



→ Shawn D. Fabian

Partner

70 West Madison Street, 48th Floor
Chicago, IL 60602

T: +1.312.499.6308

F: +1.312.499.6301

sfabian@sheppardmullin.com

Shawn Fabian is a partner in the Labor and Employment Practice Group in the firm's Chicago and New York offices.

Areas of Practice

Litigation

Shawn represents management-side clients before federal and state courts across the country and before administrative agencies, including the DOL, EEOC, NLRB and various state and municipal human rights commissions and labor agencies. He also regularly represents clients in arbitrations and other avenues of alternative dispute resolution.

Shawn analyzes the enforceability of restrictive covenants and structuring enforceable restrictive covenants to protect his clients' business interests, and he prosecutes and defends actions across the country involving the enforcement of non-compete, non-solicit and other restrictive covenants, as well as misappropriation of trade secrets claims under the Uniform Trade Secrets Act and the Federal Defend Trade Secrets Act. His litigation experience also includes defense of collective and class actions alleging misclassification and other wage and hour claims; defense of multi- and single-plaintiff cases alleging discrimination, retaliation and sexual harassment; and defense of whistleblower claims.

Counseling & Internal Investigations

Shawn regularly counsels domestic and international clients on day-to-day workplace issues, such as preparation, administration and enforcement of personnel policies, reductions-in-force, executive and employee discipline and separation, leaves of absence and reasonable accommodations.

Shawn is well versed in conducting complex internal investigations and audits on behalf of his clients. His investigations range from issues affecting the entirety of a client's workforce that require scores of interviews of employees at all levels of the corporate hierarchy to issues affecting small departments or complaints of a single employee. Shawn ensures efficiency and minimal disturbance to his clients' operations during the course of an investigation. Relatedly, he is well versed in conducting investigations and audits in response to inquiries from various regulatory agencies and institutions, including JCAHO and ACGME. He also conducts interactive trainings on issues such as recruitment, sexual harassment, discrimination, bullying and other workplace behavior, discipline and general legal compliance.

Mergers & Acquisitions

Shawn works closely with the firm's Corporate Practice Group on mergers and acquisitions to evaluate the labor and employment liabilities associated with a specific transaction; develop pragmatic, business-oriented solutions to issues that arise during the course of fast-paced transactions; and structure sophisticated executive employment, separation and retention bonus agreements in connection with such transactions.

Shawn joined the firm after serving as Chief Counsel for Labor and Employee Relations at a nationally recognized hospital in New York City. Previously, he served on the staff teams for a U.S. Senator and U.S. Congressman in Washington, D.C.

Honors

Ones to Watch – Labor and Employment, *Best Lawyers*, 2022

New York Rising Stars, *Super Lawyers*, Labor and Employment, 2017-2019

Articles

- Chicago may impose hiring priority to previously laid-off hotel workers
Chicago Daily Law Bulletin, 03.24.2021
- Three new laws slated for summer will require employers to be ready
Chicago Daily Law Bulletin, 02.20.2020
- New marijuana law has ins, outs employers should be aware of
Chicago Daily Law Bulletin, 02.13.2020
- Employers must pay attention to new laws, impact on workplace
Chicago Daily Law Bulletin, 02.06.2020
- Deposition Questions in a Trade Secret Misappropriation and Breach of Restrictive Covenant Action (Plaintiff Employer to Defendant)
Lexis Practice Advisor, 01.2020
- Predictable Scheduling Makes Its Way To Chicago
Chicago Daily Law Bulletin, 08.15.2019
- Preparing For New Calif. Hotel Housekeeper Regs
Law360, 06.14.2018
- Cybersecurity Measures to Protect Employers' Confidential Information and Trade Secrets
Lexis Practice Advisor, 05.11.2017
- Engaging in Discovery on Behalf of Plaintiffs in Trade Secret Misappropriation and Breach of Restrictive Covenant Actions
Lexis Practice Advisor, 05.2017
- Dissecting New Sick leave Laws in Illinois, Cook County and Chicago
Chicago Daily Law Bulletin, 11.23.2016

