

William J. Tarnow II

Partner | Labor & Employment

OVERVIEW

Bill is chair of the firm's Labor & Employment practice group. He is a litigator who manages employment-related disputes before federal and state courts and administrative agencies throughout the country, and he also serves as a strategic partner to companies and executives concerning the broad spectrum of critical business and employment matters that impact their operations.

Bill's litigation practice encompasses the full spectrum of employment matters. He litigates and advises clients daily on noncompete and nonsolicitation agreements, trade secrets, breach of fiduciary duty, and breach of contract matters. He also has deep experience counseling on, investigating, and litigating all manner of complaints and claims of discrimination, harassment and retaliation regulated by federal and state counterpart statutes such as Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and the Family & Medical Leave Act (FMLA). Bill also advises clients on compensation issues, and defends class action cases across the country involving wage & hour and overtime pay claims regulated by state and federal laws.

Clients benefit every day from Bill's ability to deliver much more than exceptional litigation management and daily counsel in employment matters – he's also the clients' trusted general business advisor and the leader of a team of attorneys charged with ensuring clients have effective strategies in place for every facet of their operations.

In addition to serving clients, Bill regularly publishes articles and provides presentations and training on a variety of workplace considerations and strategies, both to individual



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EDUCATION

University of Illinois College of Law
(J.D., 1997) *cum laude*

University of Illinois at Urbana-
Champaign (B.A., 1994), with honor

ADMISSIONS

Illinois

employers and at conferences, to address employment matters impacting their businesses. He also appears on television and is quoted in print media as a thought leader to provide his views on trending employment issues.

EXPERIENCE

Restrictive Covenant, Fiduciary Duty, & Trade Secret Litigation/Counseling:

- Defended an individual and his new employer, a \$1B+ entity, against claims of theft of confidential information and trade secret misappropriation, as well as alleged violations of employment agreement restrictive covenants
- Defended individual owners and newly formed engineering and roofing equipment company against restrictive covenant and trade secret claims by former employer / competitor
- Defended an individual to defeat a claim for preliminary injunctive relief based on allegations that he violated his non-compete agreement and stole trade secrets when he obtained employment with a competitor in the development of Brownfield properties
- Prosecuted claims against a client's former division president in the event-planning industry for breach of fiduciary duty and misappropriation of a corporate opportunity
- Defended individual accused of forming rival company, diverting corporate opportunities, and raiding employer's workforce in violation of restrictive covenants, fiduciary duties and trade secret laws, following a \$100M+ buy-out
- Represented a large cash management advisory firm in lawsuit against former owner/officer, and obtained emergency injunction prohibiting unlawful conduct in violation of the individual's non-compete and customer non-solicitation obligations
- Defended individuals who formed investment bank against former employer's claims of misappropriation of corporate opportunities and trade secrets
- Represented a bakery supply manufacturer to obtain a federal court injunction against sales managers who resigned and violated non-compete and confidentiality agreements by using proprietary pricing and product information for a competitor
- Defended employee hired by graphic design company in injunction lawsuit alleging employee's breach of non-compete and non-disclosure agreement with prior employer
- Prosecuted non-compete and trade secret claims against a former employee on behalf of a client which manufactures printed computer circuit boards

- Defended a manufacturer of rivets and fasteners against claims for violations of non-compete agreements and misappropriation of trade secrets
- Represented a client that provided “supercomputers” and related technology services to large financial institutions by obtaining an injunction prohibiting a former executive from soliciting customers in violation of his non-compete agreement and from disclosing trade secret information
- Defended clients accused of misappropriating trade secrets and stealing corporate opportunities in connection with the development of an electronic stock exchange

Wage and Hour Litigation:

Bill has significant expertise in wage and hour class / collective action litigation. In addition to conducting internal audits and investigations, he has worked with the Department of Labor and has litigated wage claims extensively. Below is a list of representative cases which Bill has defended under the Federal Fair Labor Standards Act (“FLSA”) and/or state-counterpart statutes.

