



Katherine S. McClung

Member

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Profile

Kate is the Co-Chair of the Class and Collective Action practice and the Deputy Co-Chair of the Labor and Employment group. Kate regularly handles class and collective actions in state and federal courts on a wide variety of wage claims, including minimum wage, overtime, misclassification, spread of hours pay, call-in pay, weekly pay for manual workers, wage statements, wage notices, meal breaks, off-the-clock time, uniform maintenance pay, tip credit, wait time, deductions, banquet service charges.

Prior to joining Bond, Kate worked at Skadden, Arps, Slate, Meagher & Flom LLP in New York City.

Kate's recent court cases include the following:

- Obtained the dismissal of overtime and minimum wage claims for retail employer in federal court
- Successfully settled a putative class action on an individual basis involving claims for overtime, minimum wage, spread-of-hours pay, and wage statement penalties pursuant to the Fair Labor Standards Act and the New York Labor Law for a service company in federal court
- Successfully settled a class action involving tip credit and banquet service charge claims for a hospitality employer in state court
- Obtained significant limitations to a conditionally certified collective action for overtime claims under the Fair Labor Standards Act for a marketing company in federal court
- Successfully settled a collective action for overtime claims (including meal breaks) under the Fair Labor Standards Act for a school district in federal court
- Successfully settled a class action for meal break and overtime claims under the Fair Labor Standards Act and the New York Labor Law for a health care employer in federal court
- Obtained the denial of class certification of claims under the New York Labor Law (including the Wage Theft Prevention Act) and the Wage Parity Act for a health care employer in federal court
- Successfully settled a putative class action on an individual basis involving overtime claims under the New York Labor Law for a retail company in state court

Education

- New York University School of Law (J.D. 2004)
- University of Rochester (B.A. 2000)

Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- 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

Practices

- Manufacturing
- Labor and Employment
- Hospitality and Tourism
- Litigation
- Class and Collective Action Litigation

- Successfully settled a class action involving claims for banquet service charges and uniform maintenance pay under the New York Labor Law for a hospitality employer in state court
- Obtained the dismissal of claims for uniform maintenance pay under the Fair Labor Standards Act for a school district in federal court
- Successfully settled a putative class action on an individual basis involving claims for banquet service charges, tip credits, pay notice penalties, and wage statement penalties pursuant to the Fair Labor Standards Act and the New York Labor Law for a hospitality employer in federal court
- Obtained the dismissal of Wage Theft Prevention Act claims for a hospitality employer in federal court
- Successfully settled a class action for claims involving banquet service charges under the New York Labor Law for a hospitality employer in state court
- Successfully settled a putative class action on an individual basis involving claims for minimum wage, overtime, spread-of-hours pay, gratuities, pay notice penalties, wage statement penalties, and uniform maintenance pay under the Fair Labor Standards Act and the New York Labor Law for a hospitality employer in state court
- Obtained the partial dismissal of spread-of-hours claims for a health care employer in state court

Honors & Affiliations

- Listed in:
 - *The Best Lawyers in America*®, Employment Law - Management; Labor Law - Management; Litigation - Labor and Employment, 2019-2026 (listed for more than 6 years)
 - *New York Super Lawyers*®, Employment & Labor, 2018-2025
 - Upstate New York Rising Star, Employment & Labor, 2015
 - *The Daily Record*, Power 20 List, Labor and Employment Law, 2022-2024
- ATHENA International Young Professional Award Finalist, Greater Rochester Chamber of Commerce, 2022
- Employment Law Trailblazer Award, *National Law Journal*, 2020
 - One of only 25 attorneys selected nationwide for this award
- Excellence in Law: Top Women in Law, *The Daily Record*, 2020
- Women of Excellence, *Rochester Business Journal*, 2018
- New York State Bar Association, Empire State Counsel Honoree, 2013-2015
- Forty Under 40 Award, *Rochester Business Journal*, 2014
- Skadden Distinguished Pro Bono Publico Service Award, 2009
- Women's Bar Association of the State of New York, Rochester Delegate, 2014-2016
- Greater Rochester Association for Women Attorneys, Board of Directors, 2014-2016; Chair of the Women's Connections Committee, 2018-2019
- Monroe County Bar Association

- New York State Bar Association

Representative Publications

- Quoted in "#MeToo is changing HR approach," *The Daily Record*, March 21, 2018
- Quoted in "Major changes for OT - New federal rules to affect most employers," *Rochester Business Journal*, May 20, 2016
- "How Protected is Your Business From Social Media Litigation," *Rochester Business Journal*, June 16, 2014
- "Crime and Punishment: Avoiding Punishment for Inquiries into Criminal Convictions and Arrests," *Rochester Business Alliance*, May/June 2014
- "HR Connection: Court Rules On Time Spent Donning, Doffing Gear," *NY Daily Record*, February 4, 2014

Representative Presentations

- Employee Handbooks: Updates, Best Practices and Tips, Greater Rochester Chamber, March 15, 2023
- Navigating the Myriad of Leave Laws, NHRA-SHRM Annual Legal Update, February 15, 2023
- Panelist, "Independent Contractor vs. Employee Tests," Law Firm Alliance Labor & Employment Conference, February 3, 2023
- Leadership Series: Labor and Employment Law Webinar, *Rochester Business Journal*, February 10, 2022
- Navigating Vaccines & Exemptions, NHRA-SHRM Legal Update, February 8, 2022
- Employee Handbooks: Avoiding Common DEI Mistakes, Greater Rochester Chamber of Commerce, June 11, 2021

Community Involvement

- ABVI Development Advisory, Former Committee Member
- American Heart Association, Volunteer
- American Red Cross, Greater Rochester Chapter, Former Board Member
- Former Member and Former Chair of Response & Resiliency Committee
- Crisis Communication, Erie Shore Landing, Committee Member
- Crisis Communication, The Wayne ARC, Committee Member
- National Human Resources Association, Rochester Affiliate, Advisor
- Young Women's College Prep Charter School of Rochester, Former Audit Committee Member
- Odyssey of the Mind, Coach