



# Howard Fetner

## Counsel

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## Overview

Howard "Howie" Fetner represents employers in state and federal courts, arbitrations and before administrative agencies in employment matters, including discrimination, retaliation, harassment, wrongful termination, non-competition, non-solicitation and breach of contract. He advises employers on matters such as employee hiring, discipline, and termination; employment contracts; employee policies and handbooks; wage and hour issues; internal investigations; disability accommodation and other employment-related issues. Howie also represents individuals and businesses in probate litigation, complex commercial disputes, and appeals.

Howie served as judicial clerk to Judge Barrington D. Parker, U.S. Court of Appeals for the Second Circuit, 2001-2003.

## Experience

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.*

Successfully represented an employer in federal court jury trial of former employee's race and national origin discrimination claims

Successfully represented a nonprofit employer in court trial of former employee's breach of contract claim

Won summary judgment for an employer on former employee's age discrimination and disability discrimination claims; successfully defended judgment on appeal

Won summary judgment for employers in state and federal court discrimination, hostile work environment and breach of contract lawsuits

Successfully defended an employer from an employee's whistleblower retaliation claim under Sarbanes-Oxley Act

Successfully represented an employer in obtaining damages from former employee for theft of confidential information

Won summary judgment for a university on a professor's claims arising from denial of tenure; successfully defended judgment on appeal

Won summary judgment for a university on defamation, negligence and breach of contract claims seeking \$55 million in damages; successfully defended judgment on appeal

## Practices & Industries

**Academic Institutions & Higher Education**

**Complex Commercial Litigation**

**Employment & Labor**

**Employment Contracts**

**Employment Counseling & Training**

**Employment Litigation**

**Litigation**

**Restrictive Covenants & Trade Secrets**

**Wage and Hour Compliance & Employee Compensation**

Defended university against claims brought by vexatious litigant and successfully enjoined plaintiff from filing additional motions or claims against the client

Represented an independent school in defense of former student's sexual abuse claim

Conducted an investigation for independent school of former student's sexual abuse claim

Won judgment for a trust settlor on claim brought by trust beneficiary alleging fraudulent adoptions; successfully defended judgment on appeal

Successfully represented a trust beneficiary in claims against trustee concerning misuse of trust funds

Successfully represented family members in claims concerning undue influence and lack of capacity with respect to revisions to relative's estate plan

Won summary judgment for a newspaper on defamation and false light invasion of privacy claims

Won summary judgment for a company on antitrust claim brought by competitor; successfully defended judgment on appeal

Obtained upgrade in discharge status in pro bono representation of a U.S. Army veteran

## Education and Credentials

### Education

Harvard Law School, J.D., *cum laude*, 1999

Yale University, B.A., *magna cum laude*, 1996

### Admissions

State of Connecticut

State of New York

U.S. District Court, District of Connecticut

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

U.S. Court of Appeals for the Second Circuit

U.S. Supreme Court

### Affiliations

American Bar Association, Litigation Section

Connecticut Bar Association

## Recognition and Community

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## Recognitions

Selected to the list of Connecticut [Super Lawyers](#)<sup>®</sup>, Employment and Labor, 2016-2018

## Insights

Connecticut Enacts Broad Workforce Legislation Impacting Employer Obligations

Day Pitney Alert, May 27, 2026

The Employee/Independent Contractor Pendulum Swings Back Again

Day Pitney Alert, April 6, 2026

Key Connecticut Employment Law Developments Employers Should Address in 2026

Day Pitney Alert, January 22, 2026

Executive Orders Raise Compliance Concerns for Employers

Day Pitney Alert, May 6, 2025

Second Circuit Clarifies Employer Obligations Under ADA: Accommodation May Be Required Even If Employee Can Perform Essential Job Functions Without It

Day Pitney Alert, April 24, 2025

A Mostly Quiet Year for Employment Laws During Connecticut's 2024 Legislative Session

October 21, 2024

NLRB GC Proposes Significant Penalties for Employers' Use of Non-Compete and Stay-or-Pay Agreements

October 11, 2024

Texas Court Invalidates FTC Noncompete Rule Nationwide

August 21, 2024

Texas Ruling Puts Future of FTC Noncompete Rule in Doubt

July 10, 2024

New York Employment Law Developments: Paid Lactation Breaks, Posting Requirements and More

May 22, 2024

FTC Adopts Near-Total Ban on Noncompete Agreements

April 24, 2024

Connecticut Employee's Claims That She Was Terminated Based on Medical Marijuana Use Go Up in Smoke

March 26, 2024

New York Rings in the New Year With New Employment Laws

January 29, 2024

New York Employment Law Continues to Heat Up Even as the Weather Cools Down

August 31, 2023

Connecticut Employers Beware: Despite Quiet Legislative Session, Big Changes Could Be on the Horizon

