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PRACTICE AREAS

Employment and Labor
Long-Term Care
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Caroline J. Berdzik, chair of the firm's Employment and Labor and Health Care Practice Groups, devotes her practice to helping businesses, organizations, and management navigate the panoply of employment law issues, from proactive counseling through alternative dispute resolution and trial. She represents companies in diverse industries such as health care, transportation, retail, construction, insurance, and finance, as well as non-profit organizations and educational and religious institutions.

In every matter, Caroline draws upon her previous experience as an in-house counsel to bring a deep understanding of and sensitivity to the daily challenges and cost considerations companies face. Accordingly, in her role as advisor and advocate, she functions as a virtual extension of clients' in-house legal and human resources teams, working in integrated partnership with them to protect the company's best interests and bottom line.

She regularly provides employers with strategic business advice on critical human resources issues that arise out of the employment relationship, from hiring to termination, with an emphasis on preventing future disputes and minimizing risk. Toward this end, she frequently provides practical in-house training on a multitude of human resources topics for employers and insurance companies. When needed, Caroline brings a proven track record to the defense of self-insured and insured companies in discrimination, harassment, retaliation, family medical leave, whistleblower, and wage/hour actions in federal and state courts, alternative dispute resolution forums, and state and federal administrative agencies. She also routinely conducts workplace investigations and advises businesses in the critical areas of wage and hour compliance and in drafting and enforcing restrictive covenants.

Some of her representative matters include:

- Obtaining summary judgment for a national fast food company on claims of national origin discrimination
- Successfully defending sexual harassment and related claims against a health care practice through vigorous discovery practice which resulted in the abandonment of the lawsuit by the plaintiff
- Prevailing at a bench trial on an appeal from the New Jersey Division of Wage and Hour Compliance confirming independent contractor status for an insurance sales representative

Additionally, Caroline has significant experience handling Title III ADA accessibility compliance concerns and litigation for financial institutions, shopping centers, transportation companies, medical providers, retailers, and other places of public accommodation.

Clients and industry insiders frequently call upon Caroline for her intimate knowledge of the health care industry and, in particular, the post-acute care industry. Caroline often defends skilled nursing facilities and related entities in professional liability claims and provides risk management solutions to help avoid or mitigate future claims.

Recent successes include:

- Obtaining dismissal of a lawsuit against a skilled nursing facility for plaintiff failing to provide a timely affidavit of merit
- Securing a favorable early resolution with the assistance of targeted expert review for an assisted living community facing allegations of negligence due to multiple falls of a resident
- Obtaining a dismissal of all claims against a predecessor owner of an assisted living facility

Prior to joining Goldberg Segalla, Caroline was the assistant general counsel for New Jersey's largest privately held long-term-care company. Among her many duties, she successfully

managed a diverse litigation portfolio in the areas of professional and general liability, employment, and commercial law. In this role, she supervised legal counsel nationwide, established risk management strategies, and reduced legal spend.

Caroline is a prolific speaker and writer in the areas of employment law, social media, risk management, and legal and operational issues confronting employers and long-term care providers. She has earned numerous honors that recognize the value of her legal services and her dedication to the community, including her recognition as one of the “Best 50 Women in Business” by *NJBIZ* and her regular appearance among the rankings of top legal practitioners in New Jersey and the New York Metro area. Caroline is also chair of the firm's Women's Initiative.

Honors

- AV Preeminent Peer-Review Rating (Martindale-Hubbell)
- *NJBIZ* Best 50 Women in Business, 2015
- *New York Metro Super Lawyers*, 2014–16 (Thomson Reuters)
- *New Jersey Super Lawyers*, Rising Stars, 2006–09, 2013 (Thomson Reuters)
- *New Jersey Super Lawyers*, 2015–19 (Thomson Reuters)
- *New Jersey Law Journal* 40 Under 40, 2008
- *The Trentonian* Movers and Shakers Top 20 Under 40, 2005
- *View peer-review methodologies at martindale.com and superlawyers.com. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Professional Affiliations

- Federation of Defense and Corporate Counsel (FDCC)
- Vice Chair, Health Care Section, 2018 to present
- Vice Chair, Professional Liability Section, 2018 to present
- Defense Research Institute (DRI)
- Chair, Nursing Home and Assisted Living Seminar, 2019
- Vice Chair, Nursing Home and Assisted Living Seminar, 2018
- American Health Lawyers Association (AHLA)
- Women Presidents' Organization (WPO)
- Professional Liability Underwriting Society (PLUS)
- Long Term Care Risk Forum, Faculty — Long-Term Care Power Lawyers, 2017 to present
- Association of Corporate Counsel (ACC) and ACC New Jersey Chapter, Former Member

Admitted to Practice

- New Jersey
- New York
- Pennsylvania
- U.S. District Court for the District of New Jersey
- U.S. District Courts for the Eastern, Southern, Northern, and Western Districts of New York
- U.S. Courts of Appeals for the Second and Third Circuits
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania

Community Involvement

- Capitol County Children's Collaborative: Board Member, 2012 to present
- East Windsor Zoning Board of Adjustment: Member, 2003 to present; Vice Chair, 2015–16
- Penn Medicine/Princeton Health Hospital, Emergency Department Advisory Committee, 2017 to present
- Drew University College Alumni Association: Board Member, 2003–06, 2013–17; Class Agent, 2014–17

- Notre Dame High School: Personnel Committee, 2014 to present
- St. Paul School: Administration Committee, 2016–17

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Languages

- French

Education

- Rutgers School of Law, J.D., 1999
- Drew University, B.A., *magna cum laude*, 1996

Publications

- "Goldberg Segalla Organizes Dress for Success Drive," DRI *The Voice*, April 17, 2019
- Mentioned in "Policies, Investigations Can Help Mitigate Sexual Abuse Claims," *Business Insurance*, March 13, 2019
- Quoted in "Use of Panel Counsel to Limit Legal Expenses Can Cost EPL Carriers," *Insurance Day*, September 20, 2018
- "Analyzing Long-Term Care Litigation Emerging Trends and Proactive Defense Tactics" (Co-Author), *CLM*, September 7, 2018
- Quoted in "Employment Liability Carriers Move to Tighten Terms After #MeToo," *Insurance Day*, August 21, 2018
- Quoted in "NJ Justices' Public Policy View Expands 3rd-Party Liability," *Law360*, December 18, 2017
- Quoted in "Irma Could Trigger Uptick in Nursing Home Claims," *Law360*, October 4, 2017
- "Tracking Employees With GPS Could Be Privacy Violation," *Bus and Motorcoach News*, September 28, 2017
- "Beware: ADA Website Accessibility Lawsuits on the Rise," *Bus and Motorcoach News*, August 10, 2017
- "Dealing with Employee Requests for ADA Accommodations," *Bus and Motorcoach News*, July 15, 2017
- "Bans on Applicant Salary History Gaining Across U.S.," *Bus & Motorcoach News*, May 23, 2017
- "More and More States Are Targeting Payroll Debit Cards," *Law360*, January 23, 2017 (subscription required)
- "CMS Cracks Down on Nursing Home Social Media Abuse," *Law360*, August 24, 2016 (subscription required)
- Quoted in "Attorneys React to EEOC's Equal Pay Data Reporting Proposal," *Law360*, January 29, 2016 (subscription required)
- "Best Practices for Avoiding Claims in the Employee Lifecycle, From Hiring Through Termination, Part 3: Termination Without Litigation" (Co-Author), *Inside Counsel*, December 4, 2015
- "Best Practices for Avoiding Claims in the Employee Life Cycle, From Hiring Through Termination, Part 2: If It's Not in Writing, It Didn't Happen" (Co-Author), *Inside Counsel*, November 2, 2015
- "Best Practices for Avoiding Claims in the Employee Life Cycle, From Hiring Through Termination, Part 1: Hiring and Onboarding" (Co-Author), *Inside Counsel*, September 22, 2015
- "Acuity Level Creep in Assisted Living," DRI *For the Defense*, August 2015
- Quoted in "Job Seeker? Or Undercover City Employee?" *Crain's New York Business*, May 20, 2015
- Quoted in "Criminal Background Checks Create Dilemma for Employers," *Business Insurance*, March 15, 2015
- Editor, Chapter 8, "Labor, Employment, and OSHA Issues," and Chapter 11, "Assisted Living Communities and Continuing Care Retirement Communities," *Post-Acute Care Handbook: Regulatory, Risk, and Compliance Issues*, American Health Lawyers Association, 2015

- Quoted in "U.S. Regulators Increase Scrutiny of Severance Pacts," *The Wall Street Journal*, November 5, 2014