- Defense of metal manufacturing and distribution company against FLSA claim alleging improper job classification / exemption, and resulting failure to pay overtime. Obtained immediate dismissal of case prior to either discovery proceedings or attempt to add of plaintiff-class members
- Defense of company (including certain corporate officers) with 100+ retail stores, in class action litigation alleging improper employee classification of assistant and store managers, improper work-hour calculations and failure to pay overtime, and improper calculation of wages and overtime amounts in connection with bonus and commission payments. The defense has resulted in the dismissal of state-counterpart claims, eliminated various elements of the alleged class action relief, and successfully contested and dramatically reduced the scope of the proposed class
- Defense of national service company regarding alleged FLSA and state-counterpart overtime violations. Assertion of counterclaims against employee based upon falsification of time-sheets and false claim for alleged overtime
- Defense of claim by former employee against landscaping company alleging violations of the FLSA and the Illinois Minimum Wage law. Immediate resolution prior to discovery or class action petition
- Defense of company against class action claims alleging failure to pay in excess of \$1M owing to in-home countertop installers based on purported miscalculation of travel and overtime wages. Eliminated request for class action relief and achieved immediate dismissal of claims
- Defense of chain of pizzerias against class action complaint alleging miscalculation and/or underpayment of wages, tips and bonus amounts, and failure to pay wages for all hours worked and/or overtime.

Defense of plaintiffs' claim for joint-employer status and joint liability between licensor and licensee, and obtained resulting dismissal of claims

- Defense of company and company officials against claims by commissioned salespersons seeking in excess of \$1M under company commission-payment plan. Following extensive discovery and motion practice, obtained summary judgment and dismissal of all claims, resulting in seminal Federal Court decision governing the application of company commission and bonus plans, which enforced the employer's ability to reduce – or refuse to make – such payments within its sole and absolute discretion, pursuant to applicable plan provisions. *Weyant v. Vertical Network, Inc. / Maxwell v. Vertical Network, Inc., et al.*, Case Nos. 03 C 2414 & 03 C 05717, United States District Court for the Northern District of Illinois (2005)

RECOGNITIONS

- *Chambers USA: America's Leading Lawyers for Business*, recommended in "Labor & Employment"
- *The Best Lawyers in America*, recommended in "Employment Law – Management" since 2024
- "Notable Gen X Leaders in Law," *Crain's Chicago Business*, 2021
- *Illinois Super Lawyers*, recommended in "Employment & Labor" since 2014
- *Law Bulletin Publishing Company*, "40 Illinois Attorneys Under Forty to Watch," 2012

NEWS & INSIGHTS

March 5, 2025 Event

Bill Tarnow and Jason Kim Present at 2025 Chicago SHRM Elevate Conference

January 24, 2025 Firm News

Twenty-Two Neal Gerber Eisenberg Attorneys Recognized on 2025 Illinois Super Lawyers List

September 18, 2024 Event

Bill Tarnow and Kristin Michaels Present at 2024 Chicago SHRM Elevate Conference

September 18, 2024 Event

Bill Tarnow and Kristin Michaels Present at 2024 Chicago SHRM Elevate Conference

August 15, 2024 Firm News

60 Neal Gerber Eisenberg Attorneys Included in 2025 *Best Lawyers In America*

June 6, 2024 Firm News

Neal Gerber Eisenberg Secures Nine Ranked Practice Groups and 23 Recognized Attorneys in *Chambers USA* 2024

April 25, 2024 Publication

FTC Issues Final Rule Banning Most Non-Compete Agreements: Takeaways and Next Steps for Employers



February 20, 2024 In The Media

William Tarnow Quoted in *Chicago Tribune*

January 29, 2024 Firm News

Thirty-One Neal Gerber Eisenberg Attorneys Recognized on 2024 Illinois Super Lawyers List

August 17, 2023 Firm News

55 Neal Gerber Eisenberg Attorneys Included in 2024 *Best Lawyers In America*

June 1, 2023 Firm News

Neal Gerber Eisenberg Secures 10 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2023

April 27, 2023 Event

Bill Tarnow Presents on Legal Issues at ISSA Midwest Staffing Conference

April 13, 2023 Event

Bill Tarnow and Jason Kim Present at Pay Transparency Panel

April 13, 2023 Event

Legal Update: Issues Impacting HR Leaders

July 27, 2022 Event

Labor & Employment Symposium: Key Updates for Employers

June 29, 2022 Publication

Top Workplace Issues to Watch in the Second Half of 2022

June 1, 2022 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 25 Recognized Attorneys in *Chambers USA* 2022

March 23, 2022 Event

Bill Tarnow and Alex Dominguez Present on Legal Issues Impacting HR Leaders at Chicago SHRM Elevate Conference

January 25, 2022 Publication

EEOC Deems COVID-19 a Potential 'Disability'—Now What?

