

# Snell & Wilmer

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## Gerard Morales

Of Counsel | Phoenix

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### Main Bio

Jerry Morales' practice is concentrated on labor, employment, and construction law. Representation in employment-related matters includes wrongful termination, employment discrimination, arbitration and other alternative dispute resolution proceedings. He has extensive experience in NLRB unfair labor practice trials, labor union elections, collective bargaining, labor law issues affecting the construction industry, the Hispanic labor force and cross border employment, wage and hour compliance, corporate policy development, union and non-union operations owned by the same company (double-breasting), and administrative proceedings before state and federal regulatory agencies, including the Equal Employment Opportunity Commission, U.S. Department of Labor and National Labor Relations Board.

Jerry's employee benefits law practice is focused on collectively bargained employee benefit funds. He has obtained reversal of NLRB decisions, by courts of appeal in a number of cases. Jerry is a Certified Ambassador for the Greater Phoenix Economic Council (GPEC). Clients admire Jerry's depth of knowledge, while peers are impressed at his handling of complex labor issues: "He is one of the few really experienced, what I could call 'true,' labor lawyers."

Snell & Wilmer is the Arizona member of Lex Mundi, the world's leading association of independent law firms. Lex Mundi member firms are present in more than 160 countries, states and provinces. Our firm's membership in Lex Mundi provides us with global reach and access to legal resources that enhance our ability to serve our clients' needs around the world.

### Education

- Tulane University (M.B.A. and J.D.)
- Stetson University (B.A., Political Science)

### Languages

- Spanish

### Professional Memberships & Activities

- Greater Phoenix Economic Council, Certified Ambassador (Emeritus)
- Associated General Contractors, Labor and Employment Law Council, Past Chairman
- Lex Mundi, Labor and Employment Law Committee, Past Chair
- American Bar Association, Labor and Employment Law Sections, Practice and Procedure Committee

- United States-Mexico Bar Association, Labor and Employment Committee, Past U.S. Chair

## Representative Presentations & Publications

- "[Cemented in History: The Supreme Court's Glacier Decision Holds That Employers Can Sue for Strike Damages](#)," Co-Author, Snell & Wilmer Legal Alert (June 8, 2023)
- "[U.S. Supreme Court to Rule on NLRA Preemption of Tort-Based Suits](#)," Author, Snell & Wilmer Legal Alert (January 20, 2023)
- "[NLRB Awards Bargaining Expenses to Union](#)," Author, Snell & Wilmer Legal Alert (August 15, 2022)
- "['Any Person' May File Unfair Labor Practice Charges With The NLRB](#)," Author, Snell & Wilmer Legal Alert (May 24, 2022)
- "Assessing Diversity, Equity, and Inclusion Efforts Through a Labor Lens," Presenter, SHRM of Greater Phoenix Labor Law Conference (April 8, 2022)
- "[Fighting Abuse in the Workplace – NLRB Examines Employee Abusive Conduct Under NLRA Law](#)," Author, JD Supra (April 8, 2022)
- "[Fighting Abuse in the Workplace – NLRB Examines Employee Abusive Conduct Under NLRA Law](#)," Author, Snell & Wilmer Legal Alert (April 7, 2022)
- "[Are Your Academic Institution's Athletes 'Employees' Under NLRA? The NLRB General Counsel Thinks So](#)," Co-Author, Snell & Wilmer Legal Alert (November 9, 2021)
- "[Employers May Face Higher Damages in NLRB Cases](#)," Author, Snell & Wilmer Under Construction Newsletter (October 2021)
- "[Employers May Face Higher Damages in NLRB Cases](#)," Author, Snell & Wilmer Legal Alert (September 13, 2021)
- "Labor Law and How it Impacts Non-Union Employers," Presenter, SHRM of Greater Phoenix Labor Conference (July 28, 2021)
- "[Scabby Is Protected](#)," Author, Snell & Wilmer Legal Alert (July 27, 2021)
- "[Union Elections by Mail — Mail-Ballot Solicitation](#)," Author, Snell & Wilmer Under Construction Newsletter (July 2021)
- "[A Recent Supreme Court Decision Impacts Union Organizing for Agricultural Workers in California](#)," Co-Author, Snell & Wilmer Legal Alert (July 9, 2021)
- "[Union Elections by Mail — Mail-Ballot Solicitation](#)," Author, Snell & Wilmer Legal Alert (June 16, 2021)
- "[Protected Activity or Disloyalty](#)," Author, JD Supra (May 29, 2021)
- "[Protected Activity or Disloyalty](#)," Author, Snell & Wilmer Labor and Employment Law Blog (May 19, 2021)
- "[Affinity Groups and Labor Laws](#)," Co-Author, JD Supra (May 13, 2021)
- "[Affinity Groups and Labor Laws](#)," Co-Author, Snell & Wilmer Legal Alert (May 12, 2021)
- "[Inherently Concerted Activities](#)," Author, Snell & Wilmer Legal Alert (April 6, 2021)
- "[The PRO Act's Potential Effect on Employers](#)," Co-Author, JD Supra (March 16, 2021)
- "[The PRO Act's Potential Effect on Employers](#)," Co-Author, Snell & Wilmer Legal Alert (March 15, 2021)

