
REGULATION OF COMPENSATION

(In Recognition of the 75th Anniversary
of the Fair Labor Standards Act of 1938)

NYU Center for Labor and Employment Law

Cosponsored with Cornell University School of Industrial and Labor Relations
and
St John’s University School of Law

All sessions will be held in Greenberg Lounge, Vanderbilt Hall, NYU School of Law,
40 Washington Square South, New York, NY.

THURSDAY, JUNE 6

8:30-8:45 WELCOME
Professor Samuel Estreicher (NYU Law)

8:45-9:15 REFORMING THE FLSA
Moderator: Louis Pechman (Berke-Weiss & Pechman)
Presenter: Prof. Zev Eigen (Northwestern Law)
Commentator: Catherine Ruckelshaus (Natl. Empl. Law Project)

9:15-10:30 SUBSTANTIVE ISSUES UNDER THE FLSA
Moderator: Robert Whitman (Seyfarth Shaw)

“White Collar” Exemptions
Leslie Stout-Tabackman (Jackson Lewis)

Independent Contractor Issues
Michael J. Puma (Morgan Lewis)
Use of Unpaid Interns
Robert Whitman (Seyfarth Shaw)

"Working from Home" Issues
Elena Voss (Metropolitan Museum of Art)

10:45-12:30  LITIGATION AND SETTLEMENT OF FLSA CLAIMS
Moderator: Scott J. Wenner (Schnader Harrison)

Damages Issues
Eugene Eisner (Eisner & Associates)

Trials in Wage and Hour Cases
Patrick Shea & Leslie Dent (Paul Hastings)

Impact of Dukes and Comcast on FLSA Collective Actions
Fred Braid (Holland & Knight)

Settling Wage-Hour Litigation (including Rule 68 Offers after Genesis Healthcare v. Symczyk)
Justin Swartz (Outten & Golden)

12:30-2:00  LUNCH
Speaker: Hon. Patricia Smith, Solicitor, U.S. Department of Labor

2:00-3:30  EMERGING PAY ISSUES IN THE UNITED STATES
“Say on Pay”
Holly J. Gregory (Weil)

Managing Executive Compensation and “Clawbacks”
Michael Delikat (Orrick)

Strategies for Reducing Labor Costs (Independent Contractors, Temporary Staffing Agencies, Outsourcing): At
What Point Do You Become a Joint Employer?
Jeffrey Kohn (O’Melveny & Myers)

3:45-5:00  EMERGING BENEFITS ISSUES IN THE UNITED STATES
Moderator: Esta Bigler (Cornell ILR)

Impact of the Affordable Care Act on Single and Multiemployer Healthcare Plans
Mark Brossman (Shulte Roth) and Anusha Rasalingam (Friedman & Wolf)

409A Issues in Employment Agreements and Severance Pay
Susan P. Serota (Pillsbury Winthrop)
FRIDAY, JUNE 7

8:45-10:00 EMERGING PAY AND BENEFITS ISSUES ABROAD
Moderator: Shlomit Yanisky-Ravid (Ono Law; Yale Law)

EU Regulation of Executive Compensation
Howard Robbins (Proskauer)

"Job Category" Discrimination
Donald C. Dowling (White & Case)

10:30-12:15 LITIGATION AND ARBITRATION OF NON WAGE-HOUR PAY DISPUTES
Moderator: Jonathan Ben-Asher (Ritz Clark & Ben-Asher)

ERISA Preemption of Wage Payment Laws?
Philip G. Harmonick (NYU Law)

Pay Disputes in Securities Industry Arbitration
Todd Gutfleisch (Wechsler & Cohen) and John F. Fullerton III (Epstein Becker)

The "Faithless Servant" Doctrine
Cameron Friedman (NYU Law)

12:30-2:00 LUNCH
Speaker: Hon. Lafe Solomon, Acting General Counsel, National Labor Relations Board
Introduction by Marshall Babson (Seyfarth Shaw)

2:00-3:30 PROFESSIONAL RESPONSIBILITY ISSUES
Moderator: David B. Feldman (Moses & Singer)

Ethical Issues in FLSA Cases
Pearl Zuchlewski (Kraus & Zuchlewski)

Ethical Issues for In-House Counsel
Andrew Herzig (Kauff McGuire; former director of labor relations, NBCUniversal)

The general registration fee for the Conference is $700 per person (or $350 to attend one day only); two or more persons from the same organization may register for $500 each for both days.

A special registration fee of $200 per day is available for government employees and employees of public interest organizations and labor unions.

CLE: A total of 13 hours of New York State Continuing Legal Education credits, including 1.5 hours of Ethics/Professionalism credit, are available.

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