



## Adam P. Mastroleo

### Member

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### Profile

Adam is a member in the firm's labor and employment practice helping public and private employers navigate often overwhelming federal and state employment laws, providing preventive advice and, when necessary, aggressively defending employment-related claims. He regularly counsels his clients regarding employee discipline, employment agreements and employee handbooks and also provides guidance regarding wage and hour laws, including when and how employees must be paid as well as the use and enforceability of non-compete agreements.

Adam also conducts investigations on behalf of his employer clients related to allegations of discrimination, harassment and retaliation and represents them against claims arising under various anti-discrimination statutes such as Title VII of the Civil Rights Act of 1964, the Family and Medical Leave Act (FMLA), the New York Human Rights Law (NYHRL) and the Age Discrimination in Employment Act (ADEA). In addition, Adam has successfully defended employers against employment discrimination and retaliation claims in the New York State Division of Human Rights and Equal Employment Opportunity Commission. He has obtained findings of "No Probable Cause" from these administrative agencies dismissing complaints in many matters, including for clients in the healthcare industry, technology industry, manufacturing industry, and banking industry.

Adam has significant experience with issues arising in the healthcare industry. He regularly represents hospitals on matters involving patient accommodation, doctor issues and other employment-related concerns. As a former medical malpractice attorney, Adam has extensive trial experience; he also understands how healthcare organizations are structured and the dynamics at play between those working in hospitals. More importantly, he speaks the language of healthcare—literally knowing how to read medical records.

Representative litigation matters include:

- *Murphy v. New York State Public Employees Federation, et al.*, 1:17-cv-0628 (2022) – successfully represented employer and obtained trial verdict dismissing plaintiff's discrimination and retaliation claims following federal court trial.
- *Fuller v. Auburn Memorial Medical Services, P.C.*, 5:21-cv-66 (2022) – obtained dismissal of age and race discrimination and retaliation claims against employer.

### Education

- Syracuse University College of Law (J.D., *magna cum laude*, 2006)
- Syracuse University (B.A., *summa cum laude*, 2004)

### Bar/Court Admissions

- New York (2007)
- 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 Eastern District of New York
- U.S. District Court for the Western District of New York

### Practices

- Labor and Employment
- Essential Resources for Business
- School Law

- *Kinsley v. Scott A. Berlucchi, et al.*, E2021-0983 (2021) – obtained dismissal of Article 78 petition seeking order overturning employer’s decision to deny religious accommodation request.
- *Blackmon, et al. v. City of Syracuse, et al.*, 2016EF1111 (2022) – obtained summary judgment for employer dismissing race discrimination claims of ten separate plaintiffs.
- *D’Ambly v. St. Lawrence University, et al.*, 20-12880 (2022, N.J. Dist. Ct.) – obtained dismissal of various claims against employer related to alleged employee misconduct.
- *Galicia Rodriguez v. Hudson Valley Chrysler*, 20-cv-09646 (2021) – obtained dismissal of race and national origin discrimination claims against employer.
- *Grastorf v. Community Bank, N.A.*, 19-cv-1627S (2023) – obtained summary judgment dismissing age and gender discrimination claims against employer.
- *Ali Hasan, M.D. v. St. Peter’s Health Partners Medical Associates, P.C.*, 19-cv-1598 (2022) – obtained summary judgment dismissing gender discrimination complaint against employer.

