



## Theresa E. Rusnak

### Associate

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### Profile

Theresa represents her employer clients in a wide range of legal matters and counsels them in all aspects of labor and employment law. She is a valued advisor to her clients and has earned recognition by *Best Lawyers in America* and *Upstate New York Super Lawyers Rising Stars* in the areas of labor and employment.

Theresa provides employers with the following services:

- **Representing** employers before the Equal Employment Opportunity Commission, New York State Division of Human Rights, the Administrative Review Board, the National Labor Relations Board, the Department of Labor and federal/state courts.
- **Counseling** employers to assist in compliance with federal and state employment leave laws, including the Family and Medical Leave Act, the New Paid Family Leave, the New York Paid Sick Leave Act and other leave laws, as well as harassment, discrimination, disability accommodation and retaliation laws.
- **Conducting** investigations for employers to investigate potential internal wrongdoing, ranging from harassment and discrimination to fraud, theft and other legal and policy violations.
- **Training** for employees/supervisors on topics such as sexual harassment prevention, workplace discrimination, harassment and retaliation, diversity and inclusion, prevention of OSHA retaliation claims, common wage and hour concerns, drugs and alcohol in the workplace, and workplace violence.

Some of Theresa's recent matters include:

- Representing a national logistics company in multiple wage and hour audits by the Department of Labor, with no violations found.
- Obtaining a dismissal of retaliation claims before OSHA for a national transportation company.
- Investigation of an Executive Director of a multistate non-profit organization.
- Creation of an employment handbook for a financial institution operating in 30+ states.
- Prevailing in a National Labor Relations Board union election at a power and electric entity.

### Education

- Georgetown University Law Center (J.D. 2016)
- College of the Holy Cross (B.A., *magna cum laude*, 2013)

### Bar/Court Admissions

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

### Practices

- Health Care
- Labor and Employment
- Manufacturing
- School Law
- The Cannabis Industry

- Obtaining a dismissal of a class action federal court litigation involving failure to pay overtime claims for a healthcare entity.

Theresa is also a member of the firm's Health Care practice, where she focuses on assisting fiscal intermediaries with the consumer directed personal assistance programs on the labor and employment matters particular to those entities, including wage and hour issues, joint employment and policy compliance.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America®*: Ones to Watch, Labor and Employment Law - Management, 2022-2024
  - *New York Super Lawyers®* Rising Star, Employment and Labor, 2020-2023
- Legal Excellence Award, Up and Coming Lawyer, *Rochester Business Journal*, 2021
- New York State Bar Association
- Monroe County Bar Association
- National Human Resources Association, Rochester Affiliate
- Articles Editor, *Georgetown Journal of Legal Ethics*
- Member, Task Force on the Treatment of Transgender Youth in Sports, New York State Bar Association

## Representative Publications

- "Restrictions and Rewards: Employer use of Non-Competition and Retention Agreements," *Rochester Business Journal*, August 3, 2022
- "New York Publishes Final Paid Sick Leave Regulations," *Building the Southern Tier: Official Publication of the Builders Exchange of the Southern Tier*, 2022
- "New York Publishes Final Paid Sick-Leave Regulations," *Central New York Business Journal*, January 10, 2022
- "IRS Updates American Rescue Plan Act Guidance," *Central New York Business Journal*, August 23, 2021
- Quoted, "Cuomo's No Stranger to Scandal: Why is This Moment Different?," *syracuse.com*, August 6, 2021
- "COVID-19 Vaccinations: Can Private Sector Employers Require Employees To Be Vaccinated?," *nsyba.org*, February 4, 2021
- "DOL Issues Temporary Regulations on Families First Coronavirus Response Act," *Central New York Business Journal*, April 17, 2020
- Theresa E. Rusnak and Tyler T. Hendry, "Survey: Labor and Employment Law," *Syracuse Law Review*, Spring 2019
- Interviewed for "SCOTUS decisions could impact unions," *Rochester First*, June 27, 2018
- Interviewed for "What the *Janus* decision means for New York's workforce," *Spectrum News Rochester*, June 27, 2018
- Interviewed for "#MeToo movement is changing how companies deal with harassment," *Rochester Business News BizCast*, March 22, 2018

