



Brian J. Moore

Partner
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Brian represents companies in labor, employment, deliberate intent, and general litigation. His business-oriented approach enables him to guide clients through a myriad of challenges. He draws on his experience to help clients reach efficient resolutions -- or pursue litigation and trial -- as the situation warrants. Working with clients in the banking, insurance, retail, health care, energy, hospitality, and food and beverage industries, he has guided them through an array of issues, including discrimination, harassment, wage and hour, deliberate intent, unfair labor practice, union representation, injunction, and general litigation matters. Brian has substantial experience practicing in both state and federal courts, including trying cases to verdict, as well as practice before the West Virginia Human Rights Commission, the Equal Employment Opportunity Commission, and the National Labor Relations Board. He has also drafted and litigated employment and arbitration agreements, covenants not to compete, and various other contracts.

He places a premium on partnering with his clients to learn their operations and culture as he builds a strategy that suits their needs. He often works closely with in-house counsel, human resources professionals, and company management, taking a proactive approach to help clients anticipate and overcome challenges before they arise. He prepares employee handbooks, conducts supervisory training, and understands the increasing role of technology and social media in the workplace.

Brian is an active speaker and writer and has published a book entitled *The Pocket Guide to West Virginia Law*. In addition, he speaks, writes and provides training on leadership, networking, time management and other personal development topics. When he is not practicing law, speaking, or writing, Brian is an avid fitness, automobile and college football enthusiast.

Services

- Labor
- Employment
- Litigation
- Employment Discrimination Litigation
- Labor Arbitrations

- Collective Bargaining Negotiations
- NLRB Issues
- Strike Preparation/Litigation
- Wage/Hour Law
- Wrongful Discharge
- Workplace Safety
- Audits, Counseling & Training
- First Amendment & Media
- Natural Resources Industry

Education

- West Virginia University College of Law (J.D., 2001)
 - West Virginia Law Review, executive editor for research
 - Class treasurer
- West Virginia University (B.S.B.A., *summa cum laude*, 1998)
 - Accounting

Bar Admissions

- West Virginia
- Kentucky

Court Admissions

- U.S. Supreme Court
- Kentucky Supreme Court
- West Virginia Supreme Court of Appeals
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Northern District of West Virginia

Affiliations/Memberships

- Putnam Chamber Foundation, Board of Directors
- Mountain State Rotary, president (2013 - 2015)
- Putnam County Chamber of Commerce, Board of Directors

- Leadership West Virginia, Class of 2012 and Former Board of Directors Member
- Generation Putnam, Co-Founder and Former Director
- Generation West Virginia, Board of Directors (2013 - 2015)
- Defense Trial Counsel of West Virginia, Chairperson of Employment Law Committee (2009 - 2010)
- Habitat for Humanity of Kanawha & Putnam County, Board of Directors (2011 - 2012)
- Appalachian Reading Center, Inc., Board of Directors (2009 - 2012)
- Problem Gamblers' Help Network of West Virginia Advisory Board (2009 - 2012)
- American Bar Association, Section of Labor and Employment Law
- Defense Research Institute (DRI), Employment Law Committee
- West Virginia Bar Association
- Kentucky Bar Association
- Kanawha County Bar Association
- West Virginia Bar
- Generation Charleston
- WVU Alumni Association
- Energy & Mineral Law Foundation
- Leadership Putnam County, Class of 2009

Distinctions

- Mentor of the Year, Dinsmore & Shohl (2019)
- *Best Lawyers*®
 - Employment Law - Management and Litigation - Labor and Employment, Mining Law (2021-2024)
 - "Lawyer of the Year" in Charleston for Litigation - Labor and Employment (2024)
- West Virginia *Super Lawyers*®
 - Employment & Labor (2021)
- *West Virginia Rising Stars*®
- Peer Review Rated AV in *Martindale-Hubbell*
- National Kidney Foundation of Maryland, Volunteer Service Award (2008)
- University of Virginia Trial Advocacy Institute (2004)
- Generation Next: 40 Under 40 award by *The State Journal* (2011)
- Young Leader Award, Putnam County Chamber of Commerce
- *Chambers USA*®: *America's Leading Lawyers for Business*, Labor and Employment (2021)

Experience

Represented a Company in NLRB Charges Related to Collective Bargaining Negotiations (2017)

We successfully represented a Caterpillar dealer in NLRB charge following last best final offer and implementation in collective bargaining with the Operating Engineers.

Secured Favorable Resolution for a Publicly Held Client in Hazing Case (2013)

We obtained the favorable and confidential resolution of a case for a publicly held client where two employees claimed constructive discharge following unfortunate horseplay and extreme hazing which led to embarrassing allegations and two constructive discharges.

Ellis v. West Virginia American Water Company, Inc. (Kanawha County, WV 05-C-749) (2010)

Successful defense in suit by HR manager alleging sex discrimination by company where HR manager was discharged for inappropriate e-mail communications. Obtained summary judgment on all issues on case of trial.