## Honors & Affiliations

- Listed in:
  - *Upstate New York Super Lawyers®*, Employment Litigation: Defense, 2023
  - Martindale Hubbell® AV Preeminent Rated
  - The National Trial Lawyers Top 100 (2015)
- 40 Under Forty, *CNY Business Journal*, 2020
- Order of the Coif
- Justinian Honorary Law Society
- New York State Academy of Trial Lawyers
- Onondaga County Bar Association
- Northern District of New York Federal Court Bar Association
- New York State Bar Association
- American Association for Justice

## Representative Publications

- Quoted, "1,000s of Unvaccinated NY Docs, Nurses Face Firing After Court Ruling. Others Might Get 'Escape Hatch'," *syracuse.com*, September 15, 2021
- Are COVID Vaccine Mandates Legal? So far, the Answer is 'Yes,' *FingerLakes1.com*, July 30, 2021
- COVID Vaccine Mandates Clear Key Legal Hurdle, *Rochester Beacon*, July 29, 2021
- Quoted in "Can Work Require a Coronavirus Vaccine? Can You be Fired for Refusing?," *syracuse.com*, December 29, 2020
- Quoted in "NY’s Latest Coronavirus Rules for Travel From Other States Will be Tough to Enforce," *syracuse.com*, November 16, 2020

- Quoted in "Wedding Receptions in NY: Ruling Serves up a Buffet of Confusion," *syracuse.com*, August 12, 2020
- Quoted in "NY Travel Quarantine Order Creates Confusion for Businesses, Workers," *syracuse.com*, July 9, 2020
- Quoted in "4 Challenges Small Businesses Face now That Much of Central NY has Reopened," *syracuse.com*, July 4, 2020
- Quoted in "As Central NY Reopens, Small Businesses Innovate (and Worry) in 'Aftermath of the Storm'," *syracuse.com*, June 30, 2020
- Quoted in "Coronavirus Liability Waivers: What to Consider Before Asking Employees, Customers to Sign," *syracuse.com*, June 25, 2020
- "Does The Fourth Amendment Protect Cordless Telephone Communications, And If So, When?," 56 Syracuse L. Rev. 459-479 (2006).

## Representative Presentations

- An Interview with Adam Mastroleo, Labor and Employment, Legally Bond Podcast, October 25, 2021
- Employment Law Considerations: Vaccines, Paid Leave & More, CenterState CEO, May 26, 2021
- What Every Public Employer Needs to Know About COVID Vaccines in the Workplace, National PELRA, April 14, 2021
- Managing in Year 2 of a Pandemic - Vaccine-Related Issues in the Workplace, Chemung County Chamber of Commerce, February 16, 2021
- What Every Public Employer Needs to Know About COVID Vaccines and the Workplace, NYCOM, January 22, 2021
- Employers Reopening for Business, Chambers and Partners Employment Series, October 21, 2020
- New York Guidance on Reopening Higher Education, Bond Webinar, June 26, 2020
- Phase IV Reopening – Higher Education Guidance, Bond Webinar, June 23, 2020
- Reopening Update – Where are We Now?, Bond Webinar, June 16, 2020
- COVID-19 and the Road to Recovery, Bond Webinar, June 14, 2020
- Returning to Work After the Pause: Understanding the New Guidance for Phase III Businesses and other Reopening FAQs, Bond Webinar, June 12, 2020
- Phase II Guidance, Bond Webinar, June 1, 2020
- Phase I Reopening and Anticipated Issues in Phase II, Bond Webinar, May 26, 2020
- Returning to Work After the Pause, Bond Webinar, May 15, 2020 (Part 1); May 18, 2020 (Part 2)
- COVID-19 and the Road to Recovery Webinar, Chemung Chamber of Commerce, May 14, 2020
- Reopening Update – The Latest on the Reopening Plans, Bond Webinar, May 5, 2020
- COVID-19 Workplace Safety Plans, Bond Webinar, May 1, 2020

- Returning to Work After the Pause: Planning and Preparedness Starting Now, Bond Webinar, April 24, 2020
- Reopening Issues – Planning and Preparedness, Bond Webinar, April 21, 2020
- How to Lay a Foundation to Get your Evidence Introduced, National Business Institute CLE, 2018
- Auto Injury Litigation From Start To Finish, National Business Institute CLE, 2015

### **Other Activities**

- Former President, Board of Directors, David's Refuge, Inc.