

Tony G. Puckett

Shareholder

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Overview

Tony Puckett represents management in all aspects of labor and employment law. His practice involves counseling employers in employment issues and representing employers in discrimination cases, wrongful discharge cases, wage and hour actions, charges investigated by the Equal Employment Opportunity Commission, Occupational Safety and Health Administration investigations, National Labor Relations Board proceedings, union negotiations and arbitrations. In addition to representing private employers, Tony also represents municipalities in all areas of labor relations, including collective bargaining negotiations, grievance and interest arbitrations, unfair labor practice proceedings, and civil rights employment actions.

Tony's achievements have earned him inclusion in *Chambers USA Guide to America's Leading Lawyers for Business*, *Benchmark Litigation*, *The Best Lawyers in America* (employment law – management; labor law – management; labor and employment litigation) and *Oklahoma Super Lawyers*. He was named by *Best Lawyers* as “Oklahoma City Labor Lawyer of the year (Management)” in 2014 and 2016.

Tony is a frequent speaker at seminars and institutes on employment law issues in the public and private sectors. He has also presented sessions at the Annual Labor Management Conference, sponsored by the National Academy of Arbitrators Southwest Region, and the International Personnel Management Association.

He is also the author of numerous articles, including “Supreme Court Broadens Liability for Sexual Harassment”, *Oklahoma Bar Journal* (8/98); “Supreme Court Decides Same-Sex Sexual Harassment Issue,” *Oklahoma Bar Journal* (4/25/98); and “Reviewing the State’s Drug and Alcohol Testing Act,” *Oklahoma Cities and Towns* (2/28/99). He also co-authored *Age of Discrimination in the Workplace: A Primer for Human Resource Professionals*, published by the Society of Human Resource Management Foundation, and was a contributing author to the

Admissions

Oklahoma, 1988

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

U.S. Courts of Appeals for the Eighth and Tenth Circuits

U.S. Supreme Court

Education

J.D., with distinction, University of Oklahoma, 1988

B.A., Colorado College, 1983

Professional Organizations and Memberships

Oklahoma County Bar Association

Oklahoma Bar Association (Former Chair, Labor & Employment Law Section)

American Bar Association (Labor & Employment Section; State & Local Government Bargaining Committee)

Federal Bar Association

Oklahoma Association of Municipal Attorneys

Society for Human Resource Management

Ruth Bader Ginsburg Inn of Court (Barrister, 1998 – 2000)

sixth edition of *How Arbitration Works*, published by BNA.
Tony served as the leader of the firm's Labor & Employment Group from 2005 - 2007.

Representative Experience

Employment matters:

- Obtained summary judgment in favor of a manufacturing employer in a case in which the 11 employee plaintiffs sought overtime pay under the Fair Labor Standards Act for having to wear pagers while on call.
- Negotiated a favorable settlement for a hotel operator accused of denying leave and retaliation under the Family Medical Leave Act. The employer claimed it did not meet the provisions of the FMLA which mandate coverage and liability, and the settlement was negotiated without the Department of Labor reaching any formal finding of coverage or liability.
- Advised a large construction agency on contesting a citation issued by the Occupational Health & Safety Administration (OSHA), which sought to enforce a new interpretation of an existing construction standard.
- Successfully represented a municipality in two civil service appeals of discharges of long-term employees. Both appeals were upheld by the civil service board.
- Obtained a jury verdict in favor of national restaurant chain in a race discrimination case.
- Obtained a jury verdict in favor of electrical contractor in a sexual harassment case.
- Obtained summary judgment in favor of home builder in a case involving race and age discrimination and Equal Pay Act claims.
- Obtained a jury verdict in favor of a national bakery in a Fair Labor Standards Act case concerning the exemption of an outside salesperson.
- Obtained a favorable arbitration decision for a national retailer in an employment arbitration age discrimination claim.
- Obtained a jury verdict in favor of a hospital on age discrimination claims arising from a reduction in force.
- Successfully defended before the Oklahoma Employment Security Commission's (OESC) Appeal Tribunal an Oklahoma employer against a claim for unemployment benefits by a former employee who was discharged for failing a random drug test which complied with the Standards for Workplace Drug and Alcohol Testing Act.

Civic Involvement and Leadership

Oklahoma City Public Schools (Volunteer Tutor)

McAfee & Taft Foundation (Former Trustee)

Labor matters:

- Represented employers in more than 130 labor arbitrations on a variety of issues, including discharge, discipline, contract interpretation and new contract terms.
- Advised multiple cities on the statutory requirements for calling and holding special municipal elections regarding collective bargaining agreements.
- Handled dozens of labor negotiations for employers as chief spokesperson.
- Successfully defended a national staffing company against an unfair labor practice charge in which an ex-employee alleged he was terminated for engaging in protected activities involving the use of social media. The National Labor Relations Board dismissed the charge upon finding the company had a legitimate business purpose for its policies, the employee clearly violated its Internet usage policy, and that the company had a history of consistently applying its policies to all employees.
- Successfully prosecuted a declaratory judgment action for a city which challenged a discharge grievance filed by a union on behalf of a probationary employee.
- Vacated labor arbitration decision on management rights authority of the employer, a large manufacturer. The arbitration decision denied the employer's authority to issue a revised work rule. Represented the employer at the district court level in obtaining summary judgment vacating the arbitrator's decision and at the Tenth Circuit Court of Appeals which upheld the summary judgment issued by the district court.
- Advised a beverage distributor on union avoidance strategies to defeat a union petition to represent drivers. The employer won the union election.
- Successfully argued to a federal district court and the Tenth Circuit Court of Appeals to vacate a labor arbitrator's decision reinstating an employee terminated by a food industry client for refusing to answer a page while on-call. The court agreed that the arbitrator's decision exceeded his authority and rewrote the collective bargaining agreement.

Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business*
- Named a "Labor & Employment Star – South" by *Benchmark Litigation*
- Selected by peers for inclusion in *The Best Lawyers in America* (employment law – management; labor law – management; labor and employment litigation)
- Named "Oklahoma City Labor Lawyer of the Year (Management)" in 2014 and 2016 by *The Best Lawyers in America*
- Listed in *Oklahoma Super Lawyers*
- Rated AV Preeminent by Martindale-Hubbell Peer Review Ratings