



## → Eric Raphan

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

### Areas of Practice

Eric'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, restrictive covenant, 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. Eric also represents clients in all stages of the labor election process, including election campaigns and hearings before the National Labor Relations Board.

Eric regularly counsels both domestic and international clients on matters relating to wage/hours issues, harassment, minimizing employer liability, reductions-in-force, and the development, implementation and enforcement of employment contracts, employee handbooks, personnel policies, restrictive covenants, and independent contractor agreements. Eric also counsels clients regarding 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.

### Honors

Labor and Employment, *Legal 500*, 2018

New York Super Lawyer, *Super Lawyers*, 2013-2018

New York Rising Stars, *Super Lawyers*, 2012

### Articles

- NY Employers Take Note: Paid Family Leave Benefits Law Becomes Effective Jan. 1st  
*New York Law Journal*, 11.06.2017
- How Judge Gorsuch Could Affect Key Labor, Employment Issues Facing SCOTUS  
*New York Law Journal*, 03.23.2017
- Steps For Effective Workplace Harassment Prevention  
*Law360*, 11.04.2016

- Gender Identity Guidelines Bring New Compliance Issues  
*New York Law Journal*, 02.29.2016
- Chicken Soup Is Not Enough  
*Metropolitan Corporate Counsel*, 11.2015
- The NLRB's Continued Regulation of Social Media in the Workplace  
*Journal of Internet Law*, Vol. 18, No. 2, 08.2014
- Developing Social Media Policies That Survive NLRB Scrutiny  
*New York Law Journal*, 03.07.2014
- Policing the Social Media Water Cooler: Recent NLRB Decisions Should Make Employers Think Twice Before Terminating An Employee For Comments Posted On Social Media Sites  
*Journal of Business & Technology Law, University of Maryland Francis King Carey School of Law*, Vol. 9, No. 1, 2014
- Potential Impact of Obama's Re-Election on Employers  
*New York Law Journal*, 12.10.2012
- Access Denied: Employers Should Avoid Seeking Access to Social Media Accounts  
*Bloomberg BNA*, 07.19.2012
- New York Takes Significant Steps to Ensure Employee Awareness Regarding Wages  
*SHRM Legal Report*, 07.2011
- 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*, 07.24.2009
- Some Employers Are Seeking Alternatives to Layoffs  
*The National Law Journal*, 04.27.2009
- High Court Could Reshape Employment Practices  
*Employment Law360*, 01.15.2008
- Work Force Reductions  
*New York Law Journal*, 08.16.2007

## **Labor and Employment Law Blog Posts**

- "NY HERO Act Requirements Significantly Modified as Amendments Pass New York Legislature," June 14, 2021
- "Governor to Consider Significant New Health and Safety Obligations as NY HERO Act Passes State Legislature," April 27, 2021
- "NYC Employers Take Note: Earned Sick and Safe Time Act Amendments Take Effect September 30, 2020," September 30, 2020
- "DOL Revises FFCRA Regulations in Light of New York Federal Court Decision," September 21, 2020
- "New York Federal Court Vacates Several Portions of DOL Regulations Regarding FFCRA Leave," August 12, 2020
- "New York on Pause: Governor Cuomo Orders All Non-Essential Workers to Stay Home," March 20, 2020
- "Second Circuit Holds That FLSA Settlements Pursuant To An Offer of Judgment Do Not Need Court Approval," December 12, 2019

- "Update: Governor Cuomo Signs Significant Changes to New York Discrimination and Harassment Legislation Into Law – Employer Compliance Required," August 28, 2019
- "Equal Pay Act Amendment Passes House of Representatives," March 28, 2019
- "Second Circuit Court of Appeals Adopts "Primary Beneficiary Test" and Provides Guidance on the Unpaid Intern Question," July 27, 2015
- "The NLRB's Changes to Representation Case Procedures," April 15, 2015
- "New Jersey Looks to Limit Use of Criminal History in Hiring Decisions," December 20, 2013
- "The Unemployed Are Now Protected Under The New York City Human Rights Law," April 10, 2013
- "Second Circuit Rules that the FLSA Does Not Apply to Claims for Gap-Time Pay," March 21, 2013
- "Eastern and Southern District Courts Compel Plaintiffs to Arbitrate their FLSA Collective Action Claims on an Individualized Basis," March 8, 2013
- "Southern District of New York Compels Arbitration of FLSA Collective Action Claims on an Individualized Basis," December 12, 2012
- "\*UPDATE\* Proposed Amendments To New York Labor Law Section 193 Authorizing Additional Payroll Deductions Signed Into Law," September 20, 2012
- "Proposed Amendments to New York Labor Law Section 193 Authorize Additional Payroll Deductions," June 27, 2012
- "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 Posts**