Represented a Hospital Following Collective Bargaining (2010)

We successfully defended a hospital in NLRB charge following the implementation of its last best final offer in collective bargaining with the USW.

Hospital and Union

Successfully defended against an unfair labor practice charge alleging that the Hospital improperly declared impasse and implemented its last best final offer.

Plaintiff v. Hospital

Successfully obtained reversal by the West Virginia Supreme Court of an award of unemployment compensation benefits.

Plaintiff v. Large Retailer

Obtained summary judgment in United States District Court for the Southern District of West Virginia on disability discrimination claim brought by former employee.

Plaintiff v. Regional Airline

Successfully obtained reversal by the West Virginia Supreme Court of the West Virginia Human Rights Commission's finding of discrimination.

Publications

January 17, 2025

Supreme Court Rejects Higher Evidence Standards for the FLSA

November 19, 2024

Federal Judge Strikes Down Overtime Expansion

September 5, 2024

Contested DOL Rule on Tip Credit Invalidated by Fifth Circuit

August 13, 2024

Navigating the New Federal Workplace Rules

Bank Director

April 30, 2024

EEOC Finalizes New Guidance on Harassment in the Workplace

April 25, 2024

Department of Labor Issues Final Rule Expanding Federal Overtime Eligibility

March 11, 2024

Federal Court Strikes Down NLRB Joint Employer Rule

February 12, 2024

No Retaliatory Intent Needed: SCOTUS Eases Requirements for SOX Whistleblower Claims

January 10, 2024

Department of Labor Unveils Final Independent Contractor Rule

October 26, 2023

NLRB Issues Final Rule Broadening Standard for Joint-Employer Status

October 2, 2023

EEOC Proposes New Guidance on Harassment in the Workplace

August 31, 2023

Flurry of Recent NLRB Actions Create Easier Road to Union Representation

August 21, 2023

The Pregnant Workers Fairness Act May Be Broader Than You Think

August 3, 2023

NLRB Adopts Stricter Standard for Workplace Rules

August 3, 2023

Are Non-Competes on the Ropes?

BankDirector.com

June 16, 2023

NLRB Decision Reinstates Obama-Era Independent Contractor Standard

June 7, 2023

NLRB General Counsel Aims to Outlaw Broad Non-Compete Provisions in Employment Contracts

February 24, 2023

SCOTUS Upholds Fair Labor Standards Act Salary Basis Test for Highly-Compensated Employees

February 23, 2023

Non-Disparagement Provisions in Severance Agreements Must Be Narrowly-Tailored Under New NLRB Ruling

December 22, 2022

NLRB Reinstates Obama-Era Standard Reviving “Micro-Units” for Organizing

December 20, 2022

New NLRB Opinion Means Employers on the Hook for Expanded Damages in Labor Violation Cases

October 21, 2022

EEOC Replaces “EEO is the Law” Poster with New “Know Your Rights” Poster

September 8, 2022

New NLRB Proposed Joint Employer Standard May Substantially Increase Liability For Employers

June 17, 2022

California Employers Can Take Advantage of Huge Unexpected Win

February 17, 2022

Congress Ends Mandatory Arbitration for Workplace Sexual Harassment and Assault Disputes

July 12, 2021

Biden Executive Order Calls for Ban on Noncompete Agreements

May 10, 2021

New DOL Repeals Trump-Era Independent Contractor Test

September 8, 2020

Sixth Circuit Court Of Appeals Limits Enforcement of NLRB Special Remedies

August 28, 2020

Transgender Students Protected from Discriminatory Restroom Policies under Equal Protection Clause & Title IX, Fourth Circuit Court of Appeals Rules

July 28, 2020

DOL Releases Updated FMLA Forms

April 22, 2020

West Virginia Supreme Court Upholds Right-to-Work Law

February 28, 2020

NLRB Publishes Final Rule on Joint Employers

December 19, 2019

NLRB Restores Longstanding Dues Checkoff Rule

December 16, 2019

NLRB Issues Final Rule Modifying Representation Case Procedures

September 25, 2019

Breaking: US DOL Final OT Rule Raises the FLSA Exemption Thresholds, Effective Jan. 1, 2020

September 18, 2019

MV Transportation Inc. – NLRB rules on employer unilateral action

September 11, 2019

NLRB Issues New Decision Adopting 3 Part Test for Analyzing Bargaining Unit Scope Disputes

September 4, 2019

FMLA for School IEP Meetings

August 20, 2019

NLRB Addresses Several Issues Involving Mandatory Arbitration Agreements Following Supreme Court Opinion in Epic Systems

August 8, 2019

Fifth Circuit Court of Appeals Enjoins EEOC Guidance on use of Criminal History in Employment Decisions

June 18, 2019

NLRB Will No Longer Require Employers to Permit Union Organizers in “Public Space” on Employers’ Property

June 3, 2019

U.S. Supreme Court Rules Title VII’s Administrative Charge-Filing Requirement is Not Jurisdictional

July 26, 2018

The Top 10 Reasons Your Organization Should Have an Employee Handbook