



## Michael J. Crocenzi

Partner

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### OVERVIEW:

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Mike is a partner in the firm's [Employment Law](#) and [Litigation](#) groups. Mike steadfastly guides clients through difficult and complex employment problems. Relying on more than three decades of experience, Mike listens to clients and provides practical solutions for a wide variety of employment issues. He routinely works closely with clients to develop strategies to avoid or minimize risks.

Mike is often called upon to protect his clients' rights. He has handled numerous employment cases in federal court, state court, Pennsylvania Superior Court, Pennsylvania Commonwealth Court, the Equal Employment Opportunity Commission (EEOC), the Pennsylvania Human Relations Commission (PHRC), the Bureau of Workers' Compensation, and the Bureau of Unemployment Compensation. He has successfully represented clients, including obtaining favorable jury verdicts in cases involving Title VII (sex, age, disability, national origin, religion, and race discrimination), the Pennsylvania Human Relations Act, the Fair Labor Standards Act, the Pennsylvania Minimum Wage Act, the Americans with Disabilities Act, the Family and Medical Leave Act (FMLA), the Age Discrimination in Employment Act, OSHA, wrongful discharge, breach of contract, non-compete agreements, workers' compensation, unemployment compensation and defamation.

In his food & agribusiness practice, he has represented a client in the fish farm business, has defended a dairy producer in an FMLA/ADA discrimination claim and drafted employment agreements for a produce company. In his transportation practice, Mike has advised trucking companies on independent contractors versus employee issues, overtime exemption, fringe benefits, terminations, and drafted agreements. He also has represented trucking companies in disputes involving classification of drivers.

Mike lectures on employment topics for the Pennsylvania Bar Institute, corporations and associations. He is active in the community serving on non-profit boards over the last several years.

Read some of Mike's recent litigation victories below:

Successfully defended a regional architectural and engineering company in federal court. A former employee of an architectural and engineering company sued the company claiming violations of the Americans with Disabilities Act,

the Family and Medical Leave Act, the Genetic Information Nondiscrimination Act, the Pennsylvania Human Relations Act, and Title VII (sex discrimination). Mike successfully convinced the federal judge that there was no basis for these multiple claims and the judge dismissed the case before trial.

Won an appeal with the Pennsylvania Superior Court affirming a hard won trial verdict for a regional technology company. In 2018, Mike successfully defended a technology company after a five-day trial in which two former executives were seeking almost \$11 million in damages related to their termination from the company. After losing at trial, the two former employees appealed the verdict to the Superior Court. Mike once again successfully defended the technology company on appeal and convinced the Superior Court to reject the former employees' arguments, thus preserving the jury's verdict in favor of the technology company.

After a two-day hearing, an arbitrator agreed that a former CEO of a technology company and subsidiary of a central Pennsylvania bank must pay back his ownership stake in the company after he departed. Officials from the technology company predicted that the opposite decision from the arbitrator would have been disastrous to the company.

Obtained a jury verdict for an employer in a case brought by a terminated employee alleging breach of contract and defamation. The employee claimed the employer did not have cause based on his employment agreement to terminate his employment. He was seeking six months of wages, costs of litigation and attorneys' fees. Furthermore, the employee alleged the employer defamed him to prospective employers so he was not able to obtain a job. The county judge dismissed the defamation claim prior to jury deliberations. The employer's witnesses testified that the employee was fired for falsifying documents and violating the employer's policies. The jury found in favor of the employer.

Obtained a jury verdict for an employer in a case brought by two terminated employees alleging a violation of the New Jersey whistleblower law. The plaintiffs were seeking in excess of \$10 million in damages. After a week-long trial, a county jury found in favor of the employer.

Obtained a jury verdict for a landlord accused of negligence by his tenant. The tenant alleged that a leaking gutter above her front door caused ice to form on the concrete porch in front of her front door. Plaintiff claimed that while taking the trash out one morning, she slipped on a spot of ice and broke her ankle that eventually required five surgeries. After three days of testimony from various witnesses and experts, the county jury found the landlord not negligent.

Obtained a jury verdict in federal court in Philadelphia for an employer in a case brought by a terminated employee alleging a violation of the Americans with Disabilities Act. An employee claimed the employer terminated him because he suffered from attention deficit disorder. The employer presented witnesses that it terminated the employee for poor job performance. The jury agreed with the employer and found no violation of the Americans with Disabilities Act.