- "'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

## Media Mentions

State and Local Coronavirus Decrees Raise Questions of Who Is Essential  
*Society of Human Resource Management*, 03.27.2020

Modell's Gets Initial Nod On Overtime Settlement  
*Law360*, 10.17.2014

## Speaking Engagements

"Managing Infectious Diseases in the Workplace: Legal Requirements for Handling Infected, Exposed, or At-Risk Employees," C4CM, Center for Competitive Management Webinar, October 16, 2015

"Infectious Disease and the Workplace – Key Considerations for Employers," West LegalEdcenter, January 29, 2015

"The Evolution of the Adjudication Process in Professional Athletics," Brooklyn Law School, November 20, 2014

"Employee Social Media Use: Potential Liability for Employers Who Attempt to Regulate It and Reasonable Expectations for Employees," Bloomberg BNA Webinar, February 26, 2014

"Social Media and the Law: An Exploratory Look into the Legal Effects of Online Interconnectedness," University of Maryland Francis King Carey School of Law, April 5, 2013

"Access Denied: Employee Social Media Use and Potential Liability for Employers Who Attempt to Monitor or Regulate It," Bloomberg BNA Webinar, August 23, 2012

"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

"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

## Events

Labor & Employment Law Update - Year in Review - New York  
Fall 2019  
Convene, 11.14.2019

Labor and Employment Law Spring Update - New York  
Spring 2019  
05.22.2019

Labor & Employment Law Update  
New York  
06.07.2018

Labor & Employment Law Update - Year in Review  
New York Fall 2017  
11.15.2017

Sheppard Mullin's Fall 2016 Labor & Employment Year in Review  
Grand Hyatt New York, 11.14.2016

Sheppard Mullin's Labor & Employment Year In Review  
11.19.2015

Sheppard Mullin's Spring 2015 Labor & Employment Law Update  
05.05.2015

Labor & Employment Law Update - Spring 2014  
06.09.2014

2013 New York Labor & Employment Year In Review  
Grand Hyatt New York, 11.05.2013

Breakfast With Your Finance & Bankruptcy Lawyers  
Labor Liability and The Financially Troubled Company  
Sheppard Mullin New York, 09.12.2013

2013 New York Labor & Employment Update  
Grand Hyatt New York, 06.19.2013

2012 Labor and Employment Year in Review  
How the U.S. Presidential Election and the Current Economy Will Impact Labor and Employment Laws in 2013  
and Beyond  
Grand Hyatt New York, 11.15.2012

Labor & Employment Law Update 2012  
The W Hotel, New York, 05.09.2012

Labor & Employment Law: 2011 Year In Review  
New York  
The W Hotel, 11.03.2011

Labor & Employment Law Update - Spring 2011  
Sheppard Mullin New York, 05.19.2011

Labor & Employment Law Update: 2010 Year in Review  
W New York, 11.10.2010

Spring 2010 - Labor & Employment Law Update  
W New York 541 Lexington Avenue (Between 49th and 50th), 05.13.2010

Labor & Employment Law Update: 2009 Year in Review  
W New York, 11.05.2009

A Perfect Storm: How the U.S. Presidential Election and Recent Economic Events Will Impact Labor and Employment Laws in 2009 and Beyond  
Four Seasons Hotel, New York, 11.06.2008

Critical Employment Law Issues to Consider In a Turbulent Economy  
For HR Practitioners and General Counsel  
Grand Hyatt New York - Park Avenue at Grand Central Terminal, 06.12.2008

## Practices

Labor and Employment

Litigation

Financial Services Litigation

Labor and Employment Counseling

Labor and Employment Litigation

Labor Union Management Relations

## Industries

Emerging Company & Venture Capital

Entertainment and Digital Media

Financial Services

Hospitality

Insurance

Investment Management

Life Sciences

Mortgage Banking

Private Equity

Retail

Sports

Telecom

## Education

J.D., Brooklyn Law School, 2001, *magna cum laude*

B.A., State University of New York at Binghamton, 1998, *magna cum laude*

## Admissions

New York

United States Court of Appeals for the Second Circuit

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