

## WHO'S WHO

As seen in *Long Island Business News Who's Who Intellectual Property & Labor Law* – February 1, 2019

### GERALD C. WATERS, JR. Meltzer, Lippe, Goldstein & Breitstone, LLP

Gerald C. Waters, Jr. is a partner in Meltzer, Lippe, Goldstein & Breitstone, LLP's Labor and Employment Practice Group where he represents employers in a diverse field of labor and employment matters. Waters has represented employers and municipalities before federal, state and local tribunals including the EEOC, NYSDHR and New York State Unemployment Insurance Appeal Board.

He has also successfully represented employers during federal, state and administrative trials as well as at mediation.

Waters believes there are two issues that will be "hot topics" in 2019. One is the United States Department of Labor's ("USDOL") "80/20" rule and the other is a potential increase to the salary basis test.

"The 80/20 rule prevented employers from taking the 'tip credit' when tipped employees spent more than 20% of their work shift on non-tip producing tasks," he said.

"The USDOL recently retracted the "80/20" rule," Waters noted. "New York State still utilizes an 80/20 rule. As such, employers must stay updated on how courts



will handle 80/20 litigation going forward."

"Additionally, we expect the USDOL to issue a new salary basis for the 'white collar' overtime exemption, likely the \$30,000.00 range," Waters said.

"As this change will affect the manner in which employers may properly pay an employee's salary, it should be closely followed."

Waters has been named by Super Lawyers, to its list of "Rising Stars" as one of the top up-and-coming litigators in the New York Metropolitan area for 2013, 2015, 2016, 2017 and 2018.

Prior to joining the firm, Waters was employed by Jackson Lewis P.C. where he represented clients in a myriad of fields including the construction, health care and insurance industries in wage and hour, restrictive covenant and employment discrimination matters.

Waters has served as a Deputy County Attorney in the Nassau County Attorney's Office, Labor Bureau and as an associate at a Long Island law firm where he focused on employment related matters. As a Deputy County Attorney, he represented the County of Nassau and all of its departments, against claims by both County of Nassau employees as well as the general public. In addition to representing successfully the County of Nassau before administrative tribunals and in federal and state courts, Gerald played a critical role in defending successfully the County during one of the County's largest federal class action trials. Gerald's efforts resulted in the Nassau County Attorney issuing him an award for his dedicated and successful litigation service.

Waters earned his Juris Doctor, summa cum laude, from Touro Law School. He holds a Bachelor of Arts, American History, cum laude, from the New York State University at Albany.

He is admitted to practice in New York State, as well as the E.D.N.Y. and S.D.N.Y. He serves as a member of the Board of Directors for the Huntington YMCA and is a member of the Huntington Chamber of Commerce and Huntington Lawyers' Club.