- "[Employer Rules Prohibiting Illegal Strikes, Slowdowns and Walkouts](#)," Author, Snell & Wilmer Legal Alert (August 4, 2020)
- "[Employees' Duty of Loyalty](#)," Author, Snell & Wilmer Legal Alert (July 30, 2020)
- "[Employees' Refusal to Work Over Coronavirus Concerns](#)," Co-Author, Snell & Wilmer Legal Alert (May 14, 2020)
- "[Criticizing the Employer's Workplace Diversity and Inclusion Policies](#)," Author, Snell & Wilmer Labor and Employment Law Blog (February 24, 2020)
- "[Deferral By The NLRB To Grievance/Arbitration Procedures](#)," Author, Snell & Wilmer Labor and Employment Law Blog (December 30, 2019)
- "[Employers May Require Confidentiality During Ongoing Disciplinary Investigations and Prohibit Use of Company Equipment for Nonbusiness Purposes](#)," Author, Snell & Wilmer Legal Alert (December 17, 2019)
- "[Employers May Discontinue Checkoff of Union Dues at Expiration of Union Contract](#)," Author, Snell & Wilmer Legal Alert (December 16, 2019)
- "[Employees' Use of Social Media to Complain About Working Conditions](#)," Author, Snell & Wilmer Labor and Employment Law Blog (December 4, 2019)
- "[The Labor Board Gives Unionized Employers More Flexibility Managing Their Workforce](#)," Author, Snell & Wilmer Under Construction Newsletter (October 2019)
- "[The Trend to Adopt Mandatory Employment Arbitration Programs](#)," Author, Snell & Wilmer Labor and Employment Blog (September 19, 2019)
- "[The Labor Board Gives Unionized Employers More Flexibility Managing Their Workforce](#)," Author, Snell & Wilmer Labor and Employment Blog (September 19, 2019)
- "[Employers May Prohibit Employees From Opting In To Class Actions](#)," Author, Snell & Wilmer Labor and Employment Law Blog (August 15, 2019)
- "[Intermittent Strikes Are Not Protected](#)," Author, Snell & Wilmer Labor and Employment Law Blog (August 1, 2019)
- "[Concerted Activity or Mere Gripping?](#)," Author, Snell & Wilmer Labor and Employment Law Blog (July 11, 2019)
- "[Employers May Prohibit Non-Employees From Organizing On The Employers' Property](#)," Author, Snell & Wilmer Labor and Employment Law Blog (June 2019)
- "[Picketing Threats](#)," Author, Snell & Wilmer Under Construction (April 2019)
- "[Employment Handbooks and Confidentiality](#)," Author, Snell & Wilmer Labor and Employment Law Blog (March 27, 2019)
- "[Union Dues Checkoff: Update from NLRB](#)," Author, Snell & Wilmer Labor and Employment Law Blog (March 14, 2019)
- "[Union Agency Fees & Lobbying](#)," Author, Snell & Wilmer Labor and Employment Law Blog (March 5, 2019)
- "[Picketing Threats](#)," Author, Snell & Wilmer Labor and Employment Law Blog (January 10, 2019)
- "[Concerted/Protected Activities: Single Employee Complaints](#)," Author, Snell & Wilmer Labor and Employment Law Blog (October 26, 2018)
- "[Extraction of Agency Fees from Non-Consenting Public Employees is Unconstitutional](#)," Author, Snell & Wilmer Labor and Employment Law Blog (June 27, 2018)

