

PEOPLE



**Mark E.
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Partner

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Co-Head of the Employment & Employee Benefits Group. Areas of concentration include all aspects of employment law, ERISA, labor relations, education law and related litigation.

Mark is well-known for his broad experience in legal issues impacting the workplace, including employment law, labor law, ERISA and education law.

He is counsel to numerous educational institutions, including independent schools, colleges, universities, professional training programs and education-related associations. He also serves as counsel to many investment management and private equity firms; banks, and financial institutions; large multi- and single-employer employee benefit plans; healthcare institutions, including nursing homes and home care employers; and a wide variety of other clients.

Mark has served as an instructor at Columbia University Teacher's College, as a lecturer in the Cornell University ILR School's Labor

Relations Studies Program and is a frequent public speaker and author.

Mark is listed as a leading employment lawyer in *The Best Lawyers in America* (2008-2023) and as an employee benefits expert in *New York Super Lawyers* (2006-2023). He was selected by *Best Lawyers* as:

- 2022 Lawyer of the Year for Employment Law – Management in New York City
- 2020 Lawyer of the Year for Labor Law – Management in New York City

He has also been recognized by *Human Resource Executive* and *Lawdragon* as one of the 100 most powerful employment lawyers in America and one of the top 10 in ERISA law. He was also selected by *Premier Education Lawyers* as the Exclusive Featured Attorney for New York in 2020 and 2021, and by *Premier Employment Lawyers* as the Exclusive Featured Attorney for New York in 2021.

Mark's many prestigious awards include:

- The Judge William B. Groat Alumni Award, Cornell University School of Industrial and Labor Relations (ILR) – for achievement in the field of industrial relations
- Honoree, Basil Paterson Scholarship Program, 1199SEIU Home Care Education Fund
- Individual Honoree, Cornerstone Award, Lawyers Alliance for New York – for outstanding pro bono service provided to New York nonprofit organizations
- Pro Bono Leadership Award, Lawyers Alliance for New York – first recipient of this award
- Academy of Employee Benefit Authors

He serves on the:

- Board of New York University School of Law's Center for Labor & Employment Law
- Board of Advisors of the Scheinman Institute for Dispute Resolution
- Board of Trustees of Bard College

- Board of the Montefiore Medical Center as Trustee Emeritus
 - Board of the Cornell University School of Industrial and Labor Relations (emeritus)
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THE BEST PART OF MY JOB IS

“I am a trusted adviser who works with clients to address complex, often adversarial matters, and generate practical solutions. Clients look to me for sound legal advice, crisis management, and resolution of complicated workplace issues.

I love my work and have developed and maintained longstanding, durable and close relationships with many clients.”

Practices

EDUCATION

EMPLOYMENT AND EMPLOYEE BENEFITS

EXECUTIVE AND MANAGEMENT TEAM REPRESENTATION

INSURANCE

NONPROFIT

Bar Admissions

New York

Court Admissions

US Supreme Court, 1983

US District Court, Western District of New York, 1982

US District Court, Eastern District of New York, 1979

US District Court, Southern District of New York, 1979

Education

New York University School of Law, LL.M.

New York University School of Law, J.D.

Cornell University, B.S.

Publications

- “US Department of Labor Issues Final Rule on Independent Contractor Classification,” *Schulte Alert*, March 15, 2024
- “Employment Update: New York State Governor Hochul Vetoes New York State Non-Compete Ban Bill,” *Schulte Alert*, Dec. 26, 2023
- “Employment Law Updates,” *Schulte Alert*, Sept. 12, 2023
- “The NLRB Sets Forth A New Standard for Recognition of Unions,” *Schulte Alert*, Sept. 7, 2023
- “US Supreme Court Affirmative Action Ruling and Potential Impact on Employers,” *Schulte Alert*, Aug. 24, 2023
- “New Guidance and Proposed Regulations From the EEOC,” *Schulte Alert*, Aug. 23, 2023
- “U.S. Department of Education Opens Inquiry Into Harvard’s Legacy Admissions Policy,” *Schulte Alert*, Aug. 8, 2023
- “U.S. Supreme Court Overturns Affirmative Action in College Admissions: Considerations for Independent Schools,” *Schulte Alert*, July 26, 2023
- “NYS Concussion Management Law Now Applicable to Private Schools,” *Schulte Alert*, June 27, 2023
- “New York on the Brink of Banning Non-Competes,” *Schulte Alert*, June 21, 2023
- “Recent Employment Law Updates,” *Schulte Alert*, June 7, 2023
- *Hedge Funds: Formation, Operation, and Regulation* (Full Court Press), 2022 (co-author)
- “NLRB Restricts Non-Disparagement and Confidentiality Clauses in Severance Agreements,” *Schulte Alert*, March 2, 2023
- “Employment Law Updates,” *Schulte Alert*, Feb. 24, 2023

