

Salvador P. Simao

Partner, Short Hills Office



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Sal Simao focuses his practice on the representation of companies in employment law matters. His litigation experience includes representing employers in wage and hour class actions, non-compete claims and ERISA cases. Sal also provides Fortune 500 companies day-to-day employment law advice in developing compliance auditing tools, developing informal partnership agreements between the U.S. Department of Labor (DOL) and Fortune 500 companies and training executives, human resources personnel and managers.

Earlier in his career, Sal was a Trial Attorney with the Office of the Solicitor of the DOL. During his time with the DOL, he litigated a number of novel and high profile wage and hour cases. He also negotiated several unique settlements, securing remedies that were otherwise unobtainable under wage and hour statutes and which served as models for future settlements. Sal successfully represented the DOL in *Sereboff v. Mid-Atlantic*, 407 F.3d 212 (4th Cir. 2005); which was later affirmed by the U.S. Supreme Court. While at DOL, Sal won several of awards including being the youngest attorney at the time to win the attorney of the year award and several Secretary Exceptional Achievement Awards.

Sal's experience also includes serving as an attorney in the Labor and Employment Section of the Office of Corporation Counsel, City of Newark. Previous to that position, he was an attorney at the Internal Revenue Service (IRS), in the General Legal Services. While at the IRS Sal attended the Judge Advocate General's government contracting program and represented the IRS in bid protests and other government contracting matters.

Recent Experience

- Recently served as lead trial counsel in the US District Court, New

EDUCATION

Rutgers Law School, J.D., 1997
Seton Hall University, B.A., 1994

BAR ADMISSIONS

District of Columbia
New Jersey
New York

COURT ADMISSIONS

U.S. District Court for the District of New Jersey
U.S. District Court for the Eastern District of New York
U.S. District Court for the Northern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Western District of New York

MEMBERSHIPS

- American Bar Association (Member, Labor & Employment Section, Federal Labor Standards Legislation Committee)
- New Jersey State Bar Association (Member, Amicus Committee)
- Somerset County Bar Foundation (Board Member)

Jersey defending a Motor Carrier in a Fair Labor Standards Act lawsuit involving the misclassification of owner operators as independent contractors.

- Recently conducted a full wage hour audit of a Fortune 100 company. The audit included reviewing classifications of exempt employees and independent contractors, the time and attendance /payroll systems and policies and training materials.

Recent Publications

- Editor, *Fair Labor Standards Act*, BNA/ABA Publishing
- "America's Work Force Has Been Transformed By the Recent Recession," *Construction Today*, May 2011
- "How to Survive a Wage Hour Investigation," *Practical Law Company*, January 2010
- "Tip Credits, Ask the Expert: Q&A," *Fair Employment Practices Guidelines*, August 2009

Recent Speaking Engagements

- ABA Independent Contractor Workshop, 2011
- ACI Wage Hour Workshop, 2010 and 2011
- "Handling a DOL Investigation," Association for Corporate Counsel Annual Meeting, 2009

Language

- Portuguese (fluent)

- Hispanic National Bar Association (Benjamin Aranda Lifetime Member)

- New Jersey Supreme Court Committee on Model Civil Jury (Appointee, Model Civil Jury Charges Committee)

- New Jersey Supreme Court Ethics Committee (Appointee, District VC Ethics Committee)

- New Jersey State Bar Foundation (Member, Program Development Committee)

- New Jersey Hispanic Bar Association (Chair, Latino Leadership Council)