

W. Eric Baisden

Co-General Counsel of the Firm;
Executive Committee Member;
Co-Chair, Labor & Employment Practice Group

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Overview

Described by clients as responsive, strategic and very thorough, Eric Baisden is a go-to lawyer for employers throughout the country facing high-stakes trial and appellate proceedings involving restrictive covenants and discrimination claims, and for sound counsel and guidance on day-to-day employment and labor-related issues and union relations matters.

Eric, co-chair of Benesch's Labor & Employment Group and co-general counsel of the firm, maintains a national practice representing employers in all areas of employment and labor relations, including litigation before federal and state administrative agencies and in trial and appellate courts in 49 states.

Regarded as among the best in his field, Eric has been repeatedly recognized by *The Best Lawyers in America*, *Ohio Super Lawyers* and *Chambers USA.* He is also AV® Preeminent™ Rated by *Martindale Hubbell*, its highest available rating for legal ability and professional ethics.

An L&E Litigation Leader

Eric has significant first-chair experience in protecting employers from unfair competition and litigating the enforceability of restrictive covenants and confidentiality agreements, including obtaining and opposing TROs and preliminary injunctions. He has prevailed in numerous cases under the Fair Labor Standards Act (FLSA) and state wage and hour laws, including collective and hybrid class actions. Eric also litigates claims of wrongful discharge and discrimination, including ADA, age, race, pregnancy, gender and sexual harassment, as well as OSHA, trade secret and intentional torts cases. Additionally, he litigates cases under ERISA, including preemption, benefit denials, retaliation, multiemployer pension fund issues, and claims to enforce or construe executive compensation and change-of-control agreements in connection with corporate mergers and acquisitions.

Union-Related Experience

Throughout his 30+-year career, Eric has been actively involved in all aspects of representing management in union environments, including collective bargaining, strikes, litigation, board proceedings, arbitrations and contract administration for clients in manufacturing, retail, healthcare, food and beverage, news media, and a variety of other industries.

He has appeared before the NLRB, argued before the Division of Advice, and bargained numerous contracts with OPEIU, UWUA, IBEW, UAW, UFCW, Teamsters, UNITEHERE, BCTGM and SEIU, including concessionary bargaining, plant closings, successful decertification and multiemployer plan withdrawal liability issues, including bond waivers. He also has arbitrated and obtained favorable awards on numerous contract interpretation issues, discrimination and terminations.

Additionally, Eric has represented clients in legal proceedings regulating picketing and other organizational conduct of nonemployee union organizers and pickets and strike contingency planning, including TRO and preliminary injunction hearings regulating strike activities and striker misconduct. Clients also rely on Eric for union avoidance strategies and advice. He has won organizing campaigns in several states.

Eric defends employers in administrative proceedings before the Department of Labor, including numerous wage and hour audits, and OSHA, including several fatal accident and egregious penalty cases. He represents employers before the National Labor Relations Board, the Equal Employment Opportunity Commission and state administrative agencies in connection with discrimination charges.

Comprehensive L&E Advice

Eric regularly counsels both union and nonunion employers on wage and hour compliance, representation elections, contract negotiations, third-party avoidance, discipline, leaves and terminations. He advises clients on implementing personnel practices, including drafting and revising employee guides, applications, training materials, harassment policies, ADA compliance, drug testing policies and in-house investigations of drug use, and large-scale reductions in force. Additionally, Eric is experienced in training client personnel regarding personnel policies, third-party avoidance and internal investigations. He advises clients on the administration of collective bargaining agreements and has successfully implemented provisions such as mandatory overtime mid-contract.

Eric also advises employers on employment eligibility and I-9 compliance and trains personnel on best practices to ensure his clients' companies comply with employment eligibility verification requirements while avoiding immigration discrimination violations. He also is experienced in conducting I-9 self-audits and Immigration and Customs Enforcement (ICE) onsite audits.

Client Testimonials

"Eric is a true partner for our company. He is extremely great to work with and has tons of knowledge and expertise." - Benesch client, Chambers USA