July 18, 2023

New York State and City Pay Transparency Laws Continue to Evolve

March 24, 2023

2022 Connecticut Employment Law Recap

February 2, 2023

2023 New York Employment Law Updates

January 11, 2023

New York Law Prohibits Employers From Disciplining Employees for Lawful Absences

December 20, 2022

DOL Shakes Up Employee/Independent Contractor Distinction Again

October 17, 2022

Don't Fall Behind: Stay Up to Date With the Changes to New York's Employment Laws

October 3, 2022

Weeding Out Impaired Employees: NJ Commission Issues Guidance on Adverse Employment Action for Cannabis Use

September 20, 2022

Connecticut FMLA Notice Requirement Takes Effect July 1

June 27, 2022

Day Pitney's Annual Employment and Labor Conference Session 1

June 9, 2022

NJ Court Holds First Amendment Does Not Prohibit Employee Discharge for Racially Insensitive Post

June 8, 2022

Do You Know Where Your Employees Are? The Risks of Remote Work

April 11, 2022

Keeping Up With New York's New Employment Laws

March/April 2022

New Year, New(ish) Connecticut Employment Laws

January 13, 2022

Keeping Up With New York's New Employment Laws in the New Year

January 11, 2022

New York Revises Model Workplace Safety Plan Under HERO Act

October 4, 2021

NY Designates COVID-19 a Highly Contagious Communicable Disease, Triggering HERO Act Workplace Safety Plans

September 13, 2021

Amendment to Connecticut Law Requires Salary Range Disclosures to Applicants and Employees

June 17, 2021

EEOC OKs Employer COVID-19 Vaccine Mandates and Incentives

June 11, 2021

Not So Fast: New York City Ordinance Ends At-Will Employment for Fast Food Workers

March 25, 2021

New DOL Rule Expands Religious Employers' Exemption From Federal Contracting Anti-Discrimination Requirement

December 17, 2020

As Deadlines for New Connecticut Laws Approach, Employers Must Be Sure To Comply

December 15, 2020

Months After DOL Issues New "Joint Employer" Rule, Federal Judge Strikes It Down

October 30, 2020

Ruling Invalidates Portions of the Families First Coronavirus Response Act Regulations

August 5, 2020

Department of Labor Issues Two New Wage and Hour Rules

July 30, 2020

New DOL and NLRB Rules Restrict Potential Joint Employer Liability, EEOC Likely to Follow

July 30, 2020

Connecticut Updates Safe Workplace Rules for Essential Employers and COVID-19

April 28, 2020

Department of Labor Wage and Hour Division Issues Employment Law Guidance Relating to COVID-19

March 26, 2020

COVID-19 - Answers to Questions on Every Employer's Mind

March 18, 2020

Bonuses Paid by Third Parties May Not Need to Be Included in Calculating Overtime

December 12, 2019

Is a Chronically Absent Employee Entitled to an Accommodation That Would Result in More Absences?

November 20, 2019

Massachusetts Paid Family and Medical Leave Requirements Come Into Focus

June 28, 2019

Chronically Absent Employee Is Not Entitled to Accommodation That Would Result in More Absences

June 28, 2019

Connecticut's 'Time's Up Act' Expands Employer's Obligations to Prevent Sexual Harassment

June 26, 2019

In Massachusetts, Denial of Lateral Transfer Can Support Discrimination Claim

March 28, 2019

EEOC Identifies Approaches to Revamping Workplace Culture to Prevent Harassment

December 31, 2018

NYS Issues Draft Model Sexual Harassment Policy and Training: Employers Must Act to Ensure Compliance With Both State and City Laws

September 4, 2018

New York City Releases Required Sexual Harassment Poster and Information Sheet

August 8, 2018

Connecticut Joins the Growing List of States Banning Employers From Inquiring About Job-Seekers' Salary History

May 24, 2018

AARP Lawsuit Puts EEOC In An Awkward Position

November 23, 2016

Sexual Orientation Discrimination, Title VII And The EEOC

July 28, 2015

## News

Day Pitney Represents AlphaCrest Capital Management in Strategic Investment by Brummer & Partners

July 31, 2018

87 Day Pitney Lawyers Named to 2016 Super Lawyers List

November 10, 2016

# In The Media

Employee's Medical Marijuana Termination Claim Goes Up in Smoke

April 15, 2024

Employment and Labor Conference Session 1

Day Pitney Webinar, June 8, 2022

Connecticut Bar Association: Member Spotlight

Connecticut Bar Association, January 15, 2020

Judge Allows Company to Withhold Benefits From Departing Employee

The Connecticut Law Tribune, March 29, 2016