



## Kristen E. Smith

### Member

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### Profile

**Kristen works with employers to help ensure compliance with the complex maze of labor and employment laws. She provides practical, tailored advice to help clients avert costly and damaging employment-related claims. Additionally, Kristen co-chairs the firm's municipalities practice.**

Kristen joined Bond in 2005 as a labor and employment lawyer. In 2018 she was appointed by Syracuse Mayor Ben Walsh as Corporation Counsel for the City of Syracuse. After Mayor Walsh's first term, Kristen returned to Bond in 2022.

As Corporation Counsel, Kristen oversaw all legal affairs for the city, supervising a law department of 18 attorneys. She directly advised the Mayor, Common Council and department heads (including the police and fire chiefs) on wide ranging legal issues, with a particular focus on employment and labor issues including employee relations and discipline, labor contract interpretation and compliance, civil service compliance, labor negotiations, workplace investigations and employment litigation. During the COVID-19 pandemic, she helped negotiate concessions with the city's labor unions to avoid widespread furloughs and ensure the continuation of critical city services.

As the head of the law department, Kristen implemented major staffing, organizational and performance improvements to the department and improved responsiveness and efficiency of its Freedom of Information Law process. She also made significant contributions to police-reform initiatives, negotiated the city's acquisition of its street-light network and helped Syracuse earn its designation as New York's Flagship Smart City.

Prior to her legal career, Kristen worked in human resource management with several large corporations (including Exelon and Bose). This, combined with her years as Corporation Counsel, gives her a unique and helpful perspective into the day-to-day realities of being an employer. She merges this practical knowledge with her legal experience to provide each client with a realistic, pragmatic approach to solving employment law challenges.

At Bond, Kristen helps both private and public sector employers solve difficult employee accommodation, disciplinary and leave issues; conducts employment policy audits; and oversees workplace investigations. Some of the laws that she counsels employers on include:

### Education

- Syracuse University College of Law (J.D., *summa cum laude*, 2005)
- Cornell University School of Industrial and Labor Relations (B.S. 1996)

### Bar/Court Admissions

- New York

### Practices

- Government and Regulatory Affairs
- Labor and Employment
- Municipalities

- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act (ADEA)
- Fair Labor Standards Act (FLSA)
- New York State Human Rights Law (NYSHRL)
- Americans with Disabilities Act (ADA)
- Family and Medical Leave Act (FMLA)
- National Labor Relations Act (NLRA)
- New York Public Officers Law
- New York Labor Law

### Employment Litigation

When employers, despite their best compliance efforts, are faced with employment-related claims, Kristen also defends these claims. Kristen is an experienced employment litigator, defending employers before the New York State Division of Human Rights, the Equal Employment Opportunity Commission, and the New York State Department of Labor, Unemployment Insurance Division. She also defends employment-related lawsuits filed in state and federal court and has successfully defended multiple suits before the Second Circuit of the United States Court of Appeals. She also participates in the mediation of employment claims. Some of her representative employment litigation matters include:

- Obtained summary judgment dismissing federal court action in its entirety against a large healthcare client. The matter involved allegations of sexual harassment, race and age discrimination, and retaliation. Successfully argued the appeal before the Second Circuit Court of Appeals, which affirmed the dismissal of the case.
- Was granted summary judgment for school district in a case filed in federal court and involving allegations of gender-based discrimination and harassment, as well as constitutional due process violations.
- Secured dismissal of a disability discrimination and Family Medical Leave Act lawsuit against a large healthcare client prior to discovery, saving the client thousands in litigation costs.

Kristen works with both non-union and union employers and has experience in the arbitration of labor relations disputes and the negotiation of collective bargaining agreements.

### Honors & Affiliations

- Listed in:
  - *New York Super Lawyers®*, Upstate New York Rising Star, Employment and Labor, 2015-2016
- Onondaga County Bar Association
- Justinian Honorary Law Society
- Order of the Coif
- Editor-in-Chief, *Syracuse Law Review*
- Associate Editor, *The Labor Lawyer*

### Representative Presentations

- An Interview with Kristen Smith, Labor and Municipal Law, Legally Bond Podcast, March 6, 2023
- HR Briefing: 2022 - A Year in Review, MACNY, January 10, 2023
- Breakfast Keynote Session: Legal Update, 2022 Annual All-Day Conference, CNY SHRM, June 2, 2022
- Are You Ready? NYS Paid Family Leave, Empire State Society of Association Executives, November 9, 2017
- Three Critical Issues for New York Employers, New York Association of Long Term Care Administrators, April 21, 2017
- What Employers Need to Know, Reagan Companies' Academy of Risk Management Seminar, 2017 Labor & Employment Law Update, March 2, 2017
- Labor & Employment Law Update: Navigating Change in 2017, CNY SHRM, January 26, 2017
- Other Employment Laws You Need to Know, National Business Institute, November 14, 2016
- Legal Issues Regarding Company Wellness Programs, Syracuse Media Group, Healthiest Employers of CNY, November 4, 2015
- The Fair Labor Standards Act: Understanding the Proposed Regulatory Changes, and Avoiding the Minefield of Wage & Hour Liability, CNY SHRM, October 8, 2015
- Ask the Experts, 2015 Conference, CNY SHRM, June 12, 2015
- Solving the Puzzle of Complex Accommodation Issues in the Evolving Workplace, Tompkins County SHRM, November 6, 2014
- Complex Issues in Accommodating a Diverse Workforce, Annual Conference, NYS SHRM, September 30, 2014
- Employment Law Basics for Supervisors, Managers & Business Owners, CNY SHRM, September 25, 2014
- Top Ten Employment Law Trends and Issues for 2014, Legal Update, CNY SHRM, January 22, 2014
- Identifying & Addressing Common Human Resource Management Pitfalls, Bond's Tenth Annual Best Practices for Nonprofits, January 16, 2014
- The NLRB's New, Aggressive Focus on Non-Union Employers, SHRM, March 7, 2013

## Representative Publications

- Company news: Kristen E. Smith returns to Bond, Schoeneck & King, *syracuse.com*, April 20, 2022
- Quoted in "U.S. sues Estée Lauder for allegedly discriminating against new dads," *WBBH*, August 31, 2017
- "Lawfully Managing an Aging Workforce," *Manufacturing Matters*, Summer 2017
- Quoted in "New York Employers Must Prepare for Paid-Family-Leave Program," *HR Today*, May 22, 2017
- "New York's Paid Family Leave Proposed Regulations: A Primer for Employers," *Central New York Business Journal*, April 3, 2017

- "Know the Law: Background Checks Continue to Trip Up Employers," *HR Specialist*, *New York Employment Law*, May 2014
- Kristen Smith and John Gaal, "Federal Agencies Extend Their Reach," *New York Law Journal*, January 22, 2013

### Other Activities

- Board of Directors, Food Bank of Central New York
- Board of Trustees, Bishop Ludden Junior-Senior High School