December 6, 2021 Firm News

NGE Represents the Management Team of Revision Skincare and Goodier Cosmetics in Its Sale from RoundTable Healthcare Partners to Gryphon Investors

November 19, 2021 Firm News

Bobby Gerber, Angela Elbert and Bill Tarnow Named to *Crain's* 2021 Notable Gen X Leaders in Law

November 18, 2021 Publication

Client Alert: Don't Forget! Important New Laws and Year-End Requirements for Illinois Employers

November 5, 2021 Publication

EEOC Religious Exemption Guidance in Spotlight With OSHA Rule Release

October 20, 2021 Event

Legal Update: Issues Impacting HR Leaders

September 15, 2021 Publication

Client Alert: President Biden Announces Employers with 100 or More Employees Must Ensure Their Workforce Is Vaccinated or Tested Weekly for COVID-19

June 24, 2021 Publication

Client Alert: Illinois Legislature Passes Non-Compete Reform—New Requirements for New Restrictive Covenants

June 7, 2021 Event

Bill Tarnow Joins FEI Panel on Back to the Office Challenges

June 7, 2021 Publication

Client Alert: Illinois Employers Must Consider New COVID-19 Guidance When Preparing Return-to-Work Plans

May 20, 2021 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in Chambers USA 2021

November 24, 2020 Publication

Act Fast! The Deadline to Complete Illinois' Required Anti-Harassment Training Is Fast-Approaching

August 26, 2020 Publication

Department of Labor Issues Guidance on Tracking Remote Employees' Work Hours

June 18, 2020 Event

Re-opening the Doors in Illinois: Return to Workplace Considerations

June 8, 2020 Event

Legal Update: Illinois Labor & Employment Law

May 28, 2020 Event

Top Three Employer Issues in the Age of COVID-19: Time Off and Pay, Physical Workplace Considerations and Workforce Reductions

April 24, 2020 Publication

You're Fired: One Good Reason for Employees Not to Ask for FMLA Leave When Their Facebook Photos Negate Such Entitlement

April 24, 2020 Publication

Is Continued Employment Enough to Uphold Invention Assignment Agreements?

April 24, 2020 Publication

Pharmaceutical Sales Representatives Qualify for the "Outside Sales" Exemption to the Fair Labor Standards Act, Supreme Court Says

April 24, 2020 Publication

Employee Fired When Facebook Photos Exposed FMLA Abuse

April 24, 2020 Publication

Violence in the Workplace Can Happen to You

April 24, 2020 Publication

NLRB Says Unions Have Bargaining Rights on Certain Discretionary Discipline

April 24, 2020 Publication

More Is More: Congress Aims to Amend the FMLA to Provide More Employees with More Coverage and More Benefits

April 24, 2020 Publication

The Wage and Hour Nightmare Continues: Plaintiffs in the Seventh Circuit Can Now Combine FLSA Collective Action with Rule 23 Class Action

April 24, 2020 Publication

Supreme Court Rules Employer Violated Title VII By Voiding Job Test Results That Were Perceived To Have A Disparate Impact On Minority Applicants

April 24, 2020 Publication

President Bush Signs New Genetic Testing Law

April 24, 2020 Publication

Steer Clear of the Wage and Hour Class Action Quagmire

April 22, 2020 Publication

U.S. Supreme Court Bars Plaintiff from Pursuing FLSA "Collective Action" For Unpaid Wages, After Being Offered Payment on Her Individual Claim

April 22, 2020 Publication

Non-Compete Agreements: Lessons from Illinois Courts

April 22, 2020 Publication

Legal Corner: Social Media and BYOD at Work

April 22, 2020 Publication

5 Keys to Developing a 'Bring Your Own Device' (BYOD) Policy in the Workplace

April 22, 2020 Publication

Employer Wage and Hour Headaches Continue in 2015

April 22, 2020 Publication

Employers Take Note: Federal Agencies Issue Wage & Hour and Retaliation Guidance

April 22, 2020 Publication

Employers in Chicago Take Note: Impending City Ordinance to Require Paid Sick Leave

