Ross Greenky

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Counsel

Syracuse

P: 315.425.2702

rgreenky@barclaydamon.com

Education

- Duke University School of Law, *Duke Journal of Gender Law & Policy*, Senior Research Editor, JD
- George Washington University, *Magna Cum Laude*, BA

Practices & Industries

- Labor & Employment

Admitted to Practice

- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Ross primarily concentrates his practice on labor and employment matters, routinely assisting employers with navigating workplace issues such as workplace discrimination, harassment, and retaliation; employee classifications; FMLA compliance; employee terminations, and wage-and-hour compliance. He routinely handles audits and investigations from the NYS and US Department of Labors and the New York City Department of Consumer Affairs. In addition, Ross has experience litigating employment-related matters in federal and state courts and before the US Equal Employment Opportunity Commission and the NYS Division of Human Rights.

Ross also counsels clients on a variety of business-related issues, including employment agreements, restrictive covenants, employee handbooks and employment policies, settlement and separation agreements, and general compliance with federal , state, and local labor and employment laws.

In addition to his own practice, Ross serves as a member of the firm's Next Generation Committee.

Bar Associations

- New York State Bar Association
- Northern District of New York Federal Court Bar Association
- Onondaga County Bar Association

Representative Experience

- Counseled an employer in connection with pending website-accessibility litigation under the Americans With Disabilities Act, the NYS Human Rights Law, the NYS Civil Rights Law, and the New York City Human Rights Law.

- Obtained numerous “no probable cause” determinations for employers in the defense of discrimination, retaliation, and harassment claims before the NYS Division of Human Rights.
- Obtained summary judgment in favor of an employer in an alleged disability discrimination and retaliation case.
- Obtained dismissal of an unfair-labor-practice charge and subsequent appeal against a private research university in New York State before the National Labor Relations Board.
- Provides training and seminars to employers on various labor and employment issues.
- Obtained a no probable cause determination for a former employee in an age discrimination case before the NYS Division of Human Rights.
- Represented a barbecue restaurant in a lawsuit filed by a former employee alleging sex and sexual orientation discrimination, sexual harassment, and retaliation. After the conclusion of discovery, the restaurant moved for summary judgment, and the court granted summary judgment in full.
- Represented a barbecue restaurant when a verified complaint was filed with the New York State Division of Human Rights (NYSDHR) and the United States Equal Employment Opportunity Commission (EEOC) claiming unlawful discriminatory practices relating to employment because of gender identity expression, race and color, sex, sexual orientation, and domestic violence victim status. After investigation, the NYSDHR concluded there was no probable cause that the discrimination occurred and dismissed the matter. The EEOC adopted the findings of the NYSDHR and dismissed the federal claims. The complainant was not employed by the barbecue restaurant, but rather was employed by a food ordering and delivery company and was arguing that he should be considered an employee of the barbecue restaurant.
- Represented a defendant, a barbecue restaurant chain, in an action commenced in the Superior Court of New Jersey, Essex County, in which a former male employee alleged discrimination based on sex, sexual orientation, gender expression, and intentional infliction of emotional distress. After the conclusion of discovery, the defendant moved for summary judgment. The Superior Court of New Jersey granted the defendant's motion and dismissed all claims.
- Represented a client in disability and family status discrimination claims filed by a former employee before the New York State Division of Human Rights, who found no probable cause that the client engaged in or is engaging in discrimination.
- Successfully reduced the number of serious OSHA citations received by an urgent care provider for violating the Healthcare Emergency Temporary Standard from 19 to three, and reduced the client's fine by 60 percent.

Prior Experience

- Hiscock & Barclay, LLP, Associate
- Hancock Estabrook, LLP, Associate
- US Magistrate Court for the District of New Jersey to Judge Madeline Arleo, Judicial Intern
- Office of the NYS Governor, Summer Associate

Selected Community Activities

- Syracuse Hebrew Day School, Board Member
- Onondaga County Volunteer Lawyers Project

Selected Honors

- Jewish Federation of Central New York, Pierson Six Under 36, 2023
- Selected to *Super Lawyers* Upstate New York Rising Stars: Employment & Labor, 2017–2018; Employment Litigation: Defense, 2019–2023
- New York State Bar Association, Empire State Counsel Honoree, 2018

Selected Speaking Engagements

- Gilroy, Kernan & Gilroy, “Marijuana in the Workplace”
- Gilroy, Kernan & Gilroy, “US Department of Labor’s Payroll Audit Independent Determination Program”
- Gilroy, Kernan & Gilroy, “Harassment Training – Education, Prevention, and Investigation: The Trifecta of a Defense”
- St. Lawrence SHRM Annual Event, “Wage & Hour Update”

Selected Alerts & Blog Posts

- Restaurant Association Challenges NYC COVID-19 Vaccine Mandate
- NLRB Brings End-of-Year Cheer to Employers
- The United States Department of Labor Issues Guidance on Classification of Workers as Independent Contractors or Employees
- The United States Department Of Labor Issues Proposed New Fair Labor Standards Act Regulations