- “The Secure Act 2.0 – Expansion of Retirement Security and Financial Well-Being Initiatives,” *Schulte Alert*, Feb. 24, 2023
- “FTC Proposes Rule to Ban Non-Compete Clauses,” *Schulte Alert*, Jan. 10, 2023
- “End-of-Year Employment Law Developments,” *Schulte Alert*, Dec. 22, 2022
- “Recent Employment Law Updates,” *Schulte Alert*, Nov. 16, 2022
- “What Are the Retirement Plan Dollar Limits for 2023,” *Schulte Alert*, Oct. 25, 2022
- “U.S. Department of Labor Proposes New Worker Classification Rule,” *Schulte Alert*, Oct. 21, 2022
- “New York Schools Subject to New State Healthcare Worker Bonus Program,” *Schulte Alert*, Sept. 19, 2022
- “New York Launches Hotline for Workplace Sexual Harassment Complaints,” *Schulte Alert*, Aug. 22, 2022
- “Federal Courts in Maryland and California Rule School’s Federal Tax-Exempt Status Constitutes Federal Financial Assistance Under Title IX,” *Schulte Alert*, Aug. 15, 2022
- “New York Employment Update: Upcoming Windows to Claim Damages as a Result of Certain Sexual Offenses,” *Schulte Alert*, Aug. 8, 2022
- “Updated EEOC Guidance on Employer COVID-19 Testing,” *Schulte Alert*, July 20, 2022
- “EEOC Guidance on Artificial Intelligence in Hiring and Disability Discrimination,” *Schulte Alert*, July 13, 2022
- “PBGC Issues Final Rule for Special Financial Assistance Program,” *Schulte Alert*, July 11, 2022
- “The Department of Labor Releases Guidance on Mental Health Protections Under the Family Medical Leave Act,” *Schulte Alert*, July 7, 2022

- “New York City Council Votes to Delay Effective Date of New Salary Transparency Law to Nov. 1, 2022,” *Schulte Alert*, May 5, 2022
- “Guidance Issued on NYC Salary Disclosure Law,” *Schulte Alert*, April 6, 2022
- “EEOC Issues New Guidance on Caregiver Discrimination and COVID-19,” *Schulte Alert*, April 4, 2022
- “Current State of COVID-19 Protocols for Employers,” *Schulte Alert*, Mar. 29, 2022
- “IRA Mandate for Private Sector Employers in New York State and New York City,” *Schulte Alert*, March 23, 2022
- “DOL Compliance Guidance on Plan Investments in Digital Assets,” *Schulte Alert*, March 16, 2022
- “Legislation Ending Forced Arbitration of Sexual Misconduct Claims,” *Schulte Alert*, Feb. 24, 2022
- “Updates on New York Employment Laws,” *Schulte Alert*, Feb. 18, 2022
- “New York State Lifts Indoor Mask Mandate for Most Locations,” *Schulte Alert*, Feb. 11, 2022
- “New Year, New Employment and Benefits Developments for Employers,” *Schulte Alert*, Jan. 20, 2022
- “New York City’s COVID-19 Vaccine Mandate for Private Employers and Other Recent Developments,” *Schulte Alert*, Dec. 21, 2021
- “New Vaccination Requirements for New York City Private Schools,” *Schulte Alert*, Dec. 8, 2021
- “OSHA Issues COVID-19 Vaccination and Testing Emergency Temporary Standard,” *Schulte Alert*, Nov. 10, 2021
- “Amendment Expands New York Whistleblower Protection Law,” *Schulte Alert*, Nov. 8, 2021
- “What Are the Retirement Plan Dollar Limits for 2022?” *Schulte Alert*, Nov. 4, 2021

- “Federal Law to Address Cybersecurity Risks for K-12 Educational Institutions,” *Schulte Alert*, Oct. 27, 2021
- “Connecticut Employers Required to Disclose Wage Ranges Under New Law,” *Schulte Alert*, Sept. 29, 2021
- “NY HERO Act: Update to Model Plan,” *Schulte Alert*, Sept. 28, 2021
- “New York State Employers Must Activate Exposure Prevention Plans Under the NY HERO Act,” *Schulte Alert*, Sept. 13, 2021
- “New Requirements for Employers Using Criminal Background Checks in New York City,” *Schulte Alert*, Aug. 6, 2021
- “The Mahanoy Area School District Supreme Court Decision: Impact on Private Schools,” *Schulte Alert*, Aug. 4, 2021
- “Update on NY HERO Act,” *Schulte Alert*, July 21, 2021
- “Updated Vaccination Guidance and New York Law Developments,” *Schulte Alert*, June 11, 2021
- “DOL Issues First Cybersecurity Guidance for Plan Sponsors,” *Schulte Alert*, May 17, 2021
- “What Employers Need to Know About the NY HERO Act,” *Schulte Alert*, May 11, 2021
- “COBRA Subsidies Under the American Recovery Plan Act of 2021 – What Employers and Plan Sponsors Need to Know,” *Schulte Alert*, April 14, 2021
- “Time Off for COVID-19 Vaccinations,” *Schulte Alert*, March 29, 2021
- “COVID-19 Updates,” *Schulte Alert*, March 9, 2021
- “What Are the Retirement Plan Dollar Limits for 2021?” *Schulte Alert*, Oct. 27, 2020
- “Amendments to New York City’s Paid Safe and Sick Leave Law,” *Schulte Alert*, Oct. 13, 2020
- “Insight: Contact Tracing Apps Can Trigger Workplace, Privacy Concerns,” *Bloomberg Law*, July 7, 2020

