



Brian T. Farrington
Shareholder

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Practice Areas

- Employment Law

Practice Emphasis

Brian T. Farrington is a Shareholder and Section Head of the Firm's Employment Law Practice Group. His practice consists of transactional work advising and representing management concerning employment law. Principal practice areas are Fair Labor Standards Act and Equal Employment Opportunity laws. Also, Texas Workforce Commission unemployment eligibility, government contracts labor standards (Davis Bacon Act, Service Contract Act), OSHA 11(c), and state wage payment laws.

Education and Court Admissions

- J. D., Texas Wesleyan University School of Law, 1994
- M.A., University of Chicago, 1974
- B.A., *summa cum laude*, University of Dallas, 1973
- Admitted to the State Bar of Texas, 1994
- U.S. District Court, Northern District of Texas
- U.S. Court of Appeals for the Fifth Circuit

Memberships

- Member, State Bar of Texas
- Member, Dallas Bar Association

Publications and Speaking Engagements

Mr. Farrington is noted for his exceptional ability as a speaker and trainer. He has taught sessions on the FLSA for the State Bar of Texas and Arkansas, and for the Dallas Bar Association. He has addressed groups such as the Society of Human Resource Management, the Texas Payroll Conference, attendees at AADP's "Meeting of the Minds" national conference, Ceridian Corporation's "Insights" national conference, local chapters of the Human Resources Associations, American Payroll Association, American Compensation Association, and many others.

FLSA

- He has represented hundreds of employers in investigations conducted by U.S. Department of Labor, Wage and Hour Division under FLSA. In addition, he has represented employers investigated under the Davis Bacon Act (DBA), Service Contract Act (SCA), Migrant and Seasonal Agricultural Worker Protection Act (MSPA), etc. In almost every case, reduced or eliminated back wage liability and avoided litigation by USDOL/WH. Clients range from small "mom and pop" businesses to Fortune 500 companies.
- He has a number of regular retainer clients he advises on Wage-Hour, EEO, workers comp, unemployment and other matters. He assists with personnel actions such as discipline, terminations and layoffs. He also drafts and reviews policies, handbooks and manuals.

- He has been engaged to review FLSA status of companies, particularly exempt/non-exempt classifications, hours worked issues, and proper computation of overtime.
- He has knowledge and experience in child labor issues.
- Mr. Farrington has unique knowledge and experience in DBA/SCA. There are very few private sector attorneys who are familiar with government contracts wage standards.
- He has successfully negotiated Civil Money Penalties in FLSA, child labor, and MSPA cases.
- He is often hired by other lawyers to assist them in FLSA cases. He has assisted other lawyers in drafting pleadings, interrogatories, RFP's, RFA's, MSJ's, appellate briefs.

EEO

- He prepares dozens of position statements annually in response to EEOC/state discrimination and harassment charges.
- He has attended mediations representing clients and has a very successful track record of resolving difficult cases.
- He also assists with personnel actions such as discipline, terminations and layoffs as well as draft/review of policies, handbooks and manuals.

OTHER

- Additional experience includes responding to complaints under OSHA 11(c), state wage payment laws.
- He has also conducted I-9 reviews for companies internally, and to comply with higher-tier contract obligations.

EXPERT WITNESS

- Mr. Farrington has engaged as an expert witness in more than 50 cases in federal and state court.

UNITED STATES DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION

- Investigator/Compliance Officer in Chicago from 1975 to 1982, with 18 months off to pursue graduate studies. Became a Senior Investigator/Compliance Officer in 1981.
- In 1982, transferred to Ft. Worth, and continued as an Investigator until 1984.
- As an Investigator, he conducted 500-600 full Wage-Hour investigations, along with another 300-400 more limited enforcement actions.
- was promoted to Assistant District Director (a/k/a "Director of Enforcement") in the Dallas District Office of Wage-Hour in 1984.
- Directly responsible for the District Office's enforcement program, and directly supervised between 12 and 16 subordinates. Involved in hiring, training, evaluating, and disciplining of the Investigators who reported to him.
- Supervised some 5,000 investigations.
- As Assistant District Director required to know the FLSA and other laws enforced by the Wage-Hour Division thoroughly. Responsible for determining in each case whether the law was properly applied by the Investigator, whether the evidence was adequate to support the Investigator's conclusions, and whether back wages had been calculated properly. When cases could not be settled at the Investigator level, conducted "second level" negotiations to attempt secure from employers and their representatives agreements to comply with the law and pay back wages. When necessary, made the decision that litigation by the Government was appropriate, and sent the file to the Regional Solicitor of Labor with that recommendation.