- "[Unilaterally Imposed Restrictions on Employees Right to Revoke Union Dues Deduction Authorizations \(Checkoff\) are Unlawful](#)," Author, Snell & Wilmer Labor and Employment Law Blog (May 11, 2018)
- "[Indian Tribes Continue to Challenge the NLRB's Jurisdiction Over Casinos Located on Indian Lands](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (May 8, 2018)
- "[Employees Use of Their Employers' Email Resources for Union Activities](#)," Author, Snell & Wilmer Labor and Employment Law Blog (March 26, 2018)
- "[Confidentiality Provisions in Employment Agreements](#)," Author, Snell & Wilmer Corporate Communicator (Winter 2017)
- "[NLRB: New Law of Unilateral Changes](#)," Author, Snell & Wilmer Labor and Employment Law Blog (December 19, 2017)
- "[Labor Law Meets the NFL Anthem Protests](#)," Co-Author, Snell & Wilmer Labor and Employment Law Blog (October 31, 2017)
- "[NLRB Deferral Rules to Arbitration](#)," Author, Snell & Wilmer Labor and Employment Law Blog (October 31, 2017)
- "[Forecasted Changes with a Republican NLRB](#)," Author, Snell & Wilmer Labor and Employment Law Blog (September 28, 2017)
- "[Do you have to provide your financial statements to the union?](#)" Author, Snell & Wilmer Under Construction (December 2016)
- "How to Take a Case before the NLRB," Chapter Editor, ABA Section of Labor and Employment Law (2016)
- "[2016: What's on the Horizon for Salary Thresholds Under the FLSA, Employee Handbooks and the NLRB](#)," Co-Author, Snell & Wilmer Workplace Word (March 10, 2016)
- "[Open Door Policies](#)," Author, Snell & Wilmer Legal Alert (February 11, 2016)
- "[NLRB Expected to Issue Decision on 'Joint Employers'](#)," Author, Snell & Wilmer Labor and Employment Law Blog (August 6, 2015)
- "[Employers' Initial Obligations Upon the Filing of Election Petitions Under the New NLRB Rules](#)," Co-Author, Snell & Wilmer Legal Alert (April 13, 2015)
- "[NLRB Jurisdictional Ruling Clears Path for Unionization of Religious Schools](#)," Co-Author, Snell & Wilmer Legal Alert (March 18, 2015)
- "[Employees Must Be Permitted to Use Their Employer Email Systems for Nonwork Purposes — Right to Wear Union Insignia Is Expanded](#)," Author, Snell & Wilmer Legal Alert (December 11, 2014)
- "[Joint Employers in the Building and Construction Industry](#)," Author, Snell & Wilmer Under Construction (December 2014)
- "[Supreme Court Decision Impacts Presidential Appointments](#)," Author, Snell & Wilmer Legal Alert (June 27, 2014)
- "Commercial developers and unions' 'political pull,'" Author, Lexology (May 12, 2014)
- "[Right to Work and 'Fair Share'](#)," Co-Author, Snell & Wilmer Legal Alert (April 30, 2014)
- "[Internal Investigations of Misconduct and Witnesses' Statements](#)," Author, Snell & Wilmer Legal Alert (March 28, 2014); Lexology (March 28, 2014)
- "Undocumented Workers and The National Labor Relations Act," Author, Snell & Wilmer Global Connection (March 2014); JDSupra Business Advisor (March 25, 2014)

