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## JEFFREY W. PAGANO

Twomey, Latham, Shea, Kelley, Dubin & Quartararo LLP



Jeffrey W. Pagano is a partner in the Labor & Employment Group at Twomey, Shea, Latham, Kelley, Dubin, and Quartararo, LLP. Pagano focuses on all forms of corporate operating design, litigation and negotiation, primarily in the area of labor and employment law, arising under the NLRA, RLA, Jones Act, Title VII of the 1964 Civil

Rights Act, ADEA, FLSA, SCA, ERISA, E.O. 11246, Rehabilitation Act, VEVRAA, OSHA, ADA, FMLA, SCA, FCRA, FCA, as well as the numerous state statutory schemes impacting the workplace, throughout the U.S.

Pagano has experience in many industries, including all forms of transportation (armored, OTR, shipping, aircraft), manufacturing, financial, automotive, steel, retail and consumer products, hospitality, health care, and a myriad of other service industries. He has been involved in hundreds of union organizing campaigns on behalf of management. He also has extensive experience before the NLRB, in collective bargaining, as well as the ongoing administration of the employment relationship, including arbitration.

Pagano has also developed workplace policies and procedures that produce effective internal workplace dispute mechanisms designed to avoid external liability. These practices enhance management's operational and leadership credibility, while reducing union organizing risk, discrimination claims, whistleblower claims and wage hour claims (collective, class, and individual), which reduces the potential legal spend in the process.

Wage and hour compliance involving the New York Labor Law (NYLL) and the Fair Labor Standards Act (FLSA) should be a continuing employer focus depending upon the number of employees employed and/or the use of independent contractors within New York State, Pagano said.

"Due to overall employment growth, coupled with workforce generational employment expectations, continued toleration for non-compliant business/employment platforms is diminishing from the applicant's/employee's perspective," he said. "The risk for noncompliance not only limits the universe of qualified candidates, but for employees

the employer risks collective and class action lawsuits involving all similarly situated employees and/or independent contractors. Such lawsuits are expensive to defend, as well as risky because damages typically consist of all wages owed to the class, double damages and attorneys fees for the plaintiffs' counsel."

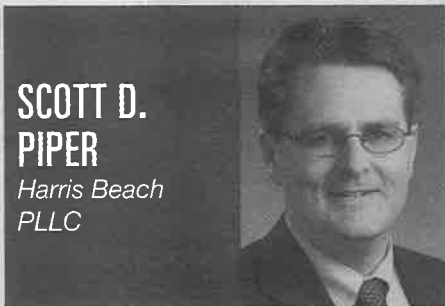
"Employers should periodically conduct audit for each employment position concerning appropriate classifications, overtime eligibility, tip credits, state and/or federal mandated programs (e.g. hiring processes, sick pay, family leave, disability and other programs). These are among the many facets of a compliant employment relationship," Pagano said. "To do otherwise, is to diminish the value of the business platform, as well as the effectiveness of the operating strategy, while allowing one employee to dramatically effect the long term viability of the enterprise through the collective and class action process."

Pagano also litigates significant complex commercial matters arising out of the purchase and sale of business organizations, intellectual property and contractual disputes in courts throughout the U.S. or in the arbitration context.

He is admitted to practice in New York, New Jersey and District of Columbia bars; the U.S. Supreme Court, U.S. Court of Appeals, Second, Third, Fourth, Fifth, Sixth, Ninth and Eleventh, DC Circuits; U.S. District Court, District of New Jersey; U.S. District Court, District of Columbia; U.S. District Court, Southern, Eastern and Northern Districts of New York; U.S. District Court, Eastern District of Michigan; and U.S. District Court, Eastern District of Wisconsin.

## SCOTT D. PIPER

Harris Beach PLLC



Scott D. Piper is a partner at Harris Beach PLLC with extensive private practice and in-house counsel experience in all areas of labor and employment litigation. Piper represents employers in the wide range of labor and employment law matters, from intricate employment class action lawsuits to litigation involving all types of workplace disputes such as claims of unlawful termination, discrimination, harassment, and unpaid wages or benefits.

He also represents employers before all types of administrative agencies including the New York and United States Departments of Labor, the EEOC, the New York State Division of Human Rights, the OFCCP, OSHA, and the NLRB. His practice includes preparing and negotiating separation packages and

advising on contractual issues such as employment agreements and non-compete agreements.

While not a new issue, the #MeToo movement has magnified the importance of serious and regular non-harassment training for all employees – managers and non-managers alike, Piper noted.

"It has also emphasized how crucial it is for employers to take all formal and informal complaints of harassment seriously, and to investigate and address them immediately and decisively," he said. "The landscape in American workplaces is changing rapidly. Employers, who once thought that they were immune from harassment issues, are learning that this is no longer the case."

"The time has come for employers to take their non-harassment policies—and any internal harassment issues—seriously," Piper said. "Failing to do so may not only result in liability—but in this day of social media—it may also irrevocably hurt a company's brand and business reputation."

Piper earned a juris doctor from University of Florida Law and a bachelor's degree, summa cum laude, from University of North Florida.

He is admitted to practice in New York, Georgia, Georgia - Supreme Court

And before the U.S. District Court, New York - Eastern District; U.S. District Court, New York - Northern District; U.S. District Court, New York - Southern District; U.S. District Court, New York - Western District; U.S. District Court, Georgia - Northern District U.S. Court of Appeals, Second Circuit; and the U.S. Supreme Court.

Founded in 1856, Harris Beach and its subsidiaries provide a full range of legal and professional services for clients across New York state, as well as nationally and internationally. Harris Beach is among the country's top law firms as ranked by The National Law Journal and is among the 2017 BTI Elite law firms based on in-depth interviews of more than 600 corporate counsel at the world's largest and most influential companies. Clients include Fortune 100 corporations, privately-held companies, emerging businesses, public sector entities, not-for-profit organizations and individuals. Principal industries Harris Beach represents include education, energy, financial, food and beverage, health care, insurance, manufacturing, medical and life sciences, real estate developers, science and technology, veterinary medicine, and state and local governments and authorities.

The firm's more than 220 lawyers practice among offices throughout New York state in Albany, Buffalo, Ithaca, Melville, New York City, Rochester, Saratoga Springs, Syracuse, Uniondale and White Plains, as well as in New Haven, Connecticut and Newark, New Jersey.

## DOUGLAS E. ROWE

Certilman Balin Adler & Hyman, LLP



Douglas E. Rowe is a partner in the Labor and Employment Practice Group at Certilman Balin Adler & Hyman, LLP in East Meadow. Rowe has a broad range of expertise in labor and employment law, including claims alleging discrimination based upon race, sex, religion, national origin, age and disability, as well as sexual harassment, wage and hour issues, labor arbitrations, and defense of employment-related claims under federal and state statutes.

Rowe counsels on and litigates issues relating to restrictive covenants and trade secrets. By initiating preventive counseling on company policies and other personnel matters, he helps clients keep costs down and avoid litigation. Rowe also prepares and negotiates employment agreements.

In the area of employment law, compliance is the word for 2018, Rowe said.

"Numerous federal, state and local laws have been enacted, which

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