WHO'S WHO | in Intellectual Property & Labor Law

By: Lisa Morris Josefak

Gregory A. Gillen is an associate with Lamb & Barnosky, LLP in Melville. Gillen practices extensively in both education and management-side labor and employment law advising a wide array of employers on a host of legal matters affecting their labor forces. He has experience in collective bargaining, contract arbitration, compulsory interest arbitration, disciplinary proceedings, unemployment insurance hearings, as well as in matters before the New York State Public Employment Relations Board, the New York State Commissioner of Education and in State and federal court.

Recent amendments to the NYS Equal Pay Law, has moved Gillen to encourage employers to review their current policies and pay rate rates.

"With the amendments to the NYS Equal Pay Law having restricted the permissible exceptions upon which employers may pay employees of one sex less than employees of the opposite sex for the same work, I have been advising employers to actively review the factors and practices by which they have and will establish employee compensation rates," Gillen said.

Gregory A. Gillen

LAMB&BARNOSKY,LLP
ATTORNEYS AT LAW
TRUST. PERSONAL ATTENTION. RESULTS.

www.lambbarnosky.com
_____

"While the law's preexisting exceptions justifying pay disparities because of seniority, merit or systems measuring earnings by quantity or quality of production remain unchanged, the narrowing of the 'catch-all' exception, 'any other factor other than sex,' has exposed employers to unforeseen liability," Gillen explained. "As amended, the 'catch-all' exception now permits a pay disparity

for a 'bona fide factor other than sex, such as education, training or experience,' provided that the factor is not derived from a 'sex-based differential,' is both 'job-related with respect to the position' and 'consistent with a business necessity.'"

"Even then, the exception will not apply when an employee demonstrates that the factor or employment practice causes a disparate impact on the basis of sex; another employment practice exists that would serve the same business purpose and not result in a disparate impact; and the employer has refused to adopt the different practice," Gillen said. "When these changes are considered in the context that employers can no longer prohibit employees from discussing their wages with one another, and increased penalties for willfully violating the law, my advice to employers is that adopting a 'wait and see' approach may prove disastrous."

Prior to joining Lamb & Barnosky, LLP he was an associate with Guercio & Guercio, LLP for four years, where he also practiced extensively in both education, and labor and employment law. He is admitted to the Bar in New York, New

(continued)

Jersey and the Eastern District of New York, and is a member of both the New York State and Nassau County Bar Associations.

Gillen was named by Super Lawyers as a 2015 Metro-Rising Star in the area of Schools and Education Law.

He earned a juris doctor, cum laude, from Touro College, Jacob D. Fuchsberg Law Center. While in law school, Gillen served as an articles editor for the Tour Law Review and published Cubas v. Martinez, 24 Touro L. Rev. 445 (2008). He earned a bachelor's degree in philosophy from Stony Brook University.

Lamb & Barnosky is a full-service law firm representing a wide variety of corporate, municipal and individual clients. Since the firm was founded in 1981, the firm has an AV rating from Martindale-Hubbell, the nationally recognized legal directory, for the highest standard of legal ability and professional standards of conduct and ethics. It has also been named to the National Register of Preeminent Lawyers.

Its practice areas include banking; real estate; taxation; corporate mergers and acquisitions; education; labor and employment; municipal; health care; intellectual property; land use, planning, environmental and zoning; and trusts and estates.