

Preventing & Litigating Wage & Hour Cases

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. The Supreme Judicial Court's 2022 decision in *Reuter v. City of Methuen* highlights that treble damages are automatic even on late payments.

Because wage and hour disputes often involve groups of employees, court cases are often brought as putative class or collective actions. In light of recent U.S. Supreme Court decisions, however, employers are using mandatory arbitration programs as a means of avoiding class and collective 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. 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
- Latest Court Decisions Interpreting State and Federal Wage and Hour Laws
- Proposed Changes to the FLSA Overtime Exemptions
- Joint Employment Under Federal and State Law
- Use of Independent Contractors
- Novel Theories of Liability Under Massachusetts Law
- 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

Brian J. MacDonough, Esq., *Sherin and Lodgen LLP, Boston*

Alexandra D. Thaler, Esq., *Constangy, Brooks, Smith & Prophete LLP, Boston*



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Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Thursday, June 13, 2024

2:00 pm–5:00 pm

Program # 2240176WBC

REBROADCAST

Friday, June 28, 2024

9:00 am–12:00 pm

Program # 2240176RB1

REBROADCAST

Monday, July 15, 2024

1:00 pm–4:00 pm

Program # 2240176RB2

ON DEMAND WEBCAST

View after Monday, July 15, 2024

Program # 2240176WBA

Tuition *(includes written materials)*

- \$245
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Materials

Massachusetts Wage and Hours Handbook ebook, plus speaker materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

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