



## **Eric Raphan**

**Partner**

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### **PRACTICE AREAS**

- Labor and Employment

### **OVERVIEW**

Mr. Raphan is a partner in the firm's Labor and Employment practice group and is located in our New York Office.

### **Areas of Practice**

Mr. Raphan's practice encompasses a wide range of labor and employment matters, including the defense of single plaintiff and class action discrimination, wrongful discharge and wage/hour claims, in addition to employment contract, non-competition, whistleblower, sexual harassment and related claims. He regularly represents clients in labor and employment litigations in federal and state courts, and in proceedings before various administrative agencies, including the Equal Employment Opportunity Commission, the U.S. Department of Labor and various state and local agencies. Mr. Raphan also represents clients in collective bargaining negotiations and all stages of the labor election process, including election campaigns and hearings before the National Labor Relations Board.

Mr. Raphan regularly counsels both domestic and international clients on matters relating to harassment, minimizing liability against lawsuits, the development and implementation of employment contracts, employee handbooks, personnel policies, non-competition agreements, reductions-in-force, independent contractor agreements and compliance with Title VII, ADEA, ADA, WARN, FMLA, FLSA and other federal, state and local employment statutes. He also advises management on the labor aspects of mergers and acquisitions and the extraterritorial application of U.S. laws.

### **EDUCATION**

- J.D., Brooklyn Law School, 2001, *Magna cum laude*
- B.A., Binghamton University, 1998, *Magna cum laude*

### **ADMISSIONS**

- New York
- United States District Court for the Southern and Eastern Districts of New York

### **ARTICLES**

- New York Takes Significant Steps to Ensure Employee Awareness Regarding Wages, *SHRM Legal Report*, July 2011
- Federal and New York State Minimum Wage Increases to \$7.25 Per Hour on July 24, 2009; Minimum Wage for Tipped Restaurant Servers and Other Servers Increases to \$4.65, *Human Resource Executive*, July 24, 2009

- Some Employers Are Seeking Alternatives to Layoffs, *The National Law Journal*, April 27, 2009
- Contributed to "High Court Could Reshape Employment Practices," *Employment Law360*, January 15, 2008
- Contributed to "Workforce Reductions," *New York Law Journal*, August 16, 2007

#### **Labor & Employment Law Blog Articles**

- "Wax This! New York Court Finds Restrictive Covenant In Hair Removal Specialist's Employment Agreement Unreasonable and Unenforceable," September 26, 2011
- "Ninth Circuit Attempts to Clarify Learned Professional Exemption's Educational Requirement," September 13, 2011
- "The New York State Department Of Labor Issues Guidelines, Instructions, FAQ's and Model Notices For the Wage Theft Prevention Act," April 6, 2011
- "Recently Enacted "Hospitality Wage Order" Imposes New Tip Rules," February 8, 2011
- "New York Enacts The Wage Theft Prevention Act," December 22, 2010
- "The New York State Department Of Labor Issues Guidelines, Instructions and Model Notices For New York's Notice of Pay Law," January 27, 2010
- "California's Occupational Safety and Health Standards Board Amends Medical Services And First Aid Regulations To Extend Requirements To All Employers," September 24, 2009
- "Second Circuit Holds That Employees Do Not Have Private Cause of Action Under the Railway Labor Act," September 23, 2009
- "UPDATE: Ninth Circuit Vacates Prior Decision Holding That California's Labor Code Applies To Work Performed In California By Non-Residents," February 17, 2009

#### **New York Commercial Division Round Up Blog Articles**

- "'I Quit,' 'No, You're Fired!' New York Supreme Court Tells Employer to Think Twice Before Terminating Employees Without Setting Forth a Reason," January 27, 2011; additionally published in *The National Law Review*, February 4, 2011

#### **SPEECHES**

- "Labor & Employment Law: 2011 Year In Review," New York, New York, November 3, 2011
- "Labor & Employment Law Update Fall 2011," San Francisco, September 8, 2011
- "Labor & Employment Law Update: Spring 2011 Seminar," New York, New York, May 19, 2011
- "Labor & Employment Law Update: 2010 Year in Review," New York, New York, November 10, 2010
- "Labor & Employment Law Update: Leading Court Decisions and Key Legislative Developments in 2010," New York, New York, May 13, 2010
- "Labor & Employment Law Update: 2009 Year in Review," New York, New York, November 5, 2009
- "Labor & Employment Law Update: The First 100 Days of the Obama Administration," New York, New York, May 21, 2009
- "The Perfect Storm: How the U.S. Presidential Election and Recent Economic Events Will Impact Labor and Employment Laws in 2009 and Beyond," New York, New York, November 6, 2008

- "Critical Employment Law Issues to Consider In a Turbulent Economy," New York, New York, June 12, 2008
- "Guidelines for Promoting a Respectful Workplace," New York, New York, May 2008
- "Preventing Employment Discrimination in New York," Lorman Education Services, New York, New York, March 26, 2008
- "Training for Supervisors: How to Limit Liability for Employment Issues," Lorman Education Services, White Plains, New York, August 7, 2007
- "Advanced Workplace Investigations," Lorman Education Services, Melville, New York, April 7, 2006