

Ellen C. Kearns

PARTNER

t 617.849.7880

f 617.849.7870

ekearns@constangy.com



Ellen represents management in a full range of traditional labor and employment issues, including NLRB proceedings, negotiations, and arbitration. Ellen has obtained injunctions in labor disputes, and has resolved strike issues. She has appeared before federal and state courts and administrative agencies with respect to employment discrimination, sexual harassment, wrongful discharge cases, wage and hour matters, and other employment related litigation. Ellen is recognized nationally for her wage and hour expertise, having served as Editor-in-Chief of the first, second and third editions of the ABA/BNA Treatise, The Fair Labor Standards Act. She serves as head of Constangy's Boston office.

Honors & Recognitions

- America's Most Honored Professionals, American Registry
- Best Lawyers in America® (2006-2020)
- Chambers USA Guide®
- Cushing-Gavin Award recipient for excellence in Labor-Management Relations (1993)
- Fellow, College of Labor and Employment Lawyers (2003)
- Lelia J. Robinson Award recipient, Massachusetts Women's Bar Association (2006)
- Martindale-Hubbell AV Preeminent® Peer Rated for Highest Level of Professional Excellence
- Massachusetts Super Lawyers® (2004-2019)
- Top 100: Massachusetts Super Lawyers® (2011, 2017)
- Top 50: Women Massachusetts Super Lawyers® (2007-2013, 2016-2017)
- Top 50: Women New England Super Lawyers® (2013, 2017)
- Who's Who Legal USA – Management Labour & Employment

Professional & Civic Associations

- Former member of the American Bar Association's Labor & Employment Law Section Council

Boston

535 Boylston Street
Suite 902
Boston, Massachusetts 02116

Practices

Employment Litigation
Prevention & Defense

Labor Relations

Wage and Hour Compliance &
Litigation

Practice Emphasis

Labor & Employment

Wage & Hour Law

Education

Boston College Law School

- J.D., 1976

Regis College

- A.B., 1967

Bar & Court Admissions

Massachusetts, 1976

U.S. Supreme Court

U.S. Court of Appeals for the
First Circuit

U.S. District Court for the District
of Massachusetts

Ellen C. Kearns

- Past chair of the ABA's Federal Labor Standards Committee
- Former chair of the Boston Bar Association's Labor & Employment Law Section
- Former member of the Labor & Employment Law Council, Massachusetts Bar Association
- Admitted to the College of Labor & Employment Lawyers in 2003
- Section liaison to the ABA Commission on the Status of Women
- Elected chair of the Reading Municipal Light Department's board of commissioners, as the first woman to hold that office in the Light Board's 102 year history
- Member of the Board of Trustees of Regis College

Client Presentations & Firm Publications

- WEBINAR – COVID-19 in the Bay State: How Massachusetts' Emergency Measures Will Affect Employers, 3.31.20 Webinar
- Massachusetts orders closure of all non-essential businesses and implements emergency unemployment regulations to combat COVID-19, 3.23.20
- DOL's Final Rule on "joint employer" status is even narrower than the proposed regulations, 1.16.20
- What employers need to know about the new overtime exemption regulations, 10.1.19
- More details on Massachusetts Paid Family and Medical Leave law implementation, 6.17.19
- Deductions for Paid Family and Medical Leave suspended for three months, 6.12.19
- WEBINAR: The new Massachusetts Paid Family and Medical Leave Law, 6.4.19 Webinar
- Massachusetts' Paid Family and Medical Leave Act notices are now available, 4.30.19
- Not again! Massachusetts issues "second draft" of Family and Medical Leave regulations, 4.11.19
- DOL proposes to "update and clarify" its interpretation of joint employer status under FLSA, 4.3.19
- DOL issues long-awaited proposed rule on FLSA overtime exemptions, 3.8.19
- Webinar: Draft Regulations re: NEW Massachusetts Paid Family and Medical Leave Law – WHAT DO THEY SAY?, 2.14.19 Webinar
- Draft regulations interpreting Massachusetts Paid Family and Medical Leave law provide help, but some questions unanswered, 2.12.19
- Outgoing Wage and Hour Acting Administrator Jarrett issues two new opinion letters, 1.15.19
- Massachusetts "Grand Bargain" is not so "grand" for employers, 1.14.19

Speaking Engagements & Industry Publications

- "*Labor and Employment Law on the Line - An Interview with Ellen Kearns*," The BNA Books Monitor, Volume 3 Issue 1, March 2011

Ellen C. Kearns

- "Focus Areas for Claims - the Latest Legal Developments," presentation at Practicing Law Institute (PLI) Managing Wage & Hour Risks 2011, New York, New York, February 7, 2011
- "Wage & Hour Law Overview and Update," presented at National CLE Vail Conference - Labor & Employment, Vail, Colorado, January 2011
- "The Read Double-Edged Sword: Everything You Wanted to Know About Wage and Hour Hybrids," panel presented at the 4th Annual Section of Labor and Employment Law Conference, Chicago, Illinois, November 2010
- "Hot Topics in Federal and State Wage and Hour Litigation," presented at ALI-ABA's Current Developments in Employment Law, Santa Fe, New Mexico, July 2010
- "Litigating Wage and Hour cases, panel presentation," MCLE presentation, Boston, Massachusetts, May 2010
- "The Fair Labor Standards Act: Coverage Issues, Exemptions, Compensable Work Time," presented for ALI-ABA Course of Study webinars, February 23rd, April 28th, June 23rd, 2010
- "Hot Topics from the Kearns FLSA Treatise," moderated panel discussion for the Federal Labor Standards legislation Committee's Mid-Winter Presentation in San Juan, Puerto Rico, February 2010
- "Focus Areas For Claims--The Latest Legal Developments," panel presentation for Practicing Law Institute's, Managing Wage and Hour Law Risks, New York, New York, February 2010
- "Wage and Hour Law Overview and Update," panel presentation at Law Education Institute's National CLE Conference, Vail, Colorado, January 2010
- "Planning and Managing the Reduction in Force and Furloughs in a Deteriorating Economy," presented at ALI-ABA Conference, July 2009
- "Wage and Hour Class Actions Brought under the Fair Labor Standards," presented at ALI-ABA Conference, July 2009
- "Joint Employee Status Under the FLSA," presented for Law Education Institute, January 2009
- "White Collar Exemptions," presented for ABA Labor & Employment Law Program, September 2008
- "Controlling the Arbitrative Hearing," presented at National Academy of Arbitrators Annual Meeting, July 2008
- "War Stories and Analysis: Recent Wage & Hour Jury Trials," presented for American Conference Institute, April 2008
- "Record Keeping Requirements Under the FLSA and Their Impact on FLSA Litigation," presented at ABA Section of Labor & Employment Law, Mid-Winter Meeting of EEO Committee, March 2008
- "Directed Verdicts, MCLE Program on Employment Law Trial Skills Master Class," March 2008
- "Retaliation Under Burlington Northern," presented for Law Education Institute, January 2008
- "Key Substantive Issues in Wage and Hour Litigation," presented at American Bar Association Section of Labor and Employment Law, Annual CLE Conference, November 2007
- "2005 May Bring Changes To The Federal Minimum Wage," *College of Labor & Employment Law, Spring Newsletter*, 2005
- "A New Standard to Determine Joint Employer Status," *Bender's Labor and Employment Bulletin*, April 2004
- "The Legal Implications of Non-Traditional Employment Relationships in the Healthcare Industry," American Health Lawyers Association, 2003

Ellen C. Kearns

- "The Proposed Section 541 White Collar Exemptions: A Review and Analysis," presented at Annual Meeting of the American Bar Association, 2003
- "Off-The-Clock Time: When Is It Compensable?" presented at National CLE Conference, Labor and Employment Law, Law Education Institute, 2003
- "Wage and Hour Class Actions," presented at National CLE Conference, Law Education Institute, 2001

Blog Posts

- What employers need to know about the new overtime exemption regulations
Employment & Labor Insider, 10.1.19
- Overtime plaintiffs get legal smackdown (suspended)
Employment & Labor Insider, 3.27.18
- Obama overtime rule is declared invalid — for good? (Let's hope.)
Employment & Labor Insider, 9.1.17
- Is the overtime rule still alive, after all?
Employment & Labor Insider, 6.9.17
- Massachusetts expands protections to transgender individuals
Employment & Labor Insider, 8.12.16
- Final Overtime Exemption Rule Is at Third Base, Heading Home
Employment & Labor Insider, 3.18.16
- Overtime exemption rule now coming in July 2016?
Employment & Labor Insider, 12.1.15