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- "Important Considerations of Social Media Use for Long-Term Care Providers," Defense Research Institute *Medlaw Update*, October 16, 2014
- Quoted in "Self-funded Plans and TPAs Affected by Top Court's Hobby Lobby Ruling," *Thompson Information Services Smart HR Manager/HR Compliance Expert*, July 2014
- "Reduce E&O With EPL" (Co-Author), *National Underwriter Property & Casualty*, June 2014
- Quoted in "Making Centers Lawsuit-Proof," *Shopping Centers Today*, April 2014
- "Pa. Levels Playing Field For Health Provider Compliance," *Law360*, March 24, 2014
- Quoted in "Lehigh Valley, Northwest New Jersey Businesses Targeted by Flurry of Discrimination Lawsuits," *Express-Times*, March 10, 2014
- Quoted in "Are Nursing Homes' High-Need Residents at High Risk?" *The Columbus Dispatch*, January 26, 2014
- Featured in "Female Powerbrokers Q&A: Goldberg Segalla's Caroline Berdzik," *Law360*, January 23, 2014
- "Danger From Within? Sex Offenders in Long-Term Care Facilities" (Co-Author), *For the Defense*, Defense Research Institute, August 2013
- Quoted in "Panasonic Suit Offers Cautionary Tale for Succession Planning," *NJ Biz*, July 29, 2013
- Quoted in "Bullying Can Affect Elderly, Too," *News Transcript*, July 10, 2013
- "The Challenges of Hiring or Housing Registered Sex Offenders," *Long-Term Living*, June 14, 2013
- "Piercing the Corporate Veil: Strategies to Reduce Corporate Negligence Claims in LTC Lawsuits," *Long-Term Living*, November 16, 2012
- Quoted in "What President Obama's Re-Election Means for the Future of Long-Term Care," *Long-Term Living*, November 7, 2012
- Co-Author, chapter of *Employment Litigation in New Jersey* (Matthew Bender), 2005

Presentations

- "Navigating Employment Laws in the Gig Economy to Avoid a Lawsuit," RIMS Annual Conference and Exhibition, Boston, MA, May 1, 2019
- "Sexual Assault in Senior Housing Communities: The Regulatory, Legal, and Risk Management Issues Facing Providers and Their Insurers," Crittenden Medical Insurance Conference, Miami, FL, April 2, 2019
- "#NotYouToo: What Employers Need to Know to Avoid Liability in the #MeToo Era," FDCC Winter Meeting, Austin TX, March 25, 2019
- Moderator, "Sexual Abuse in the Healthcare Environment," PLUS Healthcare and Medical PL Symposium, Chicago, IL, March 12-13, 2019
- "Should They Stay or Should They Go? Best Practices for Compliance with Admission, Transfer, and Discharge Rights for Long Term Care Facilities," Long Term Care and the Law Conference, Phoenix, AZ, February 28, 2019
- "U.S. Risks Challenging the London Market: The Opioid Epidemic, #MeToo, and Our Expectations for 2019" (Co-Presenter), London Seminar, London, UK, October 29, 2018
- "Hot Button Nursing Home Liability Issues and Best Practices for Minimizing Risks and Costs" (Co-Presenter), Ironshore CE/CLE Lunch and Learn, Hartford, CT, October 9, 2018
- "Closing Arguments," LTC Power Lawyers 2018 Summer Session, Chicago, IL, August 15, 2018
- "The Opioid Crisis and the Blame Game" (Co-Presenter), FDCC Annual Meeting, Maui, Hawaii, July 29 to August 4, 2018
- "ADA Title III Litigation" (Co-Presenter), LVL/Allied World CE/CLE, New York City, New York, May 7, 2018
- Panelist, "Active Shooter/Workplace Violence Insurance Programs and Consumers Buyer's Guide," Crittenden Medical Insurance Conference, San Diego, CA, April 10, 2018

- "Corporate Culture and Employer Best Practices in the Age of the #MeToo Movement," Webinar, March 5, 2018