## EDUCATION:

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- Dickinson School of Law, J.D.; senior editor, Dickinson Law Review; member of Woolsack Honor Society recognizing superior academic achievement
- Penn State University, BA Foreign Service and International Relations, graduated with distinction

## ADMISSIONS:

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- Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. Court of Appeals for the Third Circuit

## PRACTICE AREAS:

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- Employment
- Employment Litigation
- Workers' Compensation
- Labor Law
- Employment Training and Professional Development
- Litigation
- Cybersecurity
- Crisis Management
- Alternative Dispute Resolution (ADR)

## INDUSTRY GROUPS:

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- Food & Agribusiness
- Transportation, Logistics & Trade

**COMMUNITY INVOLVEMENT:**

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**York County Bar Foundation**

Vice President

**LifePath Christian Ministries**

Treasurer

**Be Blessed by Wolfgang**

Board member

**York Society for Human Resource Management**

Former board member

**Fairview Township Supervisor**

Member 1996-2001

**Human Resource Professionals of Central Pennsylvania**

Former board member

**3 Star Foundation**

Past board member

**Bethesda Mission**

Volunteer and past board member

**RECOGNITIONS:**

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- Best Lawyers Lawyer of the Year in Harrisburg Employment (2023) Labor Law Management (2024)
- The Best Lawyers in America, Employment Law Management (2020, 2021, 2022, 2023, 2024), Litigation - Labor and Employment (2020, 2021, 2022, 2023, 2024), Labor Law Management (2022, 2023, 2024)
- 2017 "Volunteer of the Year" at Bethesda Mission
- Rated A-V Preeminent by Martindale-Hubbell

## MEMBERSHIPS:

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- Human Resource Professionals of Central Pennsylvania
- Society for Human Resource Management
- York Society for Human Resource Management
- Christian Legal Society
- York & Dauphin County bar associations
- Federal Bar Association
- Pennsylvania Bar Association

## PUBLICATION:

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- IRCA- Related Discrimination: Is It Time to Repeal the Employer Sanctions, 96 Dickinson Law Review 673 (1992)

## PRESENTATIONS:

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- "Human Resource Hot Topics," PennAg (October 2023)
- "How to Avoid Legal Landmines in Recruiting," 40th Annual Employment Law Seminar (May 2023)
- "Effective Workplace Harassment Investigations," 40th Annual Employment Law Seminar (May 2023)
- York SHRM - "Medical Marijuana in the Workplace" (October 2022)
- "Your Guide to Non-Competition Agreements," 39th Annual Employment Law Seminar (May 2022)
- "Employment Issues under M&A," 39th Annual Employment Law Seminar (May 2022)
- Barley Snyder York Business Seminar (April 2022)
- Central PA iDay -- COVID - Telecommuting (April 2022)
- Human Resources Professionals of Central PA -- COVID-19 Issues (June 2021)
- Hanover Area Management Association -- Workplace Legal issues (May 2021)
- "Leave Issues under the FMLA, ADA and the COVID-19 Relief Bill", 38th Annual Employment Law Seminar (May 2021)
- "Important Factors to Consider with Teleworking Employees", 38th Annual Employment Law Seminar (May 2021)

- "COVID Vaccinations Webinar: The Liability Dilemma for Businesses", York County Economic Alliance (February 2021)
- "Compensable Time for Telecommuters (and Other Recent DOL Opinions and Withdrawals)", York SHRM (February 2021)
- "COVID-19 Vaccines: The Impact on the Logistics Industry", webinar (January 2021)
- "The Ultimate Guide to Non-compete and Non-solicitation Agreements", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "Medical Marijuana", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "UC Benefits, Layoffs and Furloughs", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "COVID-19 HR Back to Business", Lancaster Chamber Webinar (May 2020)
- "COVID-19 HR Back to Business", HRP of CPA Webinar (May 2020)
- "COVID-19 HR & Business Webinar", Hanover Area Chamber of Commerce (April 2020)
- "Mock Investigation in the #MeToo Era", Human Resources Professionals of Central PA Fall Conference (October 2019)
- "Update on PA Law and Electronic Issues in the Workplace", Cumberland Valley SHRM Employment Law and Legislative Conference (October 2019)
- "Protecting the Privacy and Confidentiality of Employees", Human Resources Professionals of Central PA's Lunch and Learn (July 2019)
- "All Things Electronic", 36th Annual Employment Law Seminar (May 2019)
- "Mock Investigation in the #MeToo Era", 36th Annual Employment Law Seminar (May 2019)
- Getting a Handle on the Overlapping Issues Between Workers' Compensation and Employment Law, Human Resource Professionals of Central Pennsylvania's Fall Conference (October 2018)
- "Workplace Investigations in the Era of the #MeToo Movement", Cumberland Valley Employment Law & Legislative Conference (October 2018)
- "HR Exchange: OSHA, You Can be Prepared 2018", Greater Reading Chamber Alliance (October 2018)
- "The ADA/FMLA Crossover", York SHRM October Full-Day Seminar (October 2018)
- "Practice Before the PA Human Relations Commission", Pennsylvania Bar Institute (September 2018)
- "Workers' Compensation: The Role of the Independent Medical Examiner", 35th Annual Employment Seminar (May 2018)
- "Advanced Level Practical Strategies for Solving the Mysteries of the FMLA and ADA", 35th Annual Employment Seminar (May 2018)
- Preserving Electronic Evidence in a Digital World, HRP Meeting (2017)

