Cullen | Dykman

Gerard Fishberg

Partner

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Gerard Fishberg is a partner in the firm's Commercial Litigation and Labor and Employment and Municipal, Zoning, Land Use and Permitting departments.

Gary is a member of the New York State Supreme Court Commercial Division Mediation rosters for Nassau, Suffolk, New York, Westchester, Queens and Kings Counties, and the New Jersey Superior Court Roster of Mediators for Civil, Commercial, Employment, and Discrimination cases statewide. He is experienced in the areas of mediation and arbitration for labor and employment, commercial, and personal injury matters. He is also a member of the Nassau County Part 28 District Court Arbitration Panel and the Nassau County Bar Association Mediation and Arbitration Panels, and he has mediated personal injury cases in the Nassau County Supreme Court and arbitrated cases in the Nassau County District Court Small Claims Program.

Gary has been General Counsel to the Village of Garden City from 1976 to 2014 and from 2022 to date. In this role, he has overseen virtually all aspects of the Village's legal representation, including general advice, tax certiorari, zoning, environmental, compliance, general litigation, civil rights litigation, and previously, labor matters and Village Court.

Gary has been involved in a wide range of municipal legal matters, including attending and advising at meetings of municipal governing boards, Zoning Boards of Appeals, Planning Commissions, Architectural Design Review Boards, and other separate boards and commissions; attending and advising at public hearings; preparing local laws and reviewing legal notices, resolutions and filing forms with regard to adoption; attending and advising at grievance day hearings; reviewing contracts; reviewing and providing advice with regard to proposed State legislation affecting municipalities; advising with regard to elections, assessment rolls, zoning, condemnation and taxes; reviewing and providing advice with regard to demand letters concerning collection of claims owed to the municipality; reviewing and negotiating settlement of tax certiorari matters; and, representing and providing advice with regard to labor, employment, and benefit law matters.

Gary has considerable experience in legislative and intergovernmental relationships. He has been active with the Nassau County Village Officials Association (NCVOA) and New York Conference of Mayors (NYCOM) since 1972, and he has served as counsel to the NCVOA since 1984. He has acted as special counsel to numerous other municipalities with respect to zoning, environmental and SEQRA matters, labor matters, and tax certiorari proceedings as well. He also has frequent contact with legislators and has drafted complex municipal legislation.

Gary represents private and public sector employers in a wide variety of labor and employment matters, including labor contract negotiations, preparation of labor and employment agreements, labor arbitrations (both interest and grievance), discrimination and harassment claims, unit clarification and unfair labor practice cases before the National Labor Relations Board and the Public Employment Relations Board. He also assists clients in preparing employee handbooks; developing affirmative action plans; and formulating personnel policies for drug testing, hiring, layoffs, polygraph tests, smoking, and sexual harassment.

Gary's practice also includes helping clients comply with and implement legislation such as the Family and Medical Leave Act, the Americans with Disabilities Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, the Worker Adjustment Employment Act, and the Older Workers' Benefit Protection Act. He represents employers in federal and state litigation as well as before local administrative agencies, including the New York State Division of Human Rights, the United States Equal Employment Opportunity Commission, and various city and county human rights agencies.

Practices

- Labor and Employment
- Alternative Dispute Resolution (ADR)
- Municipal, Zoning, Land Use and Permitting
- Tax Assessment, Eminent Domain and Property Valuation

Bar Admissions

- New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Education

- J.D., St. John's University School of Law, 1971
    - Editor, St. John’s Law Review

    - St. Thomas More Scholar

- B.A., Hofstra University, 1968

Professional and Community Activities

- Member, Nassau County Bar Association
- Chair, Nassau County Bar Association Municipal Law Committee
- Chair, Municipal Law Section of the New York State Bar Association, 1991–1993
- Member, Municipal Law Section of the New York State Bar Association Executive Committee, 1978–Present
- Member, New York State Bar Association, Labor Law Section
- Chair, Labor Law Committee of the Nassau County Bar Association
- Municipal Law Section Representative, New York State Bar Association House of Delegates, 1993–1995 and 2017–2021
- Nassau County Bar Association Representative, New York State Bar Association House of Delegates, 1996–2016
- Fellow, New York Bar Foundation, 1993–Present and 10th J.D. Co-Chair
- Member, Board of Directors of the Nassau County Bar Association
- Member, National Institute of Municipal Law Officers
- Member, Long Island Chapter of the Labor and Employment Relations Association
- Director, Long Island Chapter of the Labor and Employment Relations Association, 1988–Present
- Treasurer, Long Island Chapter of the Labor and Employment Relations Association, 2016–Present
- Member, Garden City Chamber of Commerce
- Member, Mineola-Garden City Rotary Club, 1983–Present
- Chair, Long Island Region of the American Heart Association, 2000–2002
- Member, Board of Directors of the Heritage Affiliate of the American Heart Association
- Member, Board of Rotacare, 1992–Present
- Member, Board of Directors of the Long Island Chapter of the Arthritis Foundation, 2007–2011
- President, Tam O'Shanter Country Club, 2010–2013

Honors and Awards

- Community Achievement Award, Garden City Chamber of Commerce, 1999