- “Qualified Retirement Plan Updates: The Changing Landscape for Communication with Participants,” *Schulte Alert*, June 23, 2020
- “Update: Employer Considerations for Returning to the Workplace,” *Schulte Alert*, June 5, 2020
- “Benefit Plan Updates (COVID-19),” *Schulte Alert*, May 20, 2020
- “Back to the Future: Employer Considerations for Returning to the Workplace,” *Schulte Alert*, May 18, 2020; republished in *The Hedge Fund Journal*, June 2020
- “Videoconferencing: Tips for Schools to Navigate Security and Privacy Risks,” *Schulte Alert*, April 14, 2020
- “401(k) and 403(b) Plans Under the CARES Act: Implementing Special Employee Relief,” *Schulte Alert*, April 3, 2020
- “Tax-Qualified Retirement Plans Under the CARES Act (COVID-19),” *Schulte Alert*, March 30, 2020
- “COVID-19 Legislation – Impact on Individuals,” *Schulte Alert*, March 30, 2020
- “Employer Concerns – New York Businesses and Nonprofits Required to Have All Employees Work From Home,” *Schulte Alert*, March 23, 2020
- “Employer Concerns – Federal and New York Legislation Responding to COVID-19 (with Chart of Requirements),” *Schulte Alert*, March 19, 2020
- “Employer Concerns – COVID-19,” *Schulte Alert*, March 17, 2020; republished in *The Hedge Fund Journal*, March 2020
- “Trend Lines: Creating Policies for Social Media Discipline,” *National Association of Independent Schools*, Spring 2020
- “New Regulations for New York Employers Effective in the New Year,” *Schulte Alert*, Dec. 23, 2019
- “What Are the Retirement Plan Dollar Limits for 2020?” *Schulte Alert*, Nov. 6, 2019

- “New York State Passes a Host of New Employment Laws,”
Schulte Alert, Aug. 12, 2019
- “How Employers Can Provide Student Loan Repayment Assistance as an Employee Benefit,” *Thomson Reuters Checkpoint – Taxation of Exempts magazine*, July/August 2019
- “New York Strengthens Employee Protections Against Discrimination and Harassment,” *Schulte Alert*, July 10, 2019
- “New York State Ends Religious Exemptions to Vaccinations,”
Schulte Alert, June 19, 2019
- “New Developments for Employers Regarding Employee Reproductive Health Decisions, Marijuana Drug Testing and Wage Reporting Requirements,” *Schulte Alert*, June 6, 2019
- “DOL Proposes Changes to Federal Overtime Laws,”
Schulte Alert, April 24, 2019
- “New Jersey Passes Law Making NDAs in Settlements of Discrimination, Retaliation and Harassment Claims Unenforceable,”
Schulte Alert, April 5, 2019
- “New York City Issues New Guidance on Racial Discrimination on the Basis of Hair,” *Schulte Alert*, March 20, 2019
- “New York City Adopts Lactation Accommodation Law,”
Schulte Alert, March 19, 2019
- “New York Adopts Child Victims Act Extending and Reviving Statute of Limitations for Abuse Claims,” *Schulte Alert*, Feb. 14, 2019
- “New York Child Abuse Reporting Requirements Will Extend to Private Schools,” *Schulte Alert*, Jan. 11, 2019
- “What Are the Retirement Plan Dollar Limits for 2019?”
Schulte Alert, Nov. 11, 2018
- “Overtime Exemptions for Educational Institutions,”
Schulte Alert, April 20, 2018
- “Tax-Exempt Organizations Face a New 21 Percent Excise Tax on Compensation Paid to Non-Profit Executives in Excess of \$1 Million,”

Schulte Alert, Jan. 18, 2018

- “Cybersecurity Risks and Considerations for Plan Sponsors to Protect Employee Benefit Plans,” *Schulte Alert*, Dec. 19, 2017
- “New York Paid Family Leave Benefits Law to Take Effect,” *Schulte Alert*, Dec. 1, 2017
- “House Tax Reform Bill: Potential Dramatic Changes for U.S. Compensation Arrangements,” *Schulte Alert*, Nov. 7, 2017
- “2018 Increases Announced for Retirement Plan Dollar Limits,” *Schulte Alert*, Oct. 19, 2017; republished in *Westlaw Journal – Employment*, Nov. 8, 2017
- “Connecticut Supreme Court Lets Jury Verdict Stand in *Munn v. Hotchkiss School*,” *Schulte Alert*, Sept. 7, 2017
- “University Retirement Plans Under Scrutiny for Excessive Fees,” *Schulte Alert*, June 6, 2017; republished in *Law360*, June 15, 2017
- “New Requirements for Independent Contractor Agreements in New York City,” *Schulte Alert*, May 12, 2017; republished in *Westlaw Journal – Employment*, June 6, 2017
- “New York City to Ban Employer Inquiries and Reliance on Salary History,” *Schulte Alert*, April 7, 2017
- “President Trump and the Affordable Care Act: What Happens Now?” *Schulte Alert*, Jan. 25, 2017; republished in *Westlaw Journal – Health Care Fraud*, February 2017
- “Further Amendments to the Nonprofit Revitalization Act of 2013 Signed into Law,” *Schulte Alert*, Jan. 12, 2017
- “EEOC Issues New Guidance on National Origin Discrimination,” *Schulte Alert*, Jan. 4, 2017
- “SEC Whistleblower Update: New Enforcement Actions for ‘Chilling’ Language in Severance Agreements,” *Schulte Alert*, Dec. 22, 2016
- “Texas Court Blocks New Federal Overtime Rule,” *Schulte Alert*, Nov. 23, 2016

- “New York Court Finds Implied Private Right of Action in Nonprofit Revitalization Act’s ‘Whistleblower Policy,’” *Schulte Alert*, Nov. 17, 2016
- “2017 Retirement Plan Dollar Limits Mostly Remain Flat with Some Increases,” *Schulte Alert*, Oct. 27, 2016; republished in *Bloomberg BNA*, Dec. 12, 2016
- “California Passes Legislation Limiting Enforceability of Forum Selection and Choice of Law Provisions in Employment Contracts,” *Schulte Alert*, Oct. 14, 2016
- “Update for Schools on the New Final Overtime Rule,” *Schulte Alert*, June 8, 2016
- “Update on the New Federal Overtime Regulations and the New York Minimum Wage,” *Schulte Alert*, May 27, 2016; republished in *Westlaw Journal – Employment*, July 6, 2016
- “New York City to Provide Certain Non-Public Schools with Funds to Hire and Train Security Guards,” *Schulte Alert*, Feb. 17, 2016
- *Schulte Pension and Health Plans: 2015 Year-End Review*, February 2016
- “Amendments to the New York Nonprofit Revitalization Act of 2013 Signed into Law,” *Schulte Alert*, Jan. 29, 2016
- *Schulte Employment Law Update: 2015 Year-End Review*, January 2016
- “Cadillac Tax Officially Delayed to 2020,” *Schulte Alert*, Dec. 21, 2015
- “Social Investing Redux: Obama Administration Changes Course,” *Law360*, Dec. 2, 2015
- “New York City Commission on Human Rights Issues Enforcement Guidance on Fair Chance Act and Clarifies Credit Check Law Exemption,” *Schulte Alert*, Nov. 11, 2015; republished in *Benefits Law Journal*, Spring 2016
- “Retirement Plan Dollar Limits Remain Flat for 2016,” *Schulte Alert*, Oct. 21, 2015

- “Recent Labor Department Actions Target Independent Contractor Misclassification, Overtime,” *Westlaw Journal – Employment*, Sept. 15, 2015
- “Now We Know How NYC’s Credit Check Ban Will Be Interpreted,” *Law360*, Sept. 4, 2015
- “New York City Commission on Human Rights Issues Enforcement Guidance on Credit History Law,” *Schulte Alert*, Sept. 3, 2015
- “Recent Department of Labor Actions Seek to Limit Independent Contractor Misclassification and Raise the Salary Requirements for Overtime Exemption,” *Schulte Alert*, Aug. 7, 2015
- “Second Circuit Adopts New ‘Primary Beneficiary Test’ for Determining Whether Unpaid Interns Are Employees,” *Schulte Alert*, July 27, 2015; republished in *Westlaw Journal – Employment*, Aug. 18, 2015
- “New York City to Ban Employer Pre-Offer Inquiries About Applicant Criminal Records,” *Schulte Alert*, July 2, 2015
- “U.S. Supreme Court Holds Premium Tax Credits Available on All Exchanges – Key Group Health Plan Action Items,” *Schulte Alert*, July 2, 2015
- “NYC Employers Should Check Themselves Before Employees,” *Law360*, May 22, 2015
- “NLRB’s Office of the General Counsel Addresses Employee Handbook Policies,” *Schulte Alert*, May 12, 2015
- “New York City to Restrict Employers’ Use of Credit History in Employment Decisions,” *Schulte Alert*, April 30, 2015
- *SRZ Employment & Employee Benefits Developments: New Health Care Compliance Considerations for Employers in 2015*, January 2015
- “New York State Eliminates Annual Wage Notice,” *Schulte Alert*, Jan. 22, 2015; republished in *Westlaw Journal – Employment*, March 3, 2015

- “Health Care Reform Legislation and Its Impact on Multiemployer Funds and Beyond,” *The Regulation of Compensation: Proceedings of the NYU 66th Annual Conference on Labor* (LexisNexis), 2014
- “IRS Announces Increased Retirement Plan Dollar Limits for 2015,” *Schulte Alert*, Oct. 23, 2014
- “Bipartisan House Bill Provides Private Right of Action for Misappropriation of Trade Secrets,” *Schulte Alert*, Aug. 7, 2014
- “EEOC Issues New Guidance on Pregnancy Discrimination, Adding to New York City’s Protections,” *Schulte Alert*, July 31, 2014
- “Court Determines California Teacher Tenure Laws Are Unconstitutional,” *Schulte Alert*, June 27, 2014; republished in *Westlaw Journal – Employment*, July 22, 2014
- “New Challenges to Pay Confidentiality Policies,” *Law360*, June 23, 2014
- “The Nonprofit Revitalization Act of 2013 Takes Effect on July 1, 2014,” *Schulte Alert*, May 7, 2014
- “Update on New York City’s Paid Sick Leave Law,” *Schulte Alert*, April 11, 2014
- “2014 Employment Law Updates for New York Employers,” *Schulte Alert*, Jan. 31, 2014
- “Fiduciary Tool Kit for Compliance: Common Errors in Qualified and Nonqualified Retirement Plan Administration,” *Bloomberg BNA Pension & Benefits Daily*, Dec. 27, 2013
- “Rising Litigation Over Unpaid Interns,” *New York Law Journal*, Dec. 23, 2013
- “Accommodations for Disabilities Under the New York City Human Rights Law,” *Schulte Alert*, Nov. 26, 2013
- “Recent Employment Law Updates for New York Employers,” *Schulte Alert*, Oct. 24, 2013
- *Schulte Employment & Employee Benefits Developments: Health Care Compliance Burdens Continue to Weigh on Employers*, Fall 2013

- “The Nonprofit Revitalization Act of 2013,” *Schulte Alert*, Oct. 1, 2013
- “ERISA Liabilities of Private Equity Funds: First Circuit Addresses Control Group Liability,” *Schulte Alert*, Aug. 2, 2013
- “US Supreme Court Issues Affirmative Action Decision,” *Schulte Alert*, July 16, 2013
- “Supreme Court’s DOMA Decision Sparks Changes in Employee Benefits,” *Schulte Alert*, July 16, 2013
- “New York State Minimum Wage Increases and New York City’s Paid Sick Days Requirements,” *Schulte Alert*, May 14, 2013
- “Independent Schools Should Review Student Travel Policies in Light of Recent Jury Verdict,” *Schulte Alert*, April 22, 2013
- “Unemployed Persons: A New Protected Class in NYC,” *Schulte Alert*, April 4, 2013
- “New Poster and Forms for US Employers,” *Schulte Alert*, March 19, 2013
- “Labor Attorney Weighs in on School Bus Driver Strike,” *Good Day New York*, Jan. 18, 2013 (interview)
- “IRS Broadens Program for Re-Classification of Independent Contractors as Employees,” *Schulte Alert*, Jan. 14, 2013
- *Schulte Employment & Employee Benefits Developments: 2012 Year-End Health Plan Highlights and Reminders*, December 2012
- *Schulte Employment & Employee Benefits Developments: 2012 Year-End Reminders for Pension Plan Sponsors*, December 2012
- “New Requirements for Employers’ Background Checks and Social Security Number Usage,” *Schulte Alert*, Dec. 3, 2012
- “NY State Legislature Amends Dignity Act to Expand Definition of Harassment and Bullying,” *Schulte Alert*, Oct. 26, 2012
- “Retirement Plan Dollar Limits Increase for 2013,” *Schulte Alert*, Oct. 19, 2012