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- "Sexual Assault in the Long-Term Care Setting," AHLA Long-Term Care and the Law Conference, New Orleans, LA, February 28, 2018
- "Enlightening Jurors about the Realities of Infectious Disease Outbreaks in LTC Facilities," 8th Annual Forum on Long Term Care Litigation and Risk Management Strategies, American Conference Institute, Miami, FL, January 18, 2018
- "Spark Session: Workplace Violence in the Health Care Setting," Professional Liability Underwriting Society (PLUS) Conference, Atlanta, GA, November 1-3, 2017
- "Ethics in Employment Law — 'Hot Button' Issues " (Co-Presenter), Lawline CLE Webinar, September 18, 2017
- "The New LTC Regulations: What Does the First Major Overall of OBRA Regulations in 25 Years Mean for the Industry and Litigation in the Area," FDCC Annual Meeting, Montreux, Switzerland, July 25-29 2017
- "Guns in the Parking Lots and Employees Smoking Weed: What Employers Need to Know in the New Frontier of Workplace Safety," FDCC Annual Meeting, Montreux, Switzerland, July 25-29, 2017
- Chair and Presenter, "Violence from Within: Managing Risks Associated with Resident on Resident Interactions," Inaugural Long Term Care Insurance ExecuSummit, Mohegan Sun, Uncasville, CT, June 27-28, 2017
- "Workplace Privacy (HIPAA, GINA, etc.)," National Business Institute - New Jersey Employment Law, Atlantic City, NJ, April 11, 2017
- "Workplace Privacy (HIPAA, GINA, etc.)," National Business Institute - New Jersey Employment Law, Cherry Hill, NJ, April 6, 2017
- "Best Practices in Record Retrieval," Crittenden Medical Insurance Conference, Miami, FL, April 4, 2017
- "Employers, 'You Can't Have Any Pudding if You Don't Eat Your Alphabet Soup!' The Regulatory Agencies Are Filling Your Plate With Rules to Digest," Federation of Defense and Corporate Counsel, Charleston, SC, March 8, 2017
- "Operations: How Will Proposed New FLSA Overtime Rule Impact You and Your Business?" United Motorcoach Expo, St. Louis, MO, February 28, 2017
- "Best Practices for Preventing Violence in the Post-Acute Workplace from Internal and External Sources," Long Term Care and the Law, American Health Lawyers Association, San Diego, CA, February 24, 2017
- "Title III ADA Actions in Commercial Real Estate," XTreme CLE, Mercer County Bar Association, West Windsor, NJ, November 15, 2016
- "Taking the 'Risky' Out of the Aging Services Business: Building Blocks for a Comprehensive Risk Management Program," DRI Nursing Home/ALF Litigation Seminar, Scottsdale, AZ, September 8-9, 2016
- "Agency Alphabet Soup and the LTC Workforce — Maintaining Compliance With Emerging EEOC, OSHA, and DOL Enforcement Initiatives," American Health Lawyers Association Long Term Care and the Law Conference, New Orleans, LA, February 22-24, 2016
- "Social Media and Modern Technology: The Power to Build or Destroy All at Your Fingertips," ACI 6th Annual Forum on Long Term Care Litigation and Risk Management Strategies, Miami, FL, January 20-22, 2016
- "The Changing Landscape in Nursing Home Litigation," NJICLE, New Brunswick, NJ, December 9, 2015
- "Regulatory Enforcement Priorities: IRS/Treasury, DOL, EEOC and PBGC Developments," ACI Minimizing Legal Risks in the Design, Implementation, and Administration of Employee Benefits Plans, New York, NY, November 17-18, 2015
- "Affordable Care Act," EPLI ExecuSummit, April 15, 2015
- "Workers' Compensation and Employment Law," 2015 ABA Workers' Compensation Midwinter Seminar and Conference, Naples, FL, March 19-21, 2015

- "The Bermuda Triangle of the ADA, FMLA and Workers Compensation in the EPLI Realm: Coverage Complexities, 'Hot Button' Accommodation Issues, and Solutions for Minimizing Exposure to Disability Discrimination/FMLA Claims," 22nd National Conference on Employment Practices Liability Insurance, New York, NY, March 2-3, 2015
- "Best Practices for Managing Acuity Creep in Assisted Living," 2015 AHLA LTC Conference, New Orleans, LA, February 24, 2015
- "Labor and Employment Litigation: Are You On a Level Playing Field or Fighting an Uphill Battle?" Consero Corporate Litigation Forum, Miami, FL, October 5-7, 2014
- "Tactics for Moving EPL Litigation to Early Resolution," Ninth Annual National Employment Practices Liability Insurance ExecuSummit, Mohegan Sun Resort, CT, September 30-October 1, 2014
- "Navigating the Murky Waters: Ethically Managing Social Media for Long-Term Care Providers," Defense Research Institute Nursing Home/ALF Litigation Seminar, Chicago, IL, September 19, 2014
- "FMLA and ADA Interaction/Increased Claims and Continued Guidance on the Amended Americans With Disabilities Act and its Impact in the EPLI Realm: The Definition of a Disability, What Constitutes a 'Reasonable Accommodation' and Minimizing Exposure to Disability Discrimination Claims" (Co-Presenter), 21st National Conference on Employment Practices Liability Insurance, Chicago, IL, June 23, 2014
- Moderator/Presenter, "Workplace Investigations in New Jersey," Presented by Lorman Education Services, Mount Laurel, NJ, February 28, 2014

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