



## Erin S. Torcello

### Member

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### Profile

Erin works closely with her clients as a strategic business partner to provide practical solutions to complex legal issues in the workplace.

She represents and counsels management in the private and public sectors on a wide variety of labor and employment matters, including:

- employment discrimination and workplace harassment
- wrongful discharge
- layoffs
- employee handbooks
- unfair labor practice charges
- Age Discrimination in Employment Act
- National Labor Relations Act
- New York State Human Rights Law
- Fair Labor Standards Act (FLSA)
- New York State Public Employees Fair Employment Act (the Taylor Law)
- collective bargaining and wage and hour issues
- civil rights litigation
- personnel policies
- labor arbitration
- claims brought under Title VII
- Americans with Disabilities Act
- Family Medical Leave Act
- Occupational Safety and Health Act (OSHA)

### Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Employment Law - Management, Labor Law - Management, 2019-2025 (listed for 5 years)
  - *New York Super Lawyers*®, Employment and Labor, 2019-2024
    - *New York Super Lawyers*®, Upstate New York Rising Star, Employment and Labor, 2018
  - 40 Under 40, *Buffalo Business First*, 2018
- Buffalo Niagara 360 (BN360) Spotlight Professional, 2016-2017
- Erie County Bar Association
- New York State Bar Association, Labor and Employment Law Section
- Women's Bar Association of the State of New York

### Education

- University at Buffalo School of Law (J.D., *magna cum laude*, 2007)
- Cornell University School of Industrial and Labor Relations (B.S. 2004)

### Bar/Court Admissions

- 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

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

## Representative Matters

- Defended employers in numerous litigations and administrative actions alleging employment discrimination, harassment and/or retaliation.
- Represented multiple employers in connection with wage and hour audits conducted by the New York State Department of Labor and the United States Department of Labor.
- Handled multiple collective bargaining negotiations on behalf of management in various industries, including, education, health care and not-for-profit.

## Representative Presentations

- The Employers Guide to Dealing with Substance Abuse, Buffalo Niagara Partnership Speaker Series, March 21, 2019
- Interviewed, Opioid Abuse on the Job: No Simple Solution for Employers, October 3, 2018
- Interviewed, On Target with Penny Wolfgang, March 4, 2018
- Pregnancy & Reasonable Accommodations - State and Federal Rights, WNY WBASNY, October 21, 2016
- Once a Problem is Discovered, What are an Employer's Options?, Opiates in the Workplace Better Business Bureau of Upstate New York Seminar, September 22, 2016
- State of the Union: NLRB's Expanded Impact on Your Workplace, Bond, Schoeneck & King Workplace 2016, June 1, 2016
- Beating DOL to the Punch – Conducting Internal Wage & Hour Audits, Bond, Schoeneck & King Workplace 2014, June 12, 2014
- Got It Covered? Often Overlooked Wage and Hour Issues for New York Employers, Bond, Schoeneck & King Workplace 2012, May 31, 2012
- Employment Discrimination CLE, SUNY Buffalo Law School GOLD Group, November 2011
- Proceed With Caution: What The 'New' NLRB Signals for Employers with Non-Union Employees, Bond, Schoeneck & King Workplace, 2011
- Avoid Getting Burned: Hot Topics in Hiring and Recruitment, Bond, Schoeneck & King Workplace, 2011
- The 'New' NLRB Signals for Employers with Non-Union Employees: Are You Ready?, Bond, Schoeneck & King Breakfast Briefing Series, 2011
- Religion in the Workplace: Understanding Employee Rights and Employer Obligations, Bond, Schoeneck & King Workplace, 2010
- Drafting Effective Internet and Electronic Workplace Policies - Blogs, Twitter, Facebook, LinkedIn, and MySpace, Bond, Schoeneck & King Breakfast Briefing Series, 2010

## Representative Publications

- Quoted, "NY Courts Say Delayed Pay For Manual Labor Is Harmful, *Law360*, November 14, 2022

- Quoted, "NY Employers Face Long And Costly Pay Frequency Litigation," *Law360*, April 22, 2022
- Quoted, "A 'Modest' Proposal: The 32-Hour Workweek," *Law360*, August 10, 2021
- "The Next NY Litigation Hotbed: Weekly Pay For Manual Work," *Law360*, July 21, 2021
- Quoted, "State's New Sexual Harassment Policy Takes Effect," *Buffalo Business Journal*, October 12, 2018
- "Harassment in a post-Weinstein world," *Buffalo Law Journal*, January 3, 2018
- "Treatment of addiction issues in the workplace," *Buffalo Law Journal*, June 27, 2016
- "Union Could Not Compel Arbitration Concerning Employee's Discharge," *New York Law Journal*, February 9, 2015
- Quoted in "NY Employers Likely To Respect NJ's New 'Ban The Box' Law," *Law360*, August 13, 2014
- "Businesses should be aware of new state law regarding interns," *The Buffalo News*, July 30, 2014
- "Discrimination Claim Against School; Restrictive Covenant at Work," *New York Law Journal*, July 25, 2014
- "Employment Cases Include Former Basketball Coach's Claims," *New York Law Journal*, April 25, 2014
- "Employment Claims, Nursing Home Payments," *New York Law Journal*, January 24, 2014
- "Buffalo Casino Decision Highlights Intricacies of Gaming Law," *New York Law Journal*, October 25, 2013
- "NLRB's Acting General Counsel Issues Third Report on Social Media Cases," June 5, 2012
- "NLRB Deals A Blow to Arbitration Agreements," *New York Employment Law Letter*, February 2012
- "NLRB Holds That NLRA Prohibits Class Action Waivers in Mandatory Arbitration Agreements," January 26, 2012
- "The 2011 Employment Law Year In Review," *New York Employment Law Letter*, January 2012
- "NLRB Adopts Final Rule Amending Representation Election Procedures," December 22, 2011
- "NLRB Approves Resolution to Move Forward on "Quickie" Election Rule," December 8, 2011
- "NLRB Postpones Implementation of Notice Posting Rule," October 6, 2011
- "NLRB Modifies Unit Determination Standard in Non-Acute Health Care Facilities," September 14, 2011
- "Two Recent NLRB Decisions Erode Employees' Right To Choose," September 13, 2011
- "NLRB Issues Final Rule Requiring Employers To Post Unionization Rights Notice," August 29, 2011

- "High Court's Wal-Mart Decision Makes It More Difficult to Bring Employment-Related Class Action," June 23, 2011
- "Are You Sure That Departure Is Voluntary? The Ninth Circuit Defines Voluntary Departure Under WARN," February 1, 2011
- "Recent NLRB Policy Changes Focus on Remedies," November 10, 2010
- "A Reminder About New York's Notice Requirements for Discharged Employees," September 30, 2010

### Other Activities

- Community Charter School, Personnel Committee, Board of Trustees
- Cornell ILR Alumni Association
- Explore & More Children's Museum, Board of Trustees, President
- Urban Roots Community Garden Center, HR Committee, Board Member