



## KIMBERLY B. MALERBA / PARTNER

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### EDUCATION

- Benjamin N. Cardozo School of Law, (J.D. magna cum laude, 2003)
- Binghamton University (B.A. with honors music and philosophy, magna cum laude, 2000)

### PRACTICE AREAS

- Commercial Litigation
- Digital Media Law
- Employment
- Food & Beverage
- Not-For-Profit

Kimberly B. Malerba chairs the Employment Law Practice Group, and is a member of the firm's Litigation Department. Ms. Malerba regularly advises employers on best practices concerning human resources related matters, including performance management, wage and hour compliance, employment discrimination and harassment prevention, and workplace policy development. She also defends employers at federal, state and local agencies against claims such as sexual harassment, age, race, national origin and disability discrimination. Ms. Malerba routinely handles management of disability accommodation and leave-related issues, reductions in force, restrictive covenants, hiring and separations from employment, and independent contractor analysis. Since the beginning of the COVID-19 pandemic, Ms. Malerba has provided clients with real-time advice regarding the ever-changing web of laws, mandates and guidance from state, federal and local governments. She regularly drafts policies, provides guidance, and helps clients to navigate the evolving masking, vaccine, quarantine and leave requirements, in order to keep their businesses functioning during unprecedented times.

Ms. Malerba has authored countless articles and participated in various continuing education programs, offering continuing legal education (CLE), continuing professional education (CPE) and human resources certification (HRCI) credits.

These programs educate professional audiences on a broad variety of employment law topics, ranging from wage and hour compliance, reductions in force, and issues arising under the Family and Medical Leave Act (FMLA), to National Labor Relations Act compliance in social media, and on many other subjects. Additionally, Ms. Malerba has implemented in-house management training for employers on a wide range of employment law topics, including workplace harassment prevention, FMLA and Americans with Disabilities Act compliance, and best practices in wage and hour law.

Ms. Malerba also has considerable experience in the intellectual property field and advises clients regarding trademark, copyright, licensing, privacy, Internet, domain name, unfair competition and trade secrecy issues.

She is a member of the American Bar Association, New York State Bar Association and the Nassau County Bar Association.

While in law school, she served as an articles editor for the Cardozo Arts and Entertainment Law Journal.

#### **Interviews, Media Appearances and Presentations**

- Employer and Employee Rights Since the Passage of MRTA (Cannabiz New York Podcast, May 2023)
- Here Comes 2022 – What Employers Need To Know (RMF Presentation December 2021)
- Employment Law: Mid-Year Round Up (RMF Presentation May 2021)
- COVID-19 Vaccines Updates And Concerns (JLA of Nassau County, January 2021)
- What Employers Need To Know For 2021 (RMF Presentation December 2020)
- The Logistics & Legalities Bringing Your Employees Back to the Office (Prestige PEO, July 2020)
- 2018 is Coming – Is Your Company Prepared? (RMF Presentation December 2017)
- Complying with the New Federal Wage & Hour Regulations: Its Not Too Late! (RMF Presentation November 2016)
- Independent Contractors Not So Independent (LIBN, September 2015)
- Small Business: Managing Unpaid Summer Interns (Newsday, May 2015)
- On-Call Shifts Come Under Scrutiny (LIBN, May 2015)
- Effectively Navigating the Wage and Hour Terrain (RMF Presentation November 2014)
- Personnel Fouls (LIBN, October 2014)
- Small Business: Running Background Checks on Job Applicants (Newsday, December 2014)
- What You Know Can Hurt You (LIBN, June 2014)
- NYS Weighs Landmark Digital Asset Bill (LIBN, August 2014)
- Digital Life After Death (Nassau Lawyer, June 2014)
- People/Law: Students need to be wary of social media (LIBN, November 2013)
- Getting Smart on SMARTPHONES (Long Island Business News, July 2013)
- Small Business: Valuable Exit Interviews (Newsday, May 2013)
- Yahoo! Hotjobs, 5 Lifestyle Activities That Can Get You Fired (Yahoo, June 2008)

## Publications

- RMF Attorney Kimberly Malerba To Be Panelist on First National Bank LI and Nawrocki Smith LLP Back to Basics Employment Law Panel (Press Release)
- Kimberly Malerba To Be Honored at Long Island Business News' Top 50 Women in Business Awards (Press Release)
- Employment Law Update - October 2022 (Alerts, Employment)
- Covid-19 Update (Alerts, Employment)
- NYS HERO Act Extended Once Again (Alerts, Employment)
- New York Ends Indoor Mask Mandate For Businesses (Alerts, Employment)
- Supreme Court Blocks The Large Employer Vaccine Mandate (Alerts, Employment)
- New York Updates Quarantine and Isolation Guidance (Alerts, Employment)
- Stay in Enforcement Lifted: Large Employers Must Prepare for OSHA Vaccine Mandate (Alerts, Employment)
- New York City Issues Vaccine Mandate Guidance (Alerts, Employment)
- New COVID-19 Vaccine or Masking Requirements for New York Businesses (Alerts, Employment)
- NYC Employers Must Prepare For Vaccine Mandate (Alerts, Employment)
- OSHA Halts Implementation And Enforcement Of Vaccine Mandate For Large Employers (Alerts, Employment)
- Vaccine Mandate: Coming Soon To A Large Employer Near You (Alerts, Employment)
- HERO ACT: COVID-19 NOW REQUIRES HERO ACT PLANS TO BE ACTIVATED (Alerts, Employment)
- Important Upcoming Employment Deadlines: NYS HERO Act and COBRA Subsidy Final Notice (Alerts, Employment)
- Biden Issues Executive Order Seeking Non-Compete Reform (Alerts, Employment)
- HERO Act Guidance Published By NY Department of Labor (Alerts, Employment)
- New York Updates Restrictions For Office Spaces (Alerts, Employment)
- May 31 Notice Deadline Approaching For COBRA Subsidy (Alerts, Employment)
- New York Adopts CDC Guidance for Fully Vaccinated Individuals (Alerts, Employment)
- New York Increases Capacity for Office Spaces (Alerts, Employment)
- Employees Are Entitled To Paid Leave Under NY Law To Receive COVID-19 Vaccine (Alerts, Employment)
- New York Provides New Guidance Regarding Use Of NYS COVID-19 Sick Leave (Alerts, Employment)
- Additional COVID-19 Relief Legislation (Alerts, Employment)
- Updates To New York's Travel Advisory For Out-Of-State Travel (Alerts, Employment)
- New York State Sick Leave Law Takes Effect (Alerts, Employment)
- New School Year, New Questions: Employee Leave Rights Under The FFCRA (Alerts, Employment)
- COVID-19 Antibody Tests and Returning to Work (Alerts, Employment)
- Ruskin Moscou Faltischek, P.C. Forms Cannabis Law Practice Group (Press Releases)
- Back to Work Planning and New Guidance from the Department of the Treasury Regarding PPP Loan Forgiveness (Alerts, Employment)
- Small Businesses and the Families First Coronavirus Response Act (Alerts, Employment)
- COVID-19 and WORKPLACE IMPACT FAQS (Alerts, Employment)
- UPDATED: Coronavirus Legal Update- NYS WORKFORCE REDUCTION ORDER (Employment)
- Coronavirus Legal Update- NYS WORKFORCE REDUCTION ORDER (Employment)

- COVID-19 Coronavirus Alert (Alerts, Employment)
- