

# JUSTICE *at* Work

Employment Rights  
Whistleblower Rewards  
Sexual Harassment

A Publication of  
The Howley Law Firm P.C.



VOLUME 3 ■ ISSUE 2

## How To Find THE BEST LAWYER For Your Case

By John Howley



*We are often asked to help people find a lawyer to help them with issues that we do not handle. Here are the criteria we use when making our recommendations.*

### ***Does the Lawyer Have Specialized Expertise?***

Representing a client requires more than just legal knowledge. Your lawyer needs to have practical experience as well. For example, your lawyer needs to know how much your case is worth in settlement and at trial. Since settlement amounts are often unreported, you need a lawyer who handles your specific type of case on a regular basis.

### ***Does the Lawyer Stay Up-to-Date?***

Laws are constantly changing. I stay current by teaching other lawyers about employment and whistleblower laws in Continuing Legal Education (CLE) programs. As a result, I am constantly reading the latest court decisions and updating my presentations. We recommend lawyers who are just as committed in their field of practice.

### ***Will You Get the Lawyer's Personal Attention?***

Many law firms that advertise on television and social media handle hundreds of cases at a time. While senior lawyers in these firm have impressive resumes, most of the work is done by less experienced lawyers and paralegals. You need to ask who will be making the important decisions in your case, who will be arguing in court, and who will be negotiating any settlement.

### ***Does the Lawyer Put Your Objectives First?***

Putting the client's objectives first is the most important criteria of all. For example, some lawyers are media hounds. They love to hold press conferences and get quoted in the media. This type of publicity is great advertising for the lawyer. But does it benefit you? If you want to keep your name out of the news, you might not want the type of lawyer who is on television as much as they are in court.

***If you need to find a lawyer, even if it is not for an employment or whistleblower case, call us. After more than 30 years of practice, we can usually help you find one to match your specific needs. ■***

*-John*

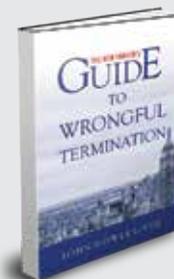
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### HOW WE CAN HELP

At The Howley Law Firm, we are passionate about helping individuals seek justice. After many years defending multinational corporations, we formed this law firm to give individuals like you the same high-quality legal representation. We focus on representing individuals in the areas of employment rights, whistleblower rewards, and sexual harassment cases. Learn more at [www.HowleyLawFirm.com](http://www.HowleyLawFirm.com)

### FREE GUIDE FOR VICTIMS OF WRONGFUL TERMINATION



**Did you lose your job because of your age, race, religion, sex, or pregnancy?** Were others called back to work after a furlough, but you were not? Learn whether you have a case.

Download our free guide at [www.HowleyLawFirm.com](http://www.HowleyLawFirm.com).

# NEW YORK

## *Enhances Protections for Whistleblowers*

*Earlier this year, New York expanded protections for whistleblowers to include current employees, former employees, and even independent contractors.*

The New York Whistleblower laws protects you in two situations. First, you are protected if you reasonably believe that your employer is violating a law, rule, or regulation. Second, you are protected if you reasonably believe that your employer is engaged in conduct that poses a substantial and specific danger to public health or safety.

The words “reasonably believe” are very important. You are protected if you have a reasonable belief, even if it turns out that you were wrong.

Unless an exception applies, you have to notify your employer of the illegal or dangerous conduct. The exceptions include when your employer is already aware of the conduct and fails to take corrective action, and when the conduct presents an imminent threat to health and safety. Under those circumstances, you may report the illegal or dangerous conduct directly to government authorities.

Whether you report the conduct to your employer or to the government, your employer may not retaliate against you. You cannot be fired, suspended, or demoted for reporting illegal or dangerous conduct. Your employer also may not take any other actions that would adversely impact your current or future employment.

**If you have suffered retaliation for reporting illegal or dangerous conduct by an employer, you may be entitled to compensatory and punitive damages. Call us at (212) 601-2728 to discuss your options. ■**



## EXERCISE BOREDOM?

### Tips To Hit Refresh on Your Fitness

If you want to breathe new life into your exercise goals and find meaningful strategies that help you feel motivated to make health changes all year long, you're not alone. Here are a few pointers to get that motivation going.

#### **TRY A PROGRAM WITH A PATH IN MIND**

Working towards a new fitness goal can be exciting, but knowing how to kick off and actually sticking with it can be more challenging. Picking a program that progresses with you each week will help you avoid burnout and stay consistent so you can hit your goals.

#### **MIX IT UP WHILE GETTING OUTSIDE**

Trying something new with your fitness can bring new energy to your day. Research shows that mixing up your routine can increase your motivation and results. Try incorporating a program that uses equipment indoors to help benefit your activities outdoors.

#### **PRIORITIZE MOBILITY IN THE HIPS**

Mobility is a big buzz word these days, and for good reason. People live in a sagittal world, meaning everything is forward – you walk forward, move forward, sit forward – and all this movement centers on the hips. Regardless of what your routine looks like, you should be adding time into your week to focus on hip mobility. That will keep your body healthy and mobile for the long run.