Labor and Employment Law Blog Posts

- "President Biden and OSHA to Require Vaccine Mandate or Weekly Testing for Employers with 100+ Employees," September 10, 2021
 - "Illinois Governor Signs Non-Compete Legislation," August 26, 2021
 - "Governor Signs Sweeping Changes to Illinois Employment Laws," May 12, 2021
 - "The Critical Nature of Labor and Employment Diligence in Transactions," March 18, 2021
 - "Employers: Do Not Forget Your Sexual Harassment Prevention Training Requirement," May 4, 2020
 - "The CARES Act: A Comprehensive Overview for Employers," March 31, 2020
 - "Illinois Statewide Stay at Home Order. What Employers Need to Know," March 20, 2020
 -
- "The Time Is Now for Employers in Illinois to Abide by New Laws," January 9, 2020
- "Predictable Scheduling Makes Its Way To Chicago," July 31, 2019
 - "'Panic Button' Laws Make Their Way Across The U.S.," May 8, 2019
 - "The Potential For Stemming BIPA Suits Waits Another Day," April 4, 2019
 - "New York Lodging Industry: Post Your Human Trafficking Informational Cards," November 6, 2018
 - "Hands Off-Pants On Ordinance In Effect in Chicago; California May Be Next," August 10, 2018
 - "Healthcare Organizations Take Notice: The Joint Commission Issues Recommendations to Stem Workplace Violence," June 6, 2018
 - "Utah and Idaho Limit Non-Competes and Vermont and Pennsylvania Work to Ban Them," May 9, 2018
 - "Illinois Works to Combat Sexual Harassment," December 22, 2017
 - "Hands Off-Pants On Ordinance to Protect Hotel Employees" href="http://www.laboremploymentlawblog.com/2017/10/articles/employee-handbooks/ordinance-protect-hotel-employees/">"Chicago City Council Committee Approves *Hands Off-Pants On* Ordinance to Protect Hotel Employees," October 5, 2017
 - "The Continued Uncertainty of Paid Sick Leave Laws," February 9, 2017
 - "Dissecting New Sick Leave Laws in Illinois, Cook County and the City of Chicago," November 14, 2016

Eye on Privacy Law Blog Posts

- "Washington Enacts Restrictions on Applicant Wage and Salary Questions," June 10, 2019

Books

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)
04.21.2020

Media Mentions

Litigator of the Week Runners-Up and Shout Outs
The American Lawyer, 08.13.2021

New laws aim to protect hotel workers

Hotel Business Magazine, 11.07.2019

Lawyer: Illinois businesses should take steps to limit BIPA liability after reform legislation fails

Cook County Record, 04.30.2019

CA Hotels Focus on Training to Limit Housekeeping Injuries

Hotel Business, 11.2018

Calif. Hotels Must Create Housekeeper Injury Prevention Plans

Hospitality Law, 08.2018

New Chicago Ordinance Requires Hotels to Equip Employees with Panic Buttons

Legal News Line, 11.07.2017

New Chicago Sex Assault Law Aims To Protect Hotel Workers

Law360, 10.26.2017

Speaking Engagements

"Legal Updates in Labor and Employment Law," Greater New York Association of Healthcare Recruiters, New York, New York, October 24, 2018

"Tips on Drafting Restrictive Covenants and Litigating Restrictive Covenant Claims," Lawline CLE Program, New York, New York, June 2018

"Current Issues in Human Resources, including Wellness Program Best Practices, Developing Workforce Plans and Effective Strategies for Reducing Health Benefit Costs," presented to the National Business Institute, December 2017

"Labor and Employment Legal Updates: A Year in Review and What HR Professionals Should Expect," presented to the Greater New York Association of Healthcare Recruiters, September 2017

"Labor and Employment Law Trends: What to Expect from the EEOC and the U.S. Department of Labor," presented to the Greater New York Association of Healthcare Recruiters, May 2016

"You Found WHAT on Her Facebook Page: Social Media's Role in Recruitment," presented to the Greater New York Association of Healthcare Recruiters, September 2015

"Beyond Patient Care: Criminal Record Background Checks," presented to the Greater New York Association of Healthcare Recruiters, February 2015

Events

Strategies for Navigating Stress: A Series for Healthcare Leaders
via Zoom, 05.20.2021, 06.17.2021, 07.09.2021

Employee Wellness in the Time of COVID-19: Employee Mental Health and Well-Being, Vaccinations and Return to Office (Or Not)
Webinar, 02.11.2021

Getting Back to Business Webinar Series (Part 2)
Planning and Best Practices for Employers in a Changed Workplace
Webinar, 05.28.2020

Labor and Employment Law Update
Sheppard Mullin Chicago, 11.28.2018

CLE Credits and Cocktails
Sheppard Mullin Chicago
05.18.2017

Labor & Employment Breakfast Briefing - Chicago
09.10.2015

Memberships

Member, Chicago Bar Association

Member, Illinois Association of Healthcare Attorneys

Podcasts & Webinars

WHLC Wellness Series: Part 1: Strategies for Navigating Stress: A Series for Healthcare Leaders
05.20.2021

Nota Bene Episode 117: The Critical Nature of Labor & Employment Diligence in Corporate Transactions with Kevin Cloutier and Shawn Fabian
03.17.2021

Getting Back To Business Webinar Series: Session Two
05.28.2020

Practices

Labor and Employment

Litigation

Government Contracts, Investigations & International Trade

Public Policy and Government Affairs

Healthcare

Biometric Information Privacy Act (BIPA)

Industries

Cannabis
Construction
Education
Healthcare
Hospitality
Retail
Transportation
Trucking and Logistics

Education

J.D., New York Law School
B.A., George Washington University

Clerkships

Honorable Lisa Margaret Smith, U.S. District Court for the Southern District of New York, 2010-2012
Legal Intern, U.S. Attorney's Office for the Southern District of New York, Criminal Division, 2005
Legal Intern, Honorable James Yates, Supreme Court of the State of New York, New York County, 2004

Admissions

Illinois
Kentucky
New York
Wisconsin
U.S. District Court, Northern District of Illinois
U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Western District of New York

Additional Office

New York