



## Robert F. Manfredo

### Member

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### Profile

**Rob is the co-managing member of the firm's Albany and Saratoga Springs offices. Recognized in *Best Lawyers in America* and as an *Upstate New York Super Lawyers Rising Star* in the area of Employment and Labor Law, Rob counsels higher education institutions on issues involving student discipline, faculty affairs, public relations matters, student social media issues, internal workplace and student investigations, accommodating students with disabilities, compliance with the Family Educational Rights and Privacy Act (FERPA), risk management strategies, and all aspects of labor and employment law.**

Rob also assists institutions in navigating the complexities of student complaints related to sexual and gender-based misconduct under Title IX of the Education Amendments of 1972 and Article 129-B of the New York State Education Law. Rob routinely works with Title IX coordinators and college administrators on drafting policies related to complaints of sexual and gender-based misconduct and trains college personnel on how to investigate and adjudicate such complaints.

Rob is an experienced litigator and has defended colleges in state and federal court against claims of gender bias in lawsuits asserted under Title IX, Article 78 proceedings challenging college determinations related to student discipline, breach of contract claims alleging violations of college policies and in discrimination and failure to accommodate claims asserted by students. He has also represented institutions before the U.S. Department of Education's Office for Civil Rights and in employment litigation matters pending in state and federal court and before the New York State Division of Human Rights.

Rob's representative cases including obtaining:

- A plaintiff's voluntary withdrawal of a federal lawsuit asserted against a college alleging sex discrimination and disparate treatment under Title IX of the Education Amendments of 1972, as well as various state law claims, after the parties completed discovery;
- Summary judgment granted in favor of a college, dismissing state law claims of fraud and breach of contract asserted by a former faculty member who separated from employment pursuant to a separation agreement after violating college policy;

### Education

- Albany Law School (J.D., *magna cum laude*, 2008)
- Siena College (B.A., *magna cum laude*, 2005)

### Bar/Court Admissions

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

### Practices

- Higher Education
- Labor and Employment
- Manufacturing

- Dismissal of student's complaint before the New York State Division of Human Rights alleging race and national origin discrimination, as well as a subsequent dismissal of the student's Article 78 petition filed in the New York Supreme Court after the Division found No Probable Cause of Discrimination; and
- Dismissal of student complaint filed with U.S. Department of Education's Office for Civil Rights alleging that a college failed to provide certain requested testing accommodations.

Rob is a member of the National Association of College and University Attorneys.

## Honors & Affiliations

- Listed in:
  - The Best Lawyers in America®, Employment Law – Management; Labor Law – Management; Litigation – Labor and Employment, 2020-2026 (listed for more than 5 years)
    - Lawyer of the Year (Albany), Labor Law – Management, 2024
  - New York Super Lawyers®, Employment and Labor, 2023-2025
    - Rising Star, Employment and Labor, 2016-2022
- New York State Bar Association
- Albany County Bar Association
- Northern District of New York Federal Court Bar Association
- Justinian Honorary Law Society
- Judge Bernard S. Meyer Scholarship Recipient
- Albany Law School Chapter of the National Order of the Barristers
- Winner of the Domenick L. Gabrielli Appellate Advocacy Moot Court Competition
- Winner of the Donna Jo Morse Negotiations Competition
- Executive Editor for Research & Writing, *Albany Law Review*

## Representative Presentations

- 2023 Legal Update, MVSHRM Webinar, January 31, 2023
- 2022 Legal Update, MVSHRM Webinar, January 27, 2022
- The "Gig" is Up: Traps and Pitfalls of Contractors, Volunteers & Interns, Mid-Hudson Human Resources Association, September 9, 2021
- Employment Law Update – What You Need to Know for 2021, Capital Region Building Owners and Managers Association, December 16, 2020
- New Rules Regarding Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act Webinar, NYS Care Management Coalition, April 1, 2020
- Compliance with Federal and NYS Requirements Related to COVID-19, NYS Coalition for Children's Mental Health, March 30, 2020
- Employment Law Update, Building Owners and Managers Association, October 16, 2019
- The "Gig" is Up: Traps and Pitfalls of Contractors, Volunteers, & Interns, New York State SHRM Conference, September 24, 2019

- Employment Law Basics for Managers/Business Owners, MVSHRM Professional Development Program, April 2, 2019
- Interns, Contractors and Volunteers: The Importance of Proper Classification, MVSHRM Webinar, February 12, 2019
- Legal Updates: 2018 Year In Review – 2019 Look Ahead, Mid-Hudson Human Resources Association, February 7, 2019
- Navigating Employee Handbooks: A Review of Key Policies & Considerations, Capital Region Chamber, November 13, 2018
- Understanding New York's Sexual Harassment Legislation, CDPAANYS Conference, October 17, 2018
- Strategies for Defending Administrative Employment Claims, Utica Claims Association October Meeting, October 11, 2018
- How to Effectively Conduct Workplace Investigations, 2018 New York State SHRM Conference, September 23, 2018
- The "Gig" is Up: Tax Traps and Pitfalls of Contractors, Volunteers and Interns, Albany Marriott, May 16, 2018
- Managing an Aging Workforce: How to Respectfully and Lawfully Handle the Unique Challenges, The Chamber of Southern Saratoga, April 25, 2018
- 2018 Capital Region Human Resource Association Annual Conference and Marketplace, Unique and Challenging ADA Accommodation Issues, March 29, 2018
- Columbia-Greene JSEC, Legal Update, March 22, 2018
- 2018 March To Success, Sexual Harassment in the Workplace and New York Paid Family Leave: What Employers Need to Know, March 21, 2018
- New York State Paid Family Leave, New York Credit Union Association, Capital Region Chapter, October 2017
- Unique and Challenging ADA Accommodation Issues, Bond Labor and Employment Law Academy, September 12, 2017
- Adirondack Human Resource Association, How to Prepare Employee Handbooks, September 2017
- New York State Paid Family Leave, New York State Payroll Conference Association 2017 Statewide Conference, September 29, 2017
- Tackling Five Complex FMLA Issues, NYS SHRM Annual Conference, September 24, 2017
- Documenting the Employment Relationship & Overview of New York Paid Family Leave, Empire State Society of Association Executives CEO Symposium, September 10, 2017
- Documenting the Employee Relationship: From Offer Letter to Termination, Bond's Statewide Labor, Employment & HR Conference - Workplace 2017
- Managing an Aging Workforce: How to Respectfully and Lawfully Handle the Unique Challenges, Bond's Statewide Labor, Employment & HR Conference - Workplace 2017
- Conducting HR Audits, MVSHRM, Half-Day Professional Development Program, March 14, 2017
- Unemployment Claims and Preparing for Unemployment Hearings, Mid-Hudson Human Resources Association, January 12, 2017

## Representative Publications

- Quoted in "Salary History Bans Could Reshape Pay Negotiations," Society for Human Resource Management, Feb 16, 2018
- Manfredo, Robert F. and Stevens, Christopher J., "FLSA Changes and Wage Theft Protection Act Notices," *The HR Advisor*, August 3, 2016

## Other Activities

- Board of Directors, Legal Aid Society of Northeastern New York, January 2022 - Present
- Human Resources Committee, Double "H" Hole in the Woods Ranch. October 2014 - Present
- Board of Directors, Capital Region Human Resource Association, February 2015 - June 2018
- Leadership Tech Valley, Class of 2011
- Mohawk Valley Society for Human Resource Management
- Society for Human Resource Management