Representative Matters

- Successfully represented clients in DOL Wage and Hour audits in Ohio, California, Minnesota, Texas, Indiana, Nebraska, North Carolina, Iowa, New Hampshire, Minnesota, New York, Nevada, Colorado, Maine and Illinois. In each instance, Eric's knowledge of the company's business and payment practices assisted the client in minimizing back pay awards or obtaining a determination of compliance in the remaining cases. No liquidated damages or penalties were issued in any case. Also collaborated with client to implement a nationwide internal audit program to identify and address potential additional wage and hour issues.
- Successfully represented client in an FLSA classification audit for 900 employee facility. As a result the company was able to uphold classifications of exempt personnel and avoid paying any fines. Successfully represented the company in union organizing campaign resulting in withdrawal of election petition prior to election.
- Successfully represented client in a wage and hour class action in Seattle, Washington, alleging failure to pay state minimum wage, prevailing wages, and overtime compensation. Following the trial court's decision to certify a class of approximately 80 insulation installers, moved to the Court of Appeals for a discretionary review, seeking to decertify the class. In January 2014, pending appellate review, attained a classwide settlement with class counsel on extremely favorable terms for the company.
- Successfully coordinated the defense of several actions against a company's newly hired employees across the United States filed by their former employer and competitor for breach of contract, violation of noncompete, and misappropriation of trade secrets. Defeated competitor's request for a temporary restraining order in one of the cases and assisted in amicably resolving all of the cases permitting the employees to continue working for the company.
- Successfully prevented a union petition from being filed and forestalled the unionization of 300 employees. The United Automobile Workers filed several unfair labor practice charges surrounding the termination of three union organizers and alleged misconduct by the client during the election campaign. Able to uphold all terminations before the National Labor Relations Board and resolved the remaining allegations with a very favorable settlement.
- Successfully represented trucking industry client in strike. Obtained preliminary injunction regulating picketing conduct and assisted in successfully obtaining concessions in wages and benefits.

- Successfully settled a noncompete case in favor of client where, upon discovery that a former employee had siphoned significant (seven-figure) business away from client to a secretly established side business he controlled, obtained a temporary restraining order preventing the employee from conducting further business or having contact with client's customers. The employee eventually agreed to a permanent injunction restricting his ability to compete, as well as paying client a high six-figure settlement and extending the noncompete period beyond its original term.
- Successfully obtained preliminary injunctions in Ohio and Colorado on behalf of a national medical supply company enforcing noncompete agreements and protecting trade secrets both causes are still pending for damages claims. Obtained $2.1 million in judgment in one case and obtained favorable confidential settlement (mid-six figures) in the second case.

Credentials

EDUCATION

- Case Western Reserve University School of Law, 1991, J.D., *cum laude*
- Ashland University, 1986, B.S., *magna cum laude*

BAR & COURT ADMISSIONS

- Ohio
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Western District of Virginia
- U.S. District Court for the Western District of Wisconsin
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Eastern District of Texas
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the District of Connecticut
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the District of Oregon
- U.S. District Court for the Northern District of Oklahoma

- U.S. District Court for the District of Utah
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Western District of Washington

Awards & Recognition

- Listed, *The Best Lawyers in America®*, Employment Law – Management; Labor Law - Management, 2013-2027
- Listed, Chambers USA Leading Lawyers, Labor & Employment, 2014-2026
- Listed, Benchmark Litigation, Labor & Employment Star, 2019-2024
- Listed, Ohio Super Lawyers, 2015-2021

News & Insights

- From Citation to Criminal Case: AB 2321 Expands Cal/OSHA's Criminal Enforcement and Penalizes Inspection Interference
  November 12, 2026 | Client Alerts & Insights
- EEOC Rescinds Criminal History Guidance
  November 11, 2026 | Client Alerts & Insights
- Court Follows Supreme Court on Section 10(j) Injunctions Under the NLRA
  October 13, 2026 | Client Alerts & Insights
- California's New AI Disclosure Rules for Employers and Litigators
  October 9, 2026 | Client Alerts & Insights
- Back To Wright Line: NLRB Resets Standards for Workplace Misconduct
  September 29, 2026 | Client Alerts & Insights
- NLRB General Counsel Issues Memorandum Asking Board to Overturn Biden-Era Precedent
  September 2, 2026 | Client Alerts & Insights
- OFCCP Publishes Final Rule Rescinding Affirmative Action Regulations Pursuant to Executive Order 11246
  August 31, 2026 | Client Alerts & Insights
- 126 Benesch Attorneys Recognized in 2027 Best Lawyers® Rankings
  August 20, 2026 | Press Releases
- EEOC Rescinds Prior Affirmative Action Guidance
  July 10, 2026 | Client Alerts & Insights

- Benesch Recognized as Leading Law Firm by Chambers USA 2026 with Record Growth in National and Regional Rankings
  June 4, 2026 | Press Releases

Speaking & Events

PAST EVENTS

- Keynote Address: Artificial Intelligence and the Practice of Law: Opportunity, Risk, and Professional Responsibility | W. Eric Baisden
  September 23, 2026 | Firm Events