#### **STAY MOTIVATED WHILE TRAVELING**

Traveling doesn't mean you should shelf your fitness goals. No matter how small your suitcase, you have room for a mini-band. Bringing this mini-band on the road is a physical reminder of your goals and an easy way to add resistance into your routine while on the road.

Bodyweight-only exercises can become routine, but when you add the resistance from a band, you'll not only take your workout up a notch, you'll achieve more burn in less time.

#### **PROPEL YOUR RESULTS WITH LIVE FEEDBACK**

Using real time heart rate feedback during a workout has been shown to increase motivation and result in higher levels of exertion. This can be done by using a heart rate monitor or fitness device that pairs with your exercise program of choice.

Hopefully these tips will inspire and keep you motivated in maintaining a great fitness lifestyle and achieving those goals! ■

# Federal Court Injunction Against United Staffing Registry in Human Trafficking Case



*A federal judge has issued an injunction against Benjamin H. Santos and United Staffing Registry, Inc. in a human trafficking case brought by foreign nurses. The injunction prohibits Santos, his company, and their employees from communicating with nurses about the case.*

U.S. District Judge Kiyoko Matsumoto found “clear evidence” that an email United Staffing sent to nurses “was misleading, coercive, and otherwise interfered with the proper administration of this class action.” She criticized the company for making “misleading statements regarding the merits of the claims and defenses in this action, as well as implicit threats and misleading statements regarding the burdens of remaining a class member.”

The judge ordered that Santos, United Staffing, “and their attorneys, employees, agents, and representatives shall not communicate with class members regarding this action without the prior approval of the court or class counsel.”

*“The judge made clear that she will protect nurses from bullying by Santos and United Staffing.”*

**The judge also ordered that an email be sent to all nurses with the following message: “The Court has appointed Atty. John Howley and Atty. Leandro B. Lachica to represent you and all other Class members in the**

**lawsuit. . . You do not have to pay them anything for answering your questions about this lawsuit.”**

The complaint alleges that Santos and United Staffing failed to pay nurses the prevailing wages required by their contracts, failed to pay for all the hours the nurses worked, and collected thousands of dollars from nurses for illegal “buyout” payments when they stopped working. The complaint also alleges that provisions in the nurses’ employment contracts violated the Trafficking Victims Protection Act, including a \$90,000 contract termination fee and a warning that the nurses could be deported if they stopped working for the defendants.

The lawsuit seeks money damages for underpayments of wages, refunds of illegal “buyout” payments, 9% annual interest, plus punitive damages for human trafficking violations.

**By issuing the injunction, the judge made clear that she will protect nurses from bullying by Santos and United Staffing. For more information, call us at (212) 601-2728. ■**

## STEALING EVIDENCE: A Free Online CLE Program

When a client comes to you with documents containing trade secrets or privileged information, what are your ethical and legal responsibilities? What if they downloaded files or data in violation of HIPAA or the Computer Fraud and Abuse Act? Learn how to represent clients and protect yourself by taking our free, online CLE course, *Stealing Evidence: Ethically Representing Clients Who Steal Documents, Download Files, and Secretly Record Conversations*. Go to [www.HowleyCLE.com](http://www.HowleyCLE.com) to learn more and register.



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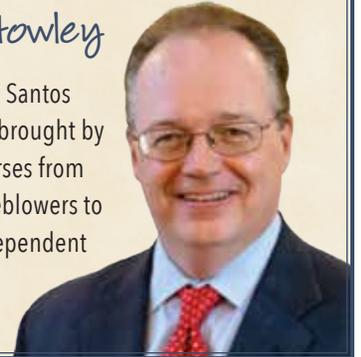
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### A Personal Message From John Howley

A federal judge has issued an injunction against Benjamin H. Santos and United Staffing Registry, Inc. in a human trafficking case brought by foreign nurses. The judge made clear that she will protect nurses from bullying. Also, New York has expanded protections for whistleblowers to include current employees, former employees, and even independent contractors. Questions? We can help with answers. Call us at (212) 601-2728.



### HOW WE CAN HELP

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## GETTING PAID for Answering Emails After Hours and on Weekends

*Are you paid by the hour? Do you have to answer work emails or catch up on paperwork on weekends or after business hours? If so, you may be owed a lot of money for that time.*

For example, if you spend 15 minutes per day answering emails at night, that adds up to 62.5 hours per year. That is more than one and one-half weeks of compensation that your employer may owe you!

If you are responding to emails from an owner, manager, or supervisor, then your case is fairly straightforward. Your employer is on notice that you are doing the work

outside normal business hours.

As long as that work is for the benefit of your employer, you must be paid for that time.

What if your employer does not know that you are responding to emails or catching up on paperwork after normal business hours? For example, what if you are answering emails from customers? or from co-workers who are not supervisors or managers?



*If you are paid by the hour and work after hours or on weekends, you may be owed a lot of money for that time.*

You should tell your employer about the after-hours work, preferably in an email or other written communication. Once they are on notice, they either have to tell you to stop doing the after-hours work or pay you for all the work that you are doing on their behalf.

**Questions? We can help with answers. Call us at (212) 601-2728 to speak with an experienced employment lawyer. ■**