- “New York State Education Department Releases Guidance to Help Schools Comply with the Dignity Act,” *Schulte Alert*, May 16, 2012
- “Supreme Court Decision of Interest for Religious Schools,” *Schulte Alert*, March 5, 2012
- “New Waiver Procedures for Nonprofits to Hire Licensed Professionals,” *Schulte Alert*, May 10, 2011
- “Recent Enactment of Prudent Management of Institutional Funds Act Will Affect New York State Independent School Endowments,” *Schulte Alert*, Feb. 23, 2011
- “Electronic Filing of Immunization Survey Mandatory Effective 2011-12 School Year,” *Schulte Alert*, July 26, 2010
- “New York Private Schools May Have to Show Damages to Collect Full Tuition in Breach of Tuition Contract Case,” *Schulte Alert*, Sept. 18, 2009
- “Schools May Be Required to Comply with FTC Rules Aimed at Preventing Identity Theft,” *Schulte Alert*, Jan. 15, 2009
- “New Resource Guide Provides Advice on Developing and Implementing Policies for Students with Life-Threatening Allergies,” *Schulte Alert*, Sept. 24, 2008
- “NYC Department of Health Issues New Regulations for Kindergarten and Pre-Kindergarten Programs,” *Schulte Alert*, Aug. 28, 2008
- “Kindergarten and Pre-Kindergarten Programs Exempt from Article 47,” *Schulte Alert*, July 17, 2008
- “New Child Abuse Reporting Law Requires Direct Notification,” *Schulte Alert*, Jan. 2, 2008
- “New York State Mandates ‘Green’ Cleaning,” *Schulte Alert*, Nov. 7, 2005
- “Legal Considerations in the Investment of Plan Assets,” *Investment Policy Guidebook for Trustees, International Foundation of Employee Benefit Plans*, 2004

- “Alternative Dispute Resolution in the Executive Employment Context,” *Executive Compensation* (BNA Books), 2004
- “The Contingent Workforce: Do Workers=Employees?,” *Employee Benefit Issues*, 2000
- “The Role of Counsel in Sexual Harassment Investigations,” *Sexual Harassment in the Workplace*, January 2000
- “Schools Face Greater Liability for Student Injuries Outside School,” *Bac Talk*, Winter 1999
- “Complying with COBRA: Internal Revenue Service Issues Final Regulations,” New York State Bar Association *Labor & Employment Newsletter*, 1999
- “The Supreme Court Rulings on the Importance of Anti-Harassment Policies,” *Ethikos*, 1998
- “Primary Schools as Well as Colleges are Learning from a Spate of Lawsuits That Sex Harassment Allegations May Be Brought Not Only by Employees but by Students,” *National Law Journal*, June 1995, and *Juvenile Justice* (Illinois State Bar Association), October 1995

Speaking Engagements

- “Legal Developments Impacting College Admissions,” NYSAIS College Counselors Conference, March 2024
- “Legal Considerations for Independent School Trustees,” NYSAIS Trustee Governance Conference, Jan. 2023
- “Employment Law in the Post-Pandemic Era,” NYU 63rd Annual New Appellate Judges Seminar, July 2022
- Moderator, NYU Center for Labor and Employment Law 74th Annual Conference on Labor & Employment: Initiatives of the Biden Administration, June 2022
- Schulte 30th Annual Private Investment Funds Seminar, Jan. 2021
- “Political Activity in (and Out) of the Workplace,” 24th Annual NYU School of Law Employment Law Workshop for Federal Judges, April 2021
- “Legal Considerations for the Reopening of Schools,” NYSAIS Webinar, Aug. 2020
- “Return-to-the-Office – Employment Issues Amidst the Pandemic,” Schulte Webinar, July 2020
- “Constituent Boards of Trustees: Faculty, Students and Parents,” NAIS 2020 Annual Conference, February 2020
- “Teacher Mom/Dad: Managing the Complexities of School Parents as Employees,” NBOA 2020 Annual Meeting, February 2020
- “Dealing with Pro-Se Claimants,” American Arbitration Association and NYU Center for Labor and Employment Law, Addressing Challenges to Employment Arbitration, October 2019
- “Come Work for Us: Employment Contract or Offer Letter?” NBOA 2019 Annual Meeting, March 2019
- “Insta-Suspension #detention @expelled: Student Discipline in the Age of Social Media,” NAIS 2019 Annual Conference, March 2019

- “Current Employment Issues,” Schulte 28th Annual Private Investment Funds Seminar, January 2019
- Panelist, Cornell University ILR School Sexual Harassment at Work: Policy, Practice and Law, March 2018
- “School Trips: The Hidden Risks,” National Business Officers Association 2018 Annual Meeting, March 2018
- “The Top 10 Mistakes Made by Heads of School & How Not to Make Them,” Independent Schools Association of the Central States 2018 Annual Heads Conference, January 2018
- “ADR in Employment Discrimination Cases,” PLI Employment Discrimination Law & Litigation Seminar, June 2017
- Moderator, NYU Center for Labor and Employment Law 70th Annual Conference on Labor: Sharing the Gains of the U.S. Global Economy, June 2017
- “Risk Management in a New Era,” NYSAIS Business Affairs Conference, May 2017
- Moderator, “TalkShop 2017: Cutting-Edge Employment Law Issues for In-House Counsel & HR Executives,” NYU Center for Labor and Employment Law Program, February 2017
- “Legal Issues 101” and “Legal Issues and Admissions Q&A,” NYSAIS Admissions Directors Conference, April 2016
- “Pensions and Health Insurance Savings for Contingent Faculty,” National Center for the Study of Collective Bargaining in Higher Education and the Professions 43rd Annual National Conference, April 2016
- Instructor, “Healthcare and Pensions,” Advanced Collective Bargaining Certificate Program, February 2016
- “Keep Calm and Carry On: Dealing with Divorcing High Conflict Parents,” NYSAIS Conference for Assistant Heads and Division Heads, November 2015
- Campus Outreach Services Policy Institute on Sexual and Cyber Misconduct, June 2015