- Interviewed for "#MeToo is changing HR approach," *The Daily Record*, March 21, 2018
- Theresa E. Rusnak and James Holahan, "No Help Wanted: The Regulation and Elimination of Retail Positions," *New York Law Journal*, February 26, 2018
- "How Do You Spell P-A-I-D F-A-M-I-L-Y L-E- A-V-E?: An Exploration of New York's Paid Family Leave Act," *New York State Bar Association Labor and Employment Law Journal*, Fall 2017
- Theresa E. Rusnak and James Holahan, "Increasing State and Local Government Activism Creates Compliance Minefield," *New York Law Journal*, February 27, 2017

## Representative Presentations

- Legal Updates: What Employers Need to Know for 2023, CNY SHRM, January 26, 2023
- Labor & Employment Legal Update, CDPAANYS 18th Annual Conference, October 27, 2021
- An Interview with Theresa Rusnak, Gender Identity, Legally Bond Podcast, June 14, 2021
- The Impact of Legalized Marijuana on New York State Employers, CNY SHRM, April 15, 2021
- NYS Paid Sick Leave, Greater Rochester Chamber HR Professional Forum, February 9, 2021
- Recruiting in a Pandemic, Professional Recruiters of Rochester, January 28, 2021
- Panelist, Employment Litigation in the Wake of COVID-19, NYSBA, January 22, 2021
- New York Paid Sick Leave: Impact for Employers, MACNY, September 15, 2020
- The Impact of the New State Sick Leave Law for New York Employers, CNY SHRM, July 29, 2020
- COVID-19 In the Workplace: Where We Are and Where We Are Headed, Monroe County Bar Association, May 7, 2020
- 2019 Legal Update, Finger Lakes Tourism Association, January 28, 2020
- 2019 Legal Update, Thompsons County SHRM, January 22, 2020
- 2019 Legal Update, GAPPA, November 25, 2019
- 2019 Legal Update, Southern Tier Human Resources Association Crossover Event, November 6, 2019
- 2019 Legal Update, JSEC, October 24, 2019
- Gender Identity in the Workplace, Human Resources Association of the Twin Tiers, October 10, 2019
- Gender Identity in the Workplace, Rochester Chapter of the National Human Resources Association, September 10, 2019
- "Marijuana: Impacts on the Workplace," QUEST HR, June 27, 2019
- "Marijuana: Impacts on the Workplace," ARC Collaborative, May 8, 2019
- "Preventing Sexual Harassment in an Evolving Legal and Cultural Landscape," New York State Rotary Club Chapter Meeting, April 14, 2019

- "Sexual Harassment in Not-for-Profit organizations," Multi District President Elect Training Seminar, March 15, 2019
- "Training The Trainer: Everything You Need to Know for the New Harassment Training Required by Law," Central New York SHRM, January 24, 2019
- "New York's Sexual Harassment Policy and Training Requirements," GAPA Human Resource Association, November 7, 2018
- "9 to 5 No More: Regulating Employee Off- Duty Conduct," New York State Public Housing Authority Association, October 24, 2018
- "2018 Legal Update, GAPA Human Resource Association," October 8, 2018
- "Continuing Paid Family Leave," Independent Bankers Association, June 12, 2018
- "Navigating Sexual Harassment in an Evolving Legal and Cultural Landscape," Manufacturing Association of Central New York, May 5, 2018
- "New York Paid Family Leave: Are You Ready?" New York State Automobile Dealers Association, February 22, 2018
- "Sexual Harassment After Harvey Weinstein: Options for Navigating and Evolving Legal Landscape," New York State Automobile Dealers Association, January 11, 2018
- "New York Paid Family Leave: Top Five Tricky Issues," Job Service Employer Committee, Inc., October 18, 2017

## Other Activities

- Hope for Two ... the Pregnant with Cancer Network, Board Member