

SEMINAR

Preventing & Litigating Wage & Hour Cases 2019

Avoid common mistakes and learn key strategies for bringing and defending claims

Wage and hour litigation under the federal Fair Labor Standards Act and Massachusetts law continues to be one of the most active areas of litigation in employment law. The statutes are complex and have many non-intuitive requirements. In addition, state and federal laws often impose differing obligations, and employers are expected to comply with the law that is the most protective of employees. Compounding the risks of non-compliance is the availability of multiple damages, including automatic treble damages under state law.

Because wage and hour disputes often involve groups of employees, court cases are often brought as putative class or collective actions. However, in light of recent Supreme Court decisions, employers are using mandatory arbitration programs as a means of avoiding class litigation.

This program provides an overview of federal and state wage and hour laws and identifies common compliance issues and theories of liability. Learn strategies for when litigation is commenced and for pursuing and defending against class and collective actions. The faculty also discuss the pros and cons of a mandatory arbitration program. Whether you represent aggrieved workers, are responding to a lawsuit or governmental investigation, or are advising companies on how to minimize risk, this program helps you identify the issues and understand the latest litigation strategies.

Agenda

- Overview of State and Federal Wage and Hour Law
- The Commonwealth's "Grand Bargain" Regarding Minimum Wage and Sunday Pay
- Latest Court Decisions Interpreting State and Federal Wage and Hour Laws
- Use of Independent Contractors
- Bonuses v. Commissions Under the Wage Act
- Key Differences Between State and Federal Wage and Hour Laws
- Calculating Overtime
- Bringing and Responding to Wage and Hour Lawsuits, Including Types of Claims Seeking Class Treatment and Employer Defenses
- Discovery in Wage and Hour Cases, Including the Use of Experts
- Certification of Class and Collective Actions
- Mandatory Arbitration Programs after *Epic Systems*
- Damages and Settlements
- "Ask the Experts" Q&A Session

Faculty

Robert A. Fisher, Esq., *Seyfarth Shaw LLP, Boston*, Chair
Lyndsey M. Kruzer, Esq., *Choate Hall & Stewart LLP, Boston*
Brian J. MacDonough, Esq., *Sherin and Lodgen LLP, Boston*

Dates & Locations

BOSTON

Thursday, June 20, 2019
2:00 pm–5:00 pm

MCLE Conference Center,
10 Winter Place, via Winter Street
Program Number: 2190278P01

LIVE WEBCAST

Thursday, June 20, 2019
2:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2190278WBC

RECORDED WEBCAST

Monday, July 8, 2019
2:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2190278RBC

Tuition *(includes written materials)*

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Materials

The materials for this program include MCLE's *Massachusetts Wage and Hours Handbook*, which can be viewed or downloaded via the link emailed to you prior to the course.

Also, there is no need to take extensive notes. Two weeks after the live seminar, all registrants receive a link to a written verbatim transcript of this program.

Can't Attend?

View the webcast—live or later, or download the mp3 recording at www.mcle.org

Listen to the Audio CD
Available after Monday, July 8

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For course agendas, hours, fees, and discounts, please refer to the respective seminar pages. The fee includes all written materials unless otherwise noted, program instruction, and refreshment breaks. Lunch may be enjoyed on your own.

To reserve seating and gain access to online materials, please register in advance of the program.

Upon registration, MCLE will e-mail a confirmation. Please check in with the registrar on the day of the program.

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Mandatory CLE credits

States have varying mandatory CLE credit requirements; individual attorneys are responsible for checking with their particular state CLE accreditation authority about whether and how much credit will be granted. Although MCLE does not pursue state-based credit, MCLE programs are regularly approved in many jurisdictions. It is the responsibility of the individual attorney interested in CLE credit to submit the information and certifications required under the respective state rule to the appropriate state authorities in the jurisdictions in which they seek credit.

Depending on the jurisdiction, lawyers can satisfy their mandatory CLE requirements online with MCLE's webcasts, which feature periodic attendance prompts, online written materials, and the opportunity to receive a certificate of attendance.

If your plans change

If you're unable to attend a program you've registered for, you will receive an email notification shortly after about how to access the program on demand via webcast and/or downloadable mp3 file, including the written materials in electronic form, in full satisfaction of the tuition paid. If you prefer a refund, let us know by the end of the business day prior to the program and we'll refund your tuition after deducting a \$25 processing fee. Note that limited enrollment programs are an exception, cancellation

of which require two weeks notice and are subject to a \$45 processing fee.

Attorney scholarships

Attorneys with financial need who certify that they are unable to attend a program without financial aid may request a partial tuition scholarship in confidence by writing or emailing scholarships@mcle.org **at least two weeks in advance of the program.**

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