

David M. Buday

MEMBER

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David Buday is a Member of Miller Johnson and has been practicing law since 1989. His practice is focused on representing employers and management in a wide range of labor and employment matters. While his labor and employment practice covers a wide range of industries, David is chair of Miller Johnson's Employment - Health Care Practice Group.

Employment Law

David provides day-to-day counsel to company owners, corporate executives and human resource professionals on a wide variety of employment issues. Because concern over compliance is always one of the greatest fears employers have, he takes a proactive approach to compliance with federal and state laws. These include:

- Hiring practices - He guides clients through the process from recruitment to interviewing and reference checks. He also advises on applicable laws related to hiring including the Elliott-Larsen Civil Rights Act.
- Wage and hour law - He advises on all related aspects to this including minimum wage, overtime pay, prevailing wage requirements,

Practice Areas

- [Employment and Labor](#)
- [Employment - Health Care](#)
- [Automotive](#)
- [Health Care Reform Team](#)
- [Union Avoidance](#)
- [Union / Management Relations](#)
- [Collective Bargaining](#)
- [Employee Handbook and Personnel Policies](#)
- [Disabilities and Accommodation](#)
- [Employment Discrimination](#)
- [Employment Litigation](#)
- [Labor Arbitration](#)
- [Management and Employee Training](#)
- [Workplace Harassment](#)
- [Health Care](#)
- [Manufacturing](#)
- [Family Owned Business and Closely Held Companies](#)
- [Workers' Compensation](#)
- [Wage and Hour](#)
- [Occupational Safety and Health](#)
- [International Employment](#)
- [FMLA / ADA Solutions](#)

Education

- J.D., Wayne State University Law School, 1989, *cum laude*
- B.S., Aquinas College, 1986, *cum laude*



employing minors, and recordkeeping. His counsel includes compliance with the Fair Labor Standards Act (FLSA).

- Workforce reduction – His experience ranges from voluntary separations to plant closing/mass layoffs. He has experience with severance agreements. He knows the requirements for the federal Worker Adjustment and Retraining Notification (WARN) Act from the perspective of both unionized and non-union facilities.
- Difficult employee issues – He advises clients on the challenges that arise related to attendance, substance abuse testing, disability and work leaves including military. He is knowledgeable about the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA) and Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Harassment and discrimination – His experience extends to protection for sex, race, religion, national origin, age, and other “protected characteristics.” He directs employers on their responsibility with a focus on prevention.

David uses his knowledge and considerable experience to develop policies and preventive programs for his clients with a focus on their business objectives and the goal to foster positive employment relations and long-term profitability. His approach is aggressive but sensitive in resolving employment-related disputes.

He has represented clients in more than one hundred cases in front of the Equal Employment Opportunity



Commission (EEOC) and the Michigan Department of Civil Rights (MDCR).

Labor Law

David has worked with myriad businesses in Michigan on a full spectrum of labor relations including helping clients maintain their union-free status, collective bargaining, arbitrating cases before the American Arbitration Association, the Federal Mediation and Conciliation Service and independent arbitrators, and handling unfair labor practice matters before the National Labor Relations Board. David has extensive experience with all major unions in West Michigan and is familiar with their representatives including United Auto Workers (UAW), International Brotherhood of Teamsters (IBT), United Steelworkers of America (USWA), Michigan Nurses Association (MNA), Service Employees International Union (SEIU), and United Food and Commercial Workers (UFCW).

He has built his reputation in labor relations on trust and understands that simply pounding a table and saying no is not effective labor relations.

Because he represents both unionized employers and non-union employers, he can use that knowledge to his clients' advantage. He counseled a West Michigan hospital during a large construction project and for the first time bidding was open to all contractors — both union and non-union — on a merit-based system. He helped the hospital manage picketing and other threats by organized labor. The project was completed with no delays or disruptions.

Health Care Industry

David works closely with hospitals and health systems in addressing the vital need for good staff relations in



a changing and challenging environment. In addition, he also represents medical providers, nursing facilities, and diagnostic centers. He counsels health care clients on the full-range of employment matters including those already addressed. He can meet their needs for guidance on issues such as wage and hour, discharge documentation and ADA/FMLA which take on a higher level of complexity in health care organizations.

David understands the interplay between employment laws and laws that are unique to health care facilities such as the Whistleblowers Protection provisions. He advises clients on how to manage professional practices regarding Peer Review Privilege and licensing reporting requirements especially regarding employee incompetence and substance abuse. This allows health care organizations to focus on their mission of providing excellent patient care and services to achieve positive outcomes.

Manufacturing Industry

David has represented manufacturers in West Michigan both in labor relations and employee relations. He has helped manufacturers beat back union organizing attempts, both pre- and post-petition, from all major unions including USWA, UAW and IBT. He has bargained contracts for manufacturers, including innovative agreements with the UAW where there were only two job classifications and an emphasis upon management flexibility. In another case, he represented a manufacturer who discovered that over two-thirds of its workforce had engaged in misreporting to the Unemployment Insurance Agency. He assisted the



client in managing that matter so individuals could be discharged and the manufacturer could successfully continue its operations without loss of work time.

Construction Industry

David has worked with contractors in many trades in helping them to maintain their union-free status. He has been involved in elections with several trades and helped assist clients who have been the subject of organizing campaigns. He understands the rules concerning secondary boycotts, picketing and prevailing wage issues.

Articles and Presentations

David is a frequent speaker on employment and labor law topics including union avoidance, harassment prevention, electronic communication in the workplace, wage and hour law (FLSA), workplace violence, employment records and the Family and Medical leave Act. He has conducted numerous seminars for groups ranging from the American Bar Association to the Michigan Health and Hospital Association to the Michigan Manufacturer's Association to the Society of Human Resource Management (SHRM) chapters.



He is a member of Michigan Health and Hospital Association and American Health Lawyers Association (AHLA) including AHLA's labor and employment section. He is also involved in several professional associations, including the Associated Builders and Contractors West Michigan Chapter and Kalamazoo Area Labor-Management Committee. Mr. Buday is past Chair of Miller Johnson's Employment and Labor Relations Section and is past Administrative Member of the firm's Kalamazoo office.

David is named in "The Best Lawyers in America®" for employment law - management, health care law, labor law - management, and litigation - labor and employment. He has been named Best Lawyers "Kalamazoo Lawyer of the Year" four times: Employment Law - Management (2016 and 2020); Litigation - Labor and Employment (2015); Employment Law - Management (2014). He is named a Michigan "Super Lawyer" for employment and labor.

