

**Bios**

**Exempt vs. Non-Exempt: The New USDOL Regulations**

***A Conversation with M. Patricia Smith, Solicitor of Labor***

Friday, June 17, 2016

**M. Patricia Smith**

**M. Patricia Smith** was confirmed by the Senate as the Solicitor of Labor on February 4, 2010, and assumed her duties on March 1, 2010. Prior to becoming the Solicitor of Labor, Ms. Smith was the New York State Commissioner of Labor since March 6, 2007.

Prior to serving as Commissioner of Labor, she served as Chief of the Labor Bureau in the Office of the New York State Attorney General for eight years. In that position, she developed a system of active government labor law enforcement that became a model for other Attorneys General and enforcement agencies.

For 11 years, Solicitor Smith served as Deputy Bureau Chief and Section Chief of the Labor Bureau, conducting and overseeing all aspects of labor law litigation involving New York State, in state and federal trial and appellate courts. In 1996 and 1997 she argued and won two Employment Retirement Income Security Act cases before the United States Supreme Court.

Before joining the Office of the Attorney General, Solicitor Smith worked for various Legal Services Organizations representing unemployment claimants, minimum wage workers, workers in federal job training programs and job seekers.

She graduated, cum laude from Trinity College in Washington, D.C. in 1974 and from New York University School of Law, with honors, in 1977.

**Rachel Bien**

**Rachel Bien,** a Partner at Outten & Golden LLP in New York and a Co-Chair of its Class & Collective Action Practice Group, represents employees in class action wage and hour and discrimination cases.  She is also a member of the firm’s Public Interest Committee.

Ms. Bien has represented thousands of workers in wage and hour class and collective actions.  She currently represents unpaid interns in minimum wage and overtime lawsuits against Hearst Corp., Fox Searchlight Pictures, and The Charlie Rose Show and has represented hundreds of restaurant workers in overtime and tip theft cases against New York City restaurants.  She has also litigated many cases involving workers misclassified as “exempt” from overtime laws, including Entry-Level Auditors, Medicaid Marketing Representatives, Financial Advisors, Mortgage Brokers, and Exterminators.

In addition to wage and hour cases, Rachel has also represented workers in discrimination class actions, including female grocery store workers steered into dead-end jobs without opportunities for promotion and African American and Latino workers denied jobs because of their criminal histories.

She graduated cum laude from Brooklyn Law School in 2005 and joined Outten & Golden LLP in October 2006 after serving as a Law Clerk to the Honorable Thomas G. Nelson on the Ninth Circuit Court of Appeals.

Ms. Bien is admitted to practice in the State of New York, the District Courts for the Southern and Eastern Districts of New York, and the Second Circuit Court of Appeals.

**Allan Bloom**

**Allan Bloom** is a partner in Proskauer’s Labor & Employment Law Department and co-head of the Wage and Hour Practice Group.  Allan is an experienced trial lawyer who represents management in a broad range of employment and labor law matters. He has successfully defended a number of the world’s leading financial services, investment management, technology, consumer products, telecommunications, publishing, insurance, construction, and lodging companies, as well as global law firms and cultural institutions, against claims for unpaid wages, employment discrimination, breach of contract, and wrongful discharge, both at the trial and appellate court levels.

Allan has secured complete defense verdicts for clients in front of juries as well as in bench trials, in cases involving allegations of age, disability (actual and perceived), national origin, race, and sex discrimination; harassment/hostile work environment; failure to provide reasonable accommodations; and retaliation.

Allan has particular expertise in the financial services industry, where he has litigated and arbitrated cases, including at FINRA and its predecessors, for close to 20 years. He has significant experience in federal and state wage and hour matters, in both the litigation and compliance contexts. He has served as counsel of record to a number of Fortune 500 companies in wage and hour class and collective actions and has counseled clients in audit and restructuring projects involving tens of thousands of employees.

Allan regularly advises boards of directors and senior management on highly sensitive matters such as executive transitions and internal investigations. He counsels publicly traded and privately held companies on the hiring and termination of employees and consultants, the establishment and enforcement of workplace policies and practices, wage-hour compliance, reorganizations and reductions in force, alternative dispute resolution, and labor-management relations.

A prolific author, Allan is the Editor of the New York State Bar Association’s Labor and Employment Law Journal. He earned his J.D at Cornell Law School and his B.A. at the University of Pennsylvania.