entry on Private Property Violates 5th Amendment

Supreme Court Holds Public School Regulation of Off-Campus Student Speech Violates 1st Amendment

Major Changes in Background Checks, Equal Pay Reporting for Illinois Employers

COVID-19: DOL Issued Regulations in Implementing the Families First Coronavirus Response Act

COVID-19: DOE Guidelines on Student Privacy

Dept. of Labor's Updated FAQs for Family First Coronavirus Response Act (Part II)

Dept. of Labor's Updated FAQs for Family First Coronavirus Response Act

COVID-19: Dept. of Labor Issued Guidance On Extended FMLA and Mandatory Sick Pay

NLRB Provides Final Rule Clarifying Joint-Employer Status

NLRB Extends Its Gift-Giving Season to Employers

Michigan Introduces Legislation to Permit Likeness/Image Compensation for Student Athletes

NLRB Proposes New Rules to Modify Union Election Policies

More Workers Likely To Be Considered Independent Contractors and Not Employees, Under NLRB's New Ruling

Department of Education Proposes New Rules to Govern Title IX Compliance

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NLRB Proposes Rule To Relax Joint Employer Standard

NLRB Escalates Use of Alternative Dispute Resolution Program

United States Supreme Court Rules Public Sector Unions Cannot Collect Agency Fees from Non-Members

NLRB Vacates Hy-Brand Joint Employer Decision

Trump Board Kills Micro-Units, Weakens Unilateral Change Claims, Questions Quickie Election Rules

NLRB Relaxes Standard for Review of Employer Work Rules and Joint Employer Status

A New Direction for the National Labor Relations Board

Department of Education Rescinds Obama-Era Guidance on Sexual Harassment & Provides Interim Rules

NLRB Regional Director Orders Union Election in a Unit of Undergraduate Employees

7th Circuit Becomes First Appellate Court To Extend Title VII Protection To Sexual Orientation

Student Athletes Are Not Employees, Seventh Circuit Rules

NLRB Allows Private University Students to Unionize

Board Continues Expansion of Joint Employer Doctrine, Allows Unions to Organize Mixed Units of Regular Employees and Staffing Agency Temps

Employer May Terminate Pre-Hire Agreement with Union, Sixth Circuit Rules

Supreme Court Rules That Unaccepted Offer of Judgment Does Not Moot Class Action & NLRB Doubles Down on Horton and Expands Its Reach

Notice of Future Termination Does Not Constitute Immediate Employment Loss Under the WARN ACT

Divided Ninth Circuit Splits the O'Bannon Baby

NLRB Again Upends Long-Standing Precedent in Creating Broad New Joint-Employer Standard

NLRB Punts on College Athlete Unions

NLRB Decision Highlights Problems For Colleges Responding To Organizing Efforts

Colorado High Court Finds Smoking Medical Marijuana a Drag on Employment

SCOTUS Pregnancy Discrimination Ruling Could Have Wide Impact On Discrimination Cases

College Athletes as Employees

Michigan Passes Student-Athlete Union Ban

NLRB Clarifies Independent Contractor Standard

NLRB Ups the Stakes for Successor Employers

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New Pregnancy Accommodation and Payroll Card Laws Coming To Illinois

Illinois to Limit How Employers Can Use Criminal Checks in Hiring

Agency Fees Can't Be Required for Illinois Rehab Personal Assistants, SCOTUS Rules