



Ben Wilkinson

Partner

Albany

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Education

- Pace University, *Cum Laude*; *Pace Law Review*, Senior Member, JD
- University of Rochester, *Cum Laude*, BA

Practices & Industries

- Health Care Controversies
- Labor & Employment

Admitted to Practice

- New York

Court Admissions

- US District Court for the Northern District of New York
- US District Court for the Southern District of New York

Biography

Ben primarily concentrates his practice on labor and employment matters, representing employers before the Equal Employment Opportunity Commission, the NYS Division of Human Rights, and federal and state courts regarding employment discrimination claims, wage and hour claims, and breach of employment contracts. Ben also represents employers in wage and hour audits conducted by the US and NY Departments of Labor.

Ben regularly advises employers regarding compliance with a variety of NYS and federal employment laws. Additionally, he has experience drafting employee handbooks, employment contracts, and separation agreements.

In addition to his legal practice, Ben serves as chair of the firm's Associate Integration Committee.

Bar Associations

- New York State Bar Association

Representative Experience

- Successfully obtained several “no probable cause” findings in discrimination charges brought against employers before the US Equal Employment Opportunity Commission and NYS Division of Human Rights.
- Successfully resolved multiple US and NY Departments of Labor wage and hour audits on behalf of employers.
- Drafted comments to NYS Legislature regarding proposed NYS call-in pay regulations.
- Contributed to an amicus brief on behalf of associations of home health care providers in support of the 13-hour rule in

Andryeyeva v. New York Health Care, Inc. before the NYS Court of Appeals.

- Conducted a sexual harassment investigation involving claims against a CEO.
- Handled an internal sexual harassment and hostile work environment investigation for a not-for-profit agency and provided training on sexual harassment prevention.
- Successfully defended a county sheriff's office against claims of discrimination based on gender filed with the Division of Human Rights by obtaining a finding of no probable cause for the client.

Prior Experience

- Hinman Straub P.C., Principal
- Hinman Straub P.C., Associate
- Drake Loeb PLLC, Associate
- US District Court for the Southern District of New York to Judge Morris, Judicial Intern

Selected Community Activities

- Legal Services of the Hudson Valley, Former Volunteer

Selected Honors

- Pace University School of Law, University Merit Scholarship, 2007-2010
- Pace University School of Law, Federal Judicial Honors Program, 2008-2009

Selected Speaking Engagements

- LeadingAge New York Annual Conference and Exposition, "Navigating a New Workplace Culture and Other NYS Employment Updates"
- Home Care Association of New York State, "Revised Proposed NYSDOL "Call-In" Pay Regulations"
- New York Thoroughbred Horsemen's Association, "Keeping Up with the Ever-Changing World of NYS and Federal Labor Law"
- LeadingAge New York Annual Conference and Exposition, "Labor and Employment Update"
- LeadingAge New York Human Resources Summit, "Under Pressure: Examining Five New Wage and Hour Mandates and the Impacts on Employers"

Selected Alerts & Blog Posts

- NYS DOH Issues FAQs Clarifying Parameters of COVID-19 Vaccination Mandate for Health Care Workers
- NYS Department of Labor Issues Order Modifying Employer Unemployment Insurance Charges
- NYS Department of Labor Releases New Guidance Significantly Expanding COVID-19 Sick Leave Benefits
- COVID-19: USDOL Issues Updated Guidance on Compliance With Families First Coronavirus Response Act
- NY Labor Law Pay-Equity Amendments Expand Employee Protections

Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*—"What to Do When the DOL Comes Knocking, Bonus Episode: Top Five Ways to Be Prepared for an Audit"
- *Barclay Damon Live: Labor & Employment Podcast*—"What to Do When the DOL Is Knocking at Your Door: Audits Under Federal Law, Part 2"
- *Barclay Damon Live: Labor & Employment Podcast*—"What to Do When the DOL Is Knocking at Your Door: Audits Under Federal Law, Part 1"