- Legal Meets Practical: Integrating Legal Best Practices and Business Realities, HRP Meeting (2016)
- Are You Ready Yet for the New Overtime Regulations? (2016)
- Court Rules that Former Employees are Allowed to View Their Personnel Files (2016)
- What Do We Do With I DO After the Supreme Court's Decision in Windsor?, HRP Meeting (2015)
- How Much are You Worth?: Litigating Fee Petitions", Employment Law Institute (2015)
- Advanced Sexual Harassment Issues: What May Make or Break Your Case", Employment Law Institute (2014)
- Litigating Discrimination Cases in State Court, Employment Law Institute (2013)

## RELATED NEWS:

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- Employment Law 2021 Year in Review  
February 7, 2022
- Early COVID Emergency Standard from OSHA Expires  
December 28, 2021
- Employers Can Make Plan Premium Discounts or Surcharges Dependent on Vaccination Status  
October 11, 2021
- FMCSA Avoids Credit Agency Requirements  
October 6, 2021
- Barley Snyder Partner Crocenzi Named President of Board  
August 30, 2021
- Best Lawyers Honors 30 Barley Attorneys  
August 25, 2021
- Amazon Must Pay Associates for Security Checks  
August 18, 2021
- American Rescue Plan Extends Tax Credits, Funds COBRA  
March 15, 2021
- COVID-19 Vaccine Webinar Series  
January 12, 2021
- FFCRA to Expire, but Its Benefits to Live On  
December 28, 2020
- EEOC Issues Guidance on COVID-19 Vaccine  
December 17, 2020
- Pa. Supreme Court Takes on Timing of Non-Compete Agreements  
September 23, 2020

- **Nearly Thirty Barley Snyder Attorneys Named Best Lawyers**  
August 20, 2020
- **Hospitality Highlights August 2020**  
August 11, 2020
- **Businesses Must Post States Guidelines**  
May 14, 2020
- **EEOC Allows Employers to Test Employees for COVID-19**  
April 24, 2020
- **Changes to Pennsylvania Unemployment Compensation Benefits**  
March 24, 2020
- **President Trump Signs Federal Families First Coronavirus Response Act**  
March 19, 2020
- **NLRB Ruling Bans Work Email for Union Organizing**  
December 27, 2019
- **Barley Snyder Places 21 Attorneys on Best Lawyers List**  
August 15, 2019
- **Maryland Joins Growing Trend to Ban Non-Compete Agreements**  
July 8, 2019
- **U.S. Department of Labor Proposes Changes to Regular Rate of Pay**  
April 2, 2019
- **Barley Snyder Adds Four to Partnership**  
January 11, 2019
- **Crocenzi Named to Foundation Board**  
December 14, 2018
- **Pennsylvania Supreme Court Lays Out Blueprint for Cybersecurity Responsibilities**  
November 30, 2018
- **Barley Snyders Crocenzi Named to York County Board**  
October 29, 2018
- **Floodgates Now Potentially Open for Disability Reinstatement Petitions**  
June 8, 2018
- **U.S. Supreme Court Gives Employers an Epic Victory**  
May 22, 2018
- **Pennsylvania Supreme Court Affirms \$1.6 million Whistleblower Award**  
April 3, 2018
- **NLRB Sets New Standard for Employee Handbooks**  
December 20, 2017
- **Crocenzi Named Volunteer of the Year at Bethesda Mission**  
September 28, 2017



- Pa. Supreme Court: Former Employees Can't View Their Personnel Files  
July 18, 2017

## RELATED RESOURCES:

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- 2022 York Business Seminar Recordings  
April 26, 2022
- 13. Barley Snyder Legal Update Podcast: Season 2 Episode 2  
November 19, 2020
- 12. Barley Snyder Legal Update Podcast: Season 2 Episode 1  
October 22, 2020
- 11. Barley Snyder COVID-19 Legal Update Podcast **\*\*TIGER KING SPECIAL EDITION\*\***  
June 26, 2020
- COVID 19 HR Back to Business Webinar  
May 12, 2020
- 3. COVID-19 Legal Update Podcast  
May 1, 2020