



Erin S. Torcello

Member

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Profile

Erin works closely with her clients as a strategic business partner to provide practical solutions to complex legal issues in the workplace.

She represents, defends and counsels management in the private and public sectors on a wide variety of labor and employment matters, including:

- collective bargaining and labor negotiations
- unfair labor practice charges
- union election petitions
- labor arbitration
- employment discrimination and workplace harassment
- wrongful discharge
- layoffs
- employee handbooks
- wage and hour issues
- civil rights litigation

In so doing, Erin regularly appears before various federal and New York state agencies, including, but not limited to, the: National Labor Relations Board, U.S. Equal Employment Opportunity Commission, U.S. Department of Labor Wage and Hour Division, New York State Division of Human Rights, New York State Department of Labor and the New York State Public Employment Relations Board.

Erin has particular experience in traditional labor relations, including acting as chief spokesperson and successfully negotiating dozens of collective bargaining agreements with CSEA, NYSUT, NYSNA, SEIU, UAPD, UAW and USW and others across a variety of industries such as manufacturing, healthcare, professional services and education. As labor counsel for several employers with large bargaining units, Erin routinely represents and guides her clients through the grievance arbitration process as well as a plethora of other union and labor related issues.

Honors & Affiliations

- Listed in:
 - *The Best Lawyers in America*®, Employment Law - Management, Labor Law - Management, 2019-2026 (listed for more than 5 years)
 - *New York Super Lawyers*®, Employment and Labor, 2019-2025

Education

- University at Buffalo School of Law (J.D., *magna cum laude*, 2007)
- Cornell University School of Industrial and Labor Relations (B.S. 2004)

Bar/Court Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York

Practices

- Municipalities
- Labor and Employment

- *New York Super Lawyers®*, Upstate New York Rising Star, Employment and Labor, 2018
- *New York Super Lawyers®*, Top 25 Women, Employment and Labor, 2025
 - 40 Under 40, *Buffalo Business First*, 2018
- Buffalo Niagara 360 (BN360) Spotlight Professional, 2016-2017
- Erie County Bar Association
- New York State Bar Association, Labor and Employment Law Section
- Women's Bar Association of the State of New York

Representative Matters

- Defended employers in numerous litigations and administrative actions alleging employment discrimination, harassment and/or retaliation.
- Represented multiple employers in connection with wage and hour audits conducted by the New York State Department of Labor and the United States Department of Labor.
- Handled multiple collective bargaining negotiations on behalf of management in various industries, including, education, health care and not-for-profit.

Representative Presentations

- The Employers Guide to Dealing with Substance Abuse, Buffalo Niagara Partnership Speaker Series, March 21, 2019
- Interviewed, Opioid Abuse on the Job: No Simple Solution for Employers, October 3, 2018
- Interviewed, On Target with Penny Wolfgang, March 4, 2018
- Pregnancy & Reasonable Accommodations - State and Federal Rights, WNY WBASNY, October 21, 2016
- Once a Problem is Discovered, What are an Employer's Options?, Opiates in the Workplace Better Business Bureau of Upstate New York Seminar, September 22, 2016
- State of the Union: NLRB's Expanded Impact on Your Workplace, Bond, Schoeneck & King Workplace 2016, June 1, 2016
- Beating DOL to the Punch – Conducting Internal Wage & Hour Audits, Bond, Schoeneck & King Workplace 2014, June 12, 2014
- Got It Covered? Often Overlooked Wage and Hour Issues for New York Employers, Bond, Schoeneck & King Workplace 2012, May 31, 2012
- Employment Discrimination CLE, SUNY Buffalo Law School GOLD Group, November 2011
- Proceed With Caution: What The 'New' NLRB Signals for Employers with Non-Union Employees, Bond, Schoeneck & King Workplace, 2011
- Avoid Getting Burned: Hot Topics in Hiring and Recruitment, Bond, Schoeneck & King Workplace, 2011
- The 'New' NLRB Signals for Employers with Non-Union Employees: Are You Ready?, Bond, Schoeneck & King Breakfast Briefing Series, 2011

- Religion in the Workplace: Understanding Employee Rights and Employer Obligations, Bond, Schoeneck & King Workplace, 2010
- Drafting Effective Internet and Electronic Workplace Policies - Blogs, Twitter, Facebook, LinkedIn, and MySpace, Bond, Schoeneck & King Breakfast Briefing Series, 2010

Representative Publications

- Quoted, "NY Courts Say Delayed Pay For Manual Labor Is Harmful, *Law360*, November 14, 2022
- Quoted, "NY Employers Face Long And Costly Pay Frequency Litigation," *Law360*, April 22, 2022
- Quoted, "A 'Modest' Proposal: The 32-Hour Workweek," *Law360*, August 10, 2021
- "The Next NY Litigation Hotbed: Weekly Pay For Manual Work," *Law360*, July 21, 2021
- Quoted, "State's New Sexual Harassment Policy Takes Effect," *Buffalo Business Journal*, October 12, 2018
- "Harassment in a post-Weinstein world," *Buffalo Law Journal*, January 3, 2018
- "Treatment of addiction issues in the workplace," *Buffalo Law Journal*, June 27, 2016
- "Union Could Not Compel Arbitration Concerning Employee's Discharge," *New York Law Journal*, February 9, 2015
- Quoted in "NY Employers Likely To Respect NJ's New 'Ban The Box' Law," *Law360*, August 13, 2014
- "Businesses should be aware of new state law regarding interns," *The Buffalo News*, July 30, 2014
- "Discrimination Claim Against School; Restrictive Covenant at Work," *New York Law Journal*, July 25, 2014
- "Employment Cases Include Former Basketball Coach's Claims," *New York Law Journal*, April 25, 2014
- "Employment Claims, Nursing Home Payments," *New York Law Journal*, January 24, 2014
- "Buffalo Casino Decision Highlights Intricacies of Gaming Law," *New York Law Journal*, October 25, 2013
- "NLRB's Acting General Counsel Issues Third Report on Social Media Cases," June 5, 2012
- "NLRB Deals A Blow to Arbitration Agreements," *New York Employment Law Letter*, February 2012
- "NLRB Holds That NLRA Prohibits Class Action Waivers in Mandatory Arbitration Agreements," January 26, 2012
- "The 2011 Employment Law Year In Review," *New York Employment Law Letter*, January 2012
- "NLRB Adopts Final Rule Amending Representation Election Procedures," December 22, 2011

- "NLRB Approves Resolution to Move Forward on "Quickie" Election Rule," December 8, 2011
- "NLRB Postpones Implementation of Notice Posting Rule," October 6, 2011
- "NLRB Modifies Unit Determination Standard in Non-Acute Health Care Facilities," September 14, 2011
- "Two Recent NLRB Decisions Erode Employees' Right To Choose," September 13, 2011
- "NLRB Issues Final Rule Requiring Employers To Post Unionization Rights Notice," August 29, 2011
- "High Court's Wal-Mart Decision Makes It More Difficult to Bring Employment-Related Class Action," June 23, 2011
- "Are You Sure That Departure Is Voluntary? The Ninth Circuit Defines Voluntary Departure Under WARN," February 1, 2011
- "Recent NLRB Policy Changes Focus on Remedies," November 10, 2010
- "A Reminder About New York's Notice Requirements for Discharged Employees," September 30, 2010

Other Activities

- Community Charter School, Personnel Committee, Board of Trustees
- Cornell ILR Alumni Association
- Explore & More Children's Museum, Board of Trustees, President
- Urban Roots Community Garden Center, HR Committee, Board Member