- “Investigation of Harassment and Other Workplace Complaints – Ethical Aspects: ‘Blurred Lines,’” PLI Employment Discrimination Law & Litigation Seminar, June 2015
- “Important Legal Issues for Trustees,” NYSAIS Webinar, April 2015
- “Risk Mitigation for Sexual Assault and Harassment Cases in Independent Secondary Schools,” NAIS 2015 Annual Conference, February 2015
- “The Legal Ins and Outs of After-School Programs,” NYSAIS After School Conference, November 2014
- “The Affordable Care Act in Practice,” PLI Employment Law Institute, October 2014
- “Healthcare Reform Litigation Risks: Affordable Care Act Nuances and Responding to Claims for Additional Penalties Arising from ‘Employee’ vs. ‘Independent Contractor’ Classifications,” ACI 22nd National Forum on Wage & Hour Claims and Class Actions, September 2014
- “Parent Relationships: Key Constituents” and “Top Tips,” TABS and COS Independent School Conference on Law & Policy, June 2014
- “‘Harder to Breathe’: Disabilities Discrimination and Advice,” PLI Employment Discrimination Law & Litigation Seminar, June 2014
- Fordham University Sexual Misconduct Policy Institute, June 2014
- “Affordable Health Care Act Nuances: Responding to Claims for Additional Penalties Arising From ‘Employee’ vs. ‘Independent Contractor,’” ACI 21st National Forum on Wage & Hour Claims and Class Actions, May 2014
- “Disability Discrimination Update,” PLI Higher Education Law: Current Issues and Recent Developments Seminar, May 2014
- “Future of Pensions in Academia,” NCSQBHEP 41st Annual National Conference: Achieving Successful Results in Higher Education Through Collective Bargaining, April 2014
- Moderator, Cornell University ILR School ACA and Wellness Programs: At Odds with EEO Laws and Collective Bargaining

Agreements?, February 2014

- “Mergers of Defined Benefit Plans,” IFEBP 59th U.S. Annual Employee Benefits Conference, October 2013
- Moderator, “Implications of the Affordable Care Act for Multi-Employer and Single-Employer Plans: What You Need to Know,” NYU Center for Labor and Employment Law, June 2013
- “Impact of the Affordable Care Act on Single and Multi-Employer Healthcare Plans,” NYU Center for Labor and Employment Law 66th Annual Conference on Labor, June 2013
- “Hot Topics in Wage and Hour Law Part II: Independent Contractor Misclassifications and Exempt Employee Determinations,” ACI 18th National Forum on Wage & Hour Claims and Class Actions, May 2013
- “Legal Developments in Admissions,” NYS AIS Admissions Directors Conference, April 2013
- “From Concussions to Coaches to Classification Issues – A Head, Shoulders, Knees and Toes Round-Up of Legal Risks in School Athletics” and “Mock Trial on Sexual Misconduct,” COS, NBOA and TABS Schools in Balance – Weighing the Risks, April 2013
- “Definitions and Classifications: Supervisor vs. Employee, College Faculty, and Beyond,” ACI Advanced National Forum on NLRB & Labor Law Disputes and Litigation, March 2013
- “Trustees as Employers,” International Foundation of Employee Benefit Plans 58th U.S. Annual Employee Benefits Conference, November 2012
- “Increasing 403(b) Plan Fee Transparency Under New Regulations While Reducing Fiduciary Risk,” Schulte Wake Up Call for Schools, April 2012
- “Legal Q&A,” Admission Officer Workshop, Educational Records Bureau 84th Annual Conference, 2011
- “Employee Misclassification: Defending Against the New Wave of Independent Contractor Misclassification Claims and Ensuring Proper Exempt or Non-Exempt Classifications,” American

Conference Institute 13th National Forum on Wage & Hour Claims and Class Actions, 2011

- “Legal Q & A,” Educational Records Bureau Conference, 2010
- “Legal Issues for New York Heads of School,” New York State Association of Independent Schools Annual Conference for Heads of School, 2009
- “Current Legal Climate for Schools in Connecticut and New York,” New York State Association of Independent Schools/Connecticut Association of Independent Schools Business Affairs Conference, 2008
- “Legal Issues Confronting Business Managers,” New York State Association of Independent Schools, 2007
- “ADA and Schools,” Educational Records Bureau, 2003, 2004, 2005, 2006 and 2007
- “School Law Update,” Brooklyn and Staten Island Independent Schools Annual Conference, 2006
- “Legal Issues Confronting Heads of Schools,” New York State Association of Independent Schools Annual Membership Meeting, 2005
- “Hot Topics in School Law,” New York State Education Department Conference of Non-Public Schools, 2003
- “Employment Law Issues for Independent Schools,” National Business Officers Association, 2003
- “Legal Issues in Admission,” Educational Records Bureau Conference, 1998, 1999, 2000, 2001, 2002
- “Protecting Students While Protecting the School,” New York State Association of Independent Schools/Connecticut Association of Independent Schools Business Affairs Conference, 2002
- “Employment Law Workshop,” Lawyers Alliance for New York, 2001
- “Legal and Practical Issues Facing Admissions Professionals,” New York State Association of Independent Schools Admissions Directors Conference, 2001

