



Benjamin L. Shechtman

Member

Philadelphia

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Ben focuses his practice on counseling and representing employers in claims brought under every major employment statute, including Title VII, the ADEA, FMLA, ADA, FLSA, NLRA, and their state and local counterparts. He also counsels employers regarding compliance with these statutes and regulations, including but not limited to pre-litigation issues involving employee discipline, leaves of absence, and bonus payments.

Ben's experience includes litigation in state and federal courts in Pennsylvania, New Jersey, and nationwide. He also regularly guides employers through administrative charges filed with the U.S. Equal Employment Opportunity Commission (EEOC) and state agencies nationally, including fact-findings and drafting position statements in response to allegations of unlawful discrimination and retaliation. In addition, Ben has assisted in labor arbitration hearings and represented public utilities before the Pennsylvania Public Utility Commission in consumer complaint cases.

Ben was named a Pennsylvania Super Lawyers "Rising Star" for Employment Litigation Defense in 2015, 2016, and 2017.

Ben earned his undergraduate degree from Haverford College, and his law degree from Temple University James E. Beasley School of Law where he was an associate editor of the *Temple International and Comparative Law Journal*, as well as a member of the Jessup Moot Court Honor Society, the Jewish Law Students Association, Brehon Society, and *Prima Facie* newspaper and was a class senator from 2010-2011. He also served as a judicial intern with the Honorable Berle M. Schiller (EDPA).

Experience

Successfully moved to dismiss an employment discrimination and whistleblower lawsuit brought under New Jersey law against a Pennsylvania-based university health system by a plaintiff who worked from home in New Jersey. In granting the motion, the court held the plaintiff could not state a claim under New Jersey law because she failed to show that the defendant did business in or targeted New Jersey in any purposeful way beyond authorizing her to work from home.

Won summary judgment on behalf of a hospital and an individual defendant on all claims asserted by a plaintiff under the Family Medical Leave Act (FMLA), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981 and the Pennsylvania Human Relations Act (PHRA). The plaintiff was an emergency department registrar who claimed that she experienced a hostile work environment on the basis of her race, retaliation for having complained about the alleged hostile work environment, and both interference with her FMLA rights and retaliation for having requested and utilized FMLA leave. The plaintiff's allegations spanned a number of years, including, in large part, the time period that pre-dated the client's operation of the hospital. In discovery, the plaintiff admitted that only a tiny fraction of the events in question occurred after the effective date of the transition, and the Court agreed that the plaintiff had failed to establish the successor liability of the client for the acts that pre-dated the transition. Additionally, the Court held that the plaintiff could not establish the required elements of her legal claims, and so, even with successor liability, there was no genuine issue of material fact for trial.

Practice Areas

- Employment Litigation
- Labor & Employment
- Labor Relations & Disputes

Industry Sectors

- Cannabis

Education

- Temple University—James E. Beasley School of Law, J.D., 2011
- Haverford College, B.A., 2008

Bar Admissions

- Pennsylvania
- New Jersey

Court Admissions

- Supreme Court of New Jersey
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Middle District of Pennsylvania
- Supreme Court of Pennsylvania
- U.S. Court of Appeals for the Third Circuit

Affiliations

Jewish Relief Agency

Jewish Federation of Greater Philadelphia

Haverford College Lawyers Network

Temple Law Alumni Association

Haverford College Young Alumni Advisory Group

Awards & Honors

- Selected to Pennsylvania Super Lawyers "Rising Star," 2015-2020 lists. This award is conferred by Super Lawyers. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

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Won summary judgment on behalf of a county on claims asserted under the Family Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and the Pennsylvania Human Relations Act (PHRA). The plaintiff was a former groundskeeper whose employment was terminated after he repeatedly violated the county's FMLA policy. Before securing summary judgment, we successfully moved to dismiss the plaintiff's claims for failure to accommodate under the ADA and PHRA. With summary judgment granted on all remaining counts, the case was dismissed with prejudice.

Won summary judgment on behalf of a hospital on claims asserted under the Americans with Disabilities Act, Family and Medical Leave Act, and Pennsylvania Human Relations Act. The plaintiff was a nurse who claimed that the hospital had discriminated against her when it terminated her employment for a series of performance deficiencies, and the federal district court granted the motion for summary judgment in its entirety and dismissed all claims with prejudice.

Secured the dismissal of a federal court complaint alleging religious discrimination in connection with a hospital's discharge of an employee who refused to comply with the hospital's flu vaccination policy on purported religious grounds. The court agreed that a lengthy written document submitted by the plaintiff failed to set forth sincerely held religious beliefs that precluded compliance with the hospital's vaccination policy, and dismissed the claims with prejudice. The district court's decision was affirmed by the Third Circuit.