April 22, 2020 Publication

President Obama Signs the Federal Trade Secrets Act into Law

April 22, 2020 Publication

U.S. Department of Labor Announces Final Rule on FLSA Overtime Regulations

April 22, 2020 Publication

Cook County Ordinance Expands Reach of Paid Sick Leave

April 22, 2020 Publication

DOL Enjoined From Implementing New Minimum Salary Level Regulations on December 1, 2016

April 22, 2020 Event

Keeping Up With HR & Legal Issues in the Digital Age

April 22, 2020 Event

Law & Technology: Employment Law Update for the Modern Workplace

April 22, 2020 Event

Wage & Hour: How to Deal with the Continuing Nightmare

April 22, 2020 Event

Start Your 2015 Off Right! Employment Law Update for Illinois Employers

April 22, 2020 Event

HR Trends for 2016

April 22, 2020 Event

Benefits and Employment Update: What Every Employer Should Know

April 22, 2020 Event

Are You Ready? Complying With the Cook County and City of Chicago Paid Sick Leave Laws

April 21, 2020 Event

The Paid Work-Leave Revolution: Chicago and Beyond

April 21, 2020 Event

Sexual Harassment: Avoiding Employer Pitfalls in the #MeToo Era

March 19, 2020 Publication

EEOC Issues Guidance to Employers – The Balance of Medical Testing, Disability & Discrimination Rules, and Emergency Measures

March 12, 2020 Publication

Client Alert: Employer Considerations for Preparing the Workplace for COVID-19

March 5, 2020 Event

Top Tips for Hiring in 2020 from Offer Letters to Equity Grants

February 26, 2020 Publication

EEOC Ends Collection of Component 2 "Pay Data" Reports

February 3, 2020 Firm News

Illinois Super Lawyers 2020 Recognizes 39 Neal Gerber Eisenberg Attorneys

September 25, 2019 Publication

Client Alert: U.S. Department of Labor Raises the Minimum Salary Level for Overtime Exemptions



July 18, 2019 Publication

Client Alert: EEOC Requires 2017 and 2018 Component 2 Pay Data by September 30

April 25, 2019 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 20 Recognized Attorneys in the Chambers USA 2019 Edition

August 13, 2018 In The Media

Jason C. Kim and William J. Tarnow Quoted in *Home Health Care News*

August 13, 2018 In The Media

William J. Tarnow Interviewed on *WTTW's Chicago Tonight*

August 1, 2018 Publication

Client Alert: Employer Wage and Hour Headaches Continue in 2015

August 1, 2018 Publication

Legal Corner: Social Media and BYOD at Work

July 31, 2018 Publication

Client Alert: Employers Take Note: Federal Agencies Issue Wage & Hour and Retaliation Guidance

July 30, 2018 Publication

Client Alert: President Obama Signs the Federal Trade Secrets Act Into Law

July 30, 2018 Publication

Client Alert: U.S. Department of Labor Announces Final Rule on FLSA Overtime Regulations

July 30, 2018 Publication

Client Alert: DOL Enjoined From Implementing New Minimum Salary Level Regulations on December 1, 2016

July 27, 2018 Publication

Client Alert: Employers in Chicago Take Note: Impending City Ordinance to Require Paid Sick Leave

July 27, 2018 Publication

Client Alert: Cook County Ordinance Expands Reach of Paid Sick Leave

July 27, 2018 Publication

Client Alert: Chicago and Cook County Paid Sick Leave Laws Go Into Effect July 1: Are You Ready?

July 10, 2018 Event

Legal Update: Legal Challenges and Real Opportunities for HR Leaders in the #MeToo Era

July 9, 2018 Firm News

41 Neal Gerber Eisenberg Attorneys Listed in 2016 Illinois Super Lawyers

July 6, 2018 In The Media

William Tarnow Quoted in *Chicago Tribune*

July 5, 2018 Event

Employment Law Conference



June 27, 2018 Event

It's a Matter of Law – Wage and Hour Implications for Caregivers

June 26, 2018 Firm News

Neal Gerber Eisenberg Secures 11 Ranked Practice Groups and 26 Recognized Attorneys in the Chambers USA 2018 Edition