- "[Staffing Agencies and the National Labor Relations Act](#)," Author, Snell & Wilmer Legal Alert (March 12, 2014); Lexology (March 12, 2014)
- "[Policies on Personal Use of Company-Issued Electronic Communication Devices](#)," Co-Author, Snell & Wilmer Legal Alert (October 21, 2013)
- "[The Employer's Duty to Provide Financial Information to the Union - Diluting the Nielsen Principle](#)," Author, Snell & Wilmer Legal Alert (September 16, 2013)
- "[Labor Law: The Basics](#)," Author (March 2013)
- "[The Davis-Bacon Corner](#)," Author, Snell & Wilmer Under Construction (September 2012)
- "[Ready-Mix Delivery Companies and Their Drivers Are Not Engaged In The Building and Construction Industry Under Labor Law](#)," Author, Snell & Wilmer Under Construction Newsletter (December 2011)
- "Who Are They Kidding? 'Protected' Activity According to the NLRB," Co-Author, DRI - The Voice of the Defense Bar (November 23, 2011)
- "Employers Should Review Social Media Policies," Co-Author, Snell & Wilmer Legal Alert (February 2011)
- "New NLRB Decisions Require Electronic Distribution of Notices and Compound Interest on Monetary Awards," Co-Author, Snell & Wilmer Legal Alert (October 2010)
- "Federal Contractors Must Notify Employees of Their Rights Under Federal Labor Laws," Co-Author, Snell & Wilmer Legal Alert (May 2010)
- "[Human Rights Litigation Under The Alien Tort Statute](#)," Co-Author, The Practical Litigator (May 2010)
- "[Pension Withdrawal Liability and EFCA Arbitration](#)," Co-Author, FOCUS 3Q2009, Association of Corporate Counsel Arizona Chapter
- "The Federal Labor Standards Act (FLSA) Applies To Indian-Owned Businesses Located On Tribal Lands," Author, Snell & Wilmer Legal Alert (June 2009)
- "[The Future of Employment Arbitration](#)," Co-Author, Snell & Wilmer Legal Alert (June 2009)
- "Labor Law Enforcement in Mexico," Co-Author, National Law Center for Inter-American Free Trade
- Frequent contributor of articles on employment-related topics for The Practical Lawyer, and other labor law publications
- Contributing author of Employee Benefits Law, ABA Section of Labor and Employment Law
- "How to Take a Case before the NLRB," Chapter Editor, ABA Section of Labor and Employment Law
- Presenter at Associated General Contractors Labor and Employment Law Symposiums, ABA Labor Section Committee on Practice and Procedure, ALI-ABA Labor and Employee Benefits Courses of Study, Arizona Employers Council Conferences

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>, Employment Law - Management, Labor Law - Management (2013-2024)
- Certified Ambassador, Greater Phoenix Economic Council (GPEC) (2013)
- Presidential Nominee to the National Labor Relations Board (NLRB) (2008)
- Chambers USA: America's Leading Lawyers for Business, Labor & Employment (2010-2014)
- Who's Who Legal, Labour & Employment (2011-2015)
- Arizona's Finest Lawyers

- Southwest Super Lawyers, Employment & Labor (2007-2009, 2013-2016)

## **Community Involvement**

- Greater Phoenix Economic Council, Ambassador
- Associated General Contractors, Labor Law Council, Past President
- American Bar Association, Labor Section, Practice and Procedure Committee, Editorial Board
- ALI-ABA, Editorial Board

## **Previous Professional Experience**

- National Labor Relations Board, Field Attorney
- University of Arizona College of Law, Adjunct Professor (2001-2002)
- National Law Center for Inter-American Free Trade, Board of Directors (1992-2007)

## **Bar Admissions**

- Arizona
- District of Columbia (inactive)
- Louisiana (inactive)
- Nevada (inactive)
- Texas (inactive)

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of Louisiana
- Supreme Court of Nevada
- Supreme Court of Texas
- Supreme Court of the District of Columbia
- United States Court of International Trade
- United States Supreme Court