

Message from the Section Chair

By Sharon Stiller

When I wrote the first draft of this message, President Trump had nominated CKE Restaurants CEO Andy Puzder for the position of Secretary of Labor. He was famously quoted as saying, "Robots, always polite, they always upsell, they never take a vacation, they never show up late, there's never a slip-and-fall, or an age, sex, or race discrimination case." But the first draft had to be recalled when Mr. Puzder withdrew his name. As I write this draft, the President just announced the nomination of R. Alexander Acosta, who is anticipated to sail through the confirmation process. Much less clear is what policies he will be advocating as Secretary of Labor, and where the White House stands on labor-related issues, particularly in view of the President's Executive Orders to reduce regulation.

Meanwhile, back in New York, Governor Cuomo completed his State of the State tour on January 12, 2017, announcing the last of his 35 proposals for the coming year. Several of the Governor's initiatives and recent Executive Orders involve labor and employment law. While the federal increase was stayed by court order, the threshold exemption rates for several of the white collar exemptions were increased in New York State. Task forces are being formed to share information among

State agencies, and to increase enforcement by holding out-of-state LLC members liable for wage claims. New York State is gearing up its regulation and enforcement, while it appears that the federal government may be gearing down.

I submit that there has never been a more interesting time for labor and employment lawyers, nor a more important opportunity for this Section. We have a duty to each other and to the clients and businesses we represent, to help them to understand this changing landscape. This Section is uniquely able to rise to the challenge, precisely because of the talent of our membership, and its diversity. Our task, then, in the coming months, will be to educate our members so that they can navigate the volatile changes in



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NEW YORK STATE BAR ASSOCIATION

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the field, to better serve the businesses, individuals and organizations that we represent.

We discussed this challenge at our Executive Committee meeting in January, along with our interactions with the New York State Bar, as it becomes involved with areas we are familiar with, such as diversity training. We continue our commitment to diversity as a Section, voting to make our diversity fellowship a two-year program, and sending a diversity fellow to the Trial Academy, as part of our sponsorship of that program.

In the past year, we have educated our membership in many ways, including sponsoring webinars in addition to our fabulous CLE programs. Some of the recent webinars include:

- 12/1: Conducting Effective Employment Investigations;
- 11/10: BREXIT & Employment;
- 11/4: Legal & Practical Considerations in Mediating Wage and Hour Cases;
- 10/19: Clinton vs. Trump on Immigration (you may want to replay this one given the events of late January and February, 2017);
- 10/13: Wage & Hour Update; and
- 2/11: How Will Employment Litigation Be Impacted.

We continue to share information with the Corporate Counsel section, as well as our outreach to law schools students. Our Annual meeting explored such timely topics as emergency ethics, political speech involving public officials as well as sports figures, and what can be expected from the NLRB during the Trump administration.

We also experienced a first at our Annual Meeting. While we often have law students attend our conferences, Rosemary Townley, Esq., brought with her a college student fascinated by one of our timely CLE topics, political speech or conduct by sports figures. Jason Polito, a third year business student at SUNY-New Paltz, will be explor-

ing a master's in sports business marketing and/or law, and Jason not only attended but asked questions of the panel!

None of this would be possible without the commitment and passion of our members, who constantly step up to the plate when asked, and even when not asked. I am so very proud to be a part of this special and collegial group of lawyers who help create the cutting edge of labor and employment law. When I look back at the photograph of the Section members at the Supreme Court with Justice Ruth Bader Ginsburg from our fall meeting, I could not be more proud.

Please join me in thanking Allan Bloom, Esq., *Labor and Employment Law Journal* editor, for the fabulous journals he has put together over the years. We believe that they are second to none. Allan has been our *Journal* chair for five years, quietly increasing the caliber and relevance of the articles he brings to you. This year, Allan has brought on managing editors, Laura Monaco, Esq. of Epstein Becker and Colin Leonard, Esq. of Bond Schoeneck. Although we recognize that passing the gavel assures involvement from others, we will miss Allan when he passes his duties to the managing editors, but we will be sure to call upon his talents in other ways. We thank Allan for making our *Journal* among the best NYSBA publications.

And speaking of NYSBA publications, we are proud that our brochure about the work of the Labor and Employment Law Section will join the Legalease series this year, so that the public will be better informed about the work of labor and employment attorneys.

I am deeply honored to have been your Chair, and to have accomplished what we have this year. I am also thrilled that you have selected the finest succession of Chairs, with Seth Greenberg, Esq. of Greenberg, Burzichelli, Greenberg, P.C. scheduled to take over in June, 2017 and then Cara Greene, of Outten & Golden, LLP, the following June. Our Section exemplifies the best of civility, diversity, learning, talent and achievement in the field.

Save the Dates!

Fall Labor and Employment Law Section Meeting

October 20 - 22, 2017 | The Sagamore Resort

Bolton Landing, NY