

**Attorneys****Partner**

• Joshua Zuckerberg

## **Partner Joshua Zuckerberg Interviewed About Truth-In Hiring Cases**

Partner Joshua Zuckerberg, a member of Pryor Cashman's Labor and Employment Group, was interviewed by Mainstreet.com for its July 22, 2010 article "This Isn't The Job I Signed Up For!"

The article discusses the experiences of employees who arrive at work and find out that the job was not at all what they expected or what they were told it would be. When asked whether such persons could sue, Zuckerberg responded: "Those [truth-in-hiring] cases are very difficult to establish and you really need a very egregious set of facts. In order to have a chance at successfully taking an employer to court, you need to prove that they deliberately lied to you about an actual fact (for example, they claimed you would oversee 10 employees currently on staff, but in fact there were no employees) and that this deception caused some kind of quantifiable damage to your career (perhaps you abandoned a better paying job or decided to close down your business to take this position). In addition to this, the plaintiff also needs to show reasonable reliance. You need to prove that you didn't just buy into a pipe dream."

In discussing the types of cases brought by employees, Zuckerberg stated that, more often than not, complaints that employees have are based on claims about what the company and the job might be like down the road. For example, if you're lured to a company on the belief that it is expanding quickly and will take on interesting new projects in the future, you can't turn around and sue them if that doesn't come to pass. That's not a misrepresentation, that's just them trying to induce you to come and work there. To come up with a real claim that your company did something fraudulent, you have to show that they were lying, not just that they were hoping something would be the case.

Ultimately though, Zuckerberg says contemplating suing your employer in this situation is probably "not a fruitful place to be in." Rather, he suggests that you "focus your attention on the application process."

To read the article, please [click here](#).