

Counsel, Washington, D.C.

Labor and Employment Law



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Education

J.D., Fordham University School of Law,
2017 (*magna cum laude*)

B.A., College of the Holy Cross, 2012
(*cum laude*)

Bar Admissions

New York

District of Columbia

Florida

Experience

Law Clerk, Hon. K. Michael Moore,
U.S. District Court for the Southern
District of Florida

Emily Safko advises clients on a broad spectrum of labor and employment matters, including negotiating and drafting executive employment, separation and restrictive covenant agreements, implementing reductions in force and developing workplace policies. She has substantial experience advising on employment-related issues arising from national and multinational corporate transactions.

A significant portion of Ms. Safko's practice involves counseling clients regarding the enforceability of restrictive covenants and addressing potential breaches by former employees. She frequently prepares cease and desist letters and provides strategic advice on noncompetition, nonsolicitation and nondisclosure obligations.

Ms. Safko also conducts internal investigations into workplace issues such as allegations of unlawful harassment and discrimination. In addition, she regularly represents clients in employment litigation, arbitration and mediation proceedings. Her litigation experience includes cases involving claims of harassment, discrimination and retaliation, wage and hour violations, misappropriation of confidential information, breach of contract (including restrictive covenants) and breach of fiduciary duties.

Selected representative matters include:

- a pharmaceutical company in two separate state court proceedings brought by former employees seeking to enjoin enforcement of non-competition covenants
- a health care technology company in a federal court matter involving two former employees who joined a competitor, solicited employees and misappropriated confidential and trade secret information in violation of restrictive covenants. Ms. Safko also represented the client in a parallel JAMS arbitration involving similar claims
- a major contracting company in the termination of an executive officer for cause based on violations of the company's code of conduct. Ms. Safko also represented the company in mediation regarding severance entitlement
- a financial services company in JAMS arbitration initiated by a former employee alleging discrimination, wrongful termination, retaliation, breach of contract and wage and hour violations
- a restaurant chain in a class and collective action alleging violations of the Fair Labor Standards Act and related state wage and hour laws
- a major luxury retailer in an internal investigation and in mediation following allegations of gender and age discrimination and retaliation by a former company executive

Selected corporate transactions include:

- Union Pacific Corporation in its pending \$85 billion merger with Norfolk Southern Corporation
- Mars, Incorporated in its pending \$35.9 billion acquisition of Kellanova's snacking business
- Duke Energy in its pending \$2.48 billion sale of its Piedmont Natural Gas Tennessee local distribution company to Spire, Inc.
- Foot Locker, Inc. in its \$2.4 billion sale to Dick's Sporting Goods
- CF Industries Holdings, Inc. in its \$1.67 billion acquisition of Incitec Pivot Limited's ammonia production business
- Endo Health Solutions in its Chapter 11 plan of reorganization

Selected Publications

“New York Restrictive Covenant Update,” *New York Law Journal*, August 13, 2025

“Supreme Court Review: Reverse Discrimination, Agency Leadership, FLSA Exemptions and Differential Pay,” *New York Law Journal*, June 13, 2025

“DEI Under Siege: A Guide to the Trump Executive Orders,” *Skadden Publication / The Informed Board*, Winter 2025

“Recent Developments Regarding the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021,” *New York Law Journal*, December 5, 2024

“Supreme Court Review: Title VII, Retaliatory Intent and Exemption from Arbitration,” *New York Law Journal*, June 18, 2024