



Kenneth W Gage

Partner, Employment Law Department

kennethgage@paulhastings.com

Kenneth Gage is a partner in the Employment Law Department of Paul Hastings and Chair of the Workplace Retaliation and Whistleblower Defense practice. He is based in the firm's New York and Chicago offices. *The Legal 500* lists him in tier one in the categories of Labor and Employment Litigation and Workplace and Employment Counseling, he is rated "AV Preeminent" by *Martindale-Hubbell®*, and he is a Fellow of the American College of Labor and Employment Lawyers. Mr. Gage represents employers in a wide range of federal and state employment litigation matters, from pre-litigation counseling through trials and appeals. His litigation experience includes defendants' verdicts in several jury trials involving race, age, sex, and disability discrimination claims, retaliation claims, and state common law claims, as well as numerous summary judgment rulings and injunction proceedings in restrictive covenant litigation matters. Mr. Gage has successfully defended employers through class actions of all types, including to a defendant's verdict before a jury in a certified class action. He also has extensive experience representing employers in EEOC investigations into claims of systemic discrimination under federal statutes such as Title VII and the Americans with Disabilities Act. Mr. Gage advises federal contractors on their obligations under Executive Order 11246 and related laws and regulations, and he has extensive experience conducting privileged reviews of employment processes and advising employers on pay equity studies and related risk mitigation strategies.

Recent Representations

- Tried to a defendant's verdict in state court a disability

New York

T: 1(212) 318-6046

F: 1(212) 230-7646

Chicago

T: 1(312) 499-6046

Practice Areas

Life Sciences and
Healthcare
Labor/Management
Relations
Workplace Retaliation
and Whistleblower
Defense
Employment Counseling
and Preventive Advice
Litigation
Employment Law
Employment Litigation

Admissions

Illinois Bar
Connecticut Bar
New York Bar

Education

State University of New
York at Buffalo, B.A. 1988

Kenneth W Gage (Continued)

State University of New
York Buffalo Law School,
J.D. 1991

discrimination case

- Defeated conditional certification of an FLSA exempt status collective action against a major telecommunications company
- Defeated conditional certification of a putative nation-wide FLSA Exempt status collective action against a major retailer
- Tried to a defendants' verdict in federal court a two-plaintiff ADEA employment termination case
- Successfully opposed class certification in Title VII pattern and practice race discrimination action against a leading aviation company
- Tried to a defendant's verdict a state wage-and-hour class action against aircraft engine manufacturer
- Successfully defended on grounds of federal labor law preemption Connecticut Supreme Court appeal of defendant's verdict in class action
- Successfully defended Second Circuit appeal of summary judgment in action for breach of contract for stock options against major food and beverage company

Accolades and Recognitions

- Listed in The Legal 500 for Labor and Employment Disputes
- Listed in The Legal 500 for Workplace and Employment Counseling
- Fellow of the American College of Labor and Employment Lawyers
- Rated AV Preeminent by Martindale-Hubbell®

Speaking Engagements and Publications

- Executive Editor, Lindeman, Grossman & Weirich, Employment Discrimination Law (5th ed.) (BNA)
- Regular speaker for National Employment Law Institute
- Chapter Author, Felio, ADR in Employment Law (BNA)

Professional and Community Involvement

- Admitted to practice in state and federal courts in Connecticut, Illinois, and New York; federal district courts across the United States; the U.S. Courts of Appeals for the First, Second, Third, Sixth, Seventh and Eighth circuits; and the U.S. Supreme Court

Kenneth W Gage (Continued)

Education

- University at Buffalo Law School, J.D., 1991
- State University of New York Buffalo, B.A., 1988

News

June 05, 2013

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United States 2013

January 06, 2010

Paul Hastings Selected as The American Lawyers Labor & Employment Litigation Firm of the Year

Insights

September 28, 2020

Executive Order on “Combatting Race and Sex Stereotyping”

June 12, 2020

Latest EEOC Guidance for Employers in the COVID-19 Pandemic

March 30, 2020

PH COVID-19 Client Alert Series: EEOC Webinar Provides Guidance for Employers

March 29, 2020

Supreme Court Holds That Causation Standards Apply at the Pleadings Stage for Discrimination Claims

March 27, 2020

PH COVID-19 Client Alert Series: Employers Must Post FFCRA Notices ASAP

March 24, 2020

PH COVID-19 Client Alert Series: Employers May Qualify for Significant Tax Credits and Government Reimbursements to Cover

Kenneth W Gage (Continued)

Paid Coronavirus-Related Leave

March 23, 2020

PH COVID-19 Client Alert Series: FFA: Potential Amendments to Paid Sick Time and FMLA Provisions Under Consideration

March 20, 2020

PH COVID-19 Client Alert Series: Details on New York COVID-19 Emergency Legislation

March 19, 2020

PH COVID-19 Client Alert Series: New York State's Legislative Response

March 18, 2020

PH COVID-19 Client Alert Series: FFCRA: Overview

December 20, 2019

Department of Labor Issues Major Update to FLSA Regulations Governing the Regular Rate of Pay

November 19, 2019

New York State Human Rights Law: Changes to Know

October 02, 2019

Nondisclosure Agreements in NY: More Changes Coming Soon

September 27, 2019

Department of Labor Issues Final Rule Increasing Salary Thresholds for Overtime Exemptions

