



## Robert F. Manfredo

### Member

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### Profile

Recognized in *Best Lawyers in America* and *Upstate New York Super Lawyers Rising Stars* in the areas of Employment and Labor Law, Rob counsels a variety of employers—including higher education institutions, private independent schools, non-profit entities, credit unions and banks, hospitals and healthcare providers, and manufacturing companies—to ensure compliance with the vast array of laws and regulations that employers encounter on a daily basis.

Rob is an experienced and strategic litigator who routinely represents employers in proceedings before federal and state courts, the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the United States Department of Labor, and the New York State Department of Labor.

Rob's representative cases include obtaining:

- Dismissal of numerous Complaints and Charges before the New York State Division of Human Rights and Equal Employment Opportunity Commission alleging disparate treatment on the basis of race, age, disability, sexual orientation, criminal conviction status, national origin, and religion, as well as claims of quid pro quo sexual harassment, hostile work environment and retaliation;
- Summary judgment granted in favor of a higher education institution dismissing state law claims of fraud and breach of contract asserted by a former faculty member who separated from employment pursuant to the terms of a separation agreement after violating college policy;
- A plaintiff's voluntary withdrawal of a federal lawsuit asserted against a higher education institution 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;
- Dismissal, following a trial before an Administrative Law Judge of the National Labor Relations Board, of two unfair labor practice charges asserted by a newly certified union against a nursing and rehabilitation center alleging that the termination of two employees was unlawful because the employer failed to provide advance notice and an opportunity to bargain;
- Favorable contract interpretation arbitration award on behalf of an international chemical manufacturing company related to the provision of health insurance

### 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

benefits to retirees;

- Annulment of a six-figure liability assessment against a national framing contractor for unemployment insurance contributions allegedly owed for independent contractors and employees of subcontractors. This result was achieved following a lengthy hearing and subsequent appeal to the New York State Department of Labor Unemployment Insurance Appeal Board, and helped to leverage a favorable settlement of a seven-figure New York State tax assessment.

In addition to handling litigation matters, Rob's practice also focuses on:

- Proactive employment counseling on matters related to employee discipline and termination, workplace accommodations, leaves of absence, and wage and hour laws;
- Collective bargaining on behalf of unionized employers and representation of employers in labor relations matters, including grievances, arbitrations, and unfair labor practice charges before the National Labor Relations Board;
- Proactive training for employees, supervisors, board members, and executives on discrimination and harassment in the workplace, performance management, best practices in recruiting and hiring, social media, leaves of absence and reasonable accommodations, wage and hour compliance, and employee discipline;
- Review of employee handbooks, policies, and personnel manuals;
- Preparation of employment agreements, severance agreements, and confidentiality, non-solicit and non-compete agreements; and
- Conducting workplace investigations related to discrimination, harassment, and workplace misconduct.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Employment Law – Management; Labor Law – Management; Litigation – Labor and Employment, 2020-2023
  - *New York Super Lawyers*®, Upstate New York 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

- 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