- “Executive Compensation: Legal/Tax Implications,” New York State Association of Independent Schools Business Affairs Conference, 2001
- “Independent Schools in a Litigious Society,” Independent Schools Chairmen Association, 1999
- “The Meaning of ‘Employee’ for Employee Benefit Plans and Programs: Are Non-Traditional Workers Entitled to Benefits?,” New York State Bar Association, 1999
- “The ADA and Independent Schools,” New York State Association of Independent Schools, 1997 and 1999

Memberships

American Bar Association

- Section on Labor and Employment Law, Committee on State Law Developments, 1980-2008
- Chairperson, AIDS and other Communicable Diseases Subcommittee, 1989-1994

New York State Bar Association

- Executive Committee, 2002-2008
- Committee on Employee Benefits, 1989-2008; Chair, 2004-08; Co-Chair, 2002-2003
- Labor and Employment Law Section, Committee on Labor Relations Law, 1984-1988

New York City Bar Association

- Committee to Enhance Diversity in the Profession, 1995-2006
- Committee on Minorities in the Profession, 1998-2006
- Task Force on Minorities, 1995-1998
- Committee on Employee Benefits, 1993-1997
- Special Committee on Legal Support Staff, 1992-1995

Boards

- Advisory Board, Labor and Employment Law Program, Cornell University School of Industrial and Labor Relations
- Advisory Council, Cornell University School of Industrial and Labor Relations
- Board of Advisors, Lawyers Alliance for New York
- Board of Advisors, The Martin and Laurie Scheinman Institute on Conflict Resolution at the Cornell University ILR School

- Board of Directors, New York University School of Law, Center for Labor and Employment Law
- Board of Trustees, Bard College
- Trustee Emeritus, Montefiore Health System Inc.
- Cornell University Council

Membership Associations

- Education Law Association
- National Association of College and University Attorneys
- National Association of Independent Schools
- National Business Officers Association

Distinctions

- *The Best Lawyers in America, 2008-2023*
- “Lawyer of the Year” in Employment Law – Management in New York City, *The Best Lawyers in America, 2022*
- Exclusive Featured Attorney for New York, *Premier Employment Lawyers, 2021*
- Exclusive Featured Attorney for New York, *Premier Education Lawyers, 2020-2021*
- “Lawyer of the Year” in Labor Law – Management in New York City, *The Best Lawyers in America, 2020*
- *New York Super Lawyers, 2006-2022*
- Lawyers Alliance for New York – 15-Year Circle Honoree, 2014
- Honoree, Basil Paterson Scholarship Program, 2014 (to provide tuition and support to home care workers pursuing technical or professional healthcare careers), 1199 SEIU Home Care Education Fund
- WHEDco Pro Bono Leadership Award, 2014
- New York State Bar Association Empire State Counsel Honoree, 2013-2014
- “Good Scout” Award, Westchester-Putnam Boy Scouts, 2011
- Chair, Advisory Council, Cornell University School of Industrial and Labor Relations, 2008-2010
- Top 100: The Nation’s Most Powerful Employment Attorneys – Top 10 for ERISA Law, *Human Resource Executive* 2009 (list chosen by *Lawdragon*)
- Cornell University ILR School Judge William B. Groat Alumni Award 2008 (for achievement in the field of industrial relations)
- Robert Briscoe Award, The Emerald Isle Immigration Center, 2007

- First Annual Award for Pro Bono Leadership, Lawyers Alliance for New York, 2006
 - “Special Recognition Award,” Home Care Council of New York City, 2003
 - Cornerstone Award (for outstanding pro bono service to New York nonprofit organizations), Lawyers Alliance for New York, 2003
 - “Principal for a Day,” PENCIL, 2000-2003
 - “Advocate for the Aging,” Council of Senior Citizens Centers, 1998
 - Guide to the World's Leading Labour and Employment Lawyers, *Euromoney*, 1997
 - Academy of Employee Benefits Authors, 1981
 - Cornell University School of Industrial and Labor Relations Lecturer, Labor Relations Studies Program 1980-2004
 - Columbia University Teacher's College Instructor, 1996-2000
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Prior Experience

- Co-head, Employment and ERISA Department, Chadbourne & Parke, 1986-1998