September 24, 2019

New Illinois Requirements on Use of AI to Screen Job Applicants Present Challenges for Employers

August 19, 2019

Amendment to Illinois Equal Pay Act and New Omnibus Sexual Harassment Bill Raise the Bar for Illinois Employers

Kenneth W Gage (Continued)

May 07, 2019

NYC Adds New Protected Category to Expansive NYCHRL, Seeks to Curb Pre-Employment Marijuana Testing

October 03, 2018

New York State Releases Final Model Sexual Harassment Policy and Training

August 27, 2018

New York State Releases Model Sexual Harassment Policy and Training

August 01, 2018

Prior Salary in Employment Decisions: California Changes and Attempts to Clarify Recent Salary History Ban and Fair Pay Act Legislation

May 23, 2018

SCOTUS Upholds Use of Class Action Waivers In Arbitration Agreements

April 02, 2018

New York Sexual Harassment Legislation

February 26, 2018

Supreme Court Narrows Whistleblower Protections Under Dodd-Frank

November 02, 2017

An Equal Opportunity Paradox for Federal Contractors

August 04, 2017

EEO-1 Pay Data Collection Tool: Still Alive and Well with a Deadline of March 31, 2018 for First Report

June 14, 2017

An Equal Opportunity Paradox for Federal Contractors

October 26, 2016

Kenneth W Gage (Continued)

The Government Loses Round 1

September 22, 2016

Federal 6-in-1 Poster Update

September 08, 2016

Going Out with a Roar: Final Regulations and Guidance Issued Under Fair Pay and Safe Workplaces Executive Order

March 07, 2016

Understanding The DOL's Proposed Regulations On Paid Sick Leave For Federal Contractors

February 08, 2016

EEOC Proposes New Pay Data Collection Tool: All Employers to Share Pain With Federal Contractors

October 27, 2015

East Coast, West Coast - The Landscape for Gender Pay Equity Claims Is Shifting

September 15, 2015

Time for Supreme Court to Weigh in on Scope of Dodd-Frank Act's Anti-Retaliation Protection?

June 04, 2015

Proposed Amendments to the Federal Acquisition Regulations Pose Substantial New Burdens and Risks for Federal Contractors

March 10, 2015

Department of Labor Finalizes Rule for Handling SOX Retaliation Claims

February 04, 2015

Are the False Claims Act's Procedural Requirements Mandatory?

January 29, 2015

OFCCP Issues Anticipated Notice of Proposed Rules Revising the Sex Discrimination Guidelines

Kenneth W Gage (Continued)

November 10, 2014

Administrative Review Board Makes Proof of Causation for
Complainants in Sarbanes-Oxley Retaliation Cases Substantially
Easier

September 23, 2014

OFCCP Issues Proposed Rules Prohibiting Discrimination Based
Upon Employee Inquiries and Disclosures Regarding Compensation

August 13, 2014

Federal Contractor Requirements Continue to Expand – Department
of Labor Proposes New Pay Data Collection Tool

August 06, 2014

New “Fair Pay and Safe Workplaces” Executive Order Places
Unprecedented Demands on Federal Contractors

July 02, 2014

Stockwell v. City & County of San Francisco: What It Doesn't Say
About Statistics

March 12, 2014

EEOC Issues New Guidance on Reasonable Accommodation for
Employee Religious Attire and Grooming Practices

June 27, 2013

Vance v. Ball State Univ.: Supreme Court Adopts Narrow Definition
of "Supervisor" for Title VII Liability

June 25, 2013

American Express Co. v. Italian Colors: Supreme Court Broadens
The Impact of Class Action Waivers in Predispute Arbitration
Agreements

January 30, 2013

Employment Discrimination Law, 5th Edition

January 04, 2012

Kenneth W Gage (Continued)

Law Regarding Enforcement of Noncompetition Agreements in Illinois Expands in Line with New York Law

April 05, 2011

United States Supreme Court Expands Retaliation Risks for Employers

January 25, 2010

The OFCCP Takes on the Health Care Industry
Executiveview.com 2009 Digital Labor and Employment Guide

December 01, 2009

Reconciling Title VII with Friendship, Commerce, and Navigation Treaties: Practical Guidance for Foreign Employers
Executiveview.com 2009 Digital Labor and Employment Guide

December 01, 2009

The OFCCP Takes on the Health Care Industry
Executiveview.com 2009 Digital Labor and Employment Guide

November 10, 2009

Significant Change in the Law Governing Restrictive Covenants in Illinois

October 05, 2009

EEOCs Proposed Regulations Would Affect Expansion of U.S. Disability Discrimination Law

July 09, 2009

Divided Supreme Court Tackles Reverse Discrimination

June 25, 2009

Supreme Court Narrows Reach of ADEA

April 30, 2009

Expanded Liability for Sexual Harassment in Illinois

February 26, 2009

Managing Pay Equity Risks During the Downturn

Kenneth W Gage (Continued)

February 06, 2009

President Obama Signs Three Executive Orders as the First Step in
Implementing a Pro-Union Labor Policy

November 16, 2007

Illinois Opens the Door for Jury Trials in Employment Law Claims

Rankings & Awards

January 02, 2013

Law360 Awards - Top Practice Groups of the Year

May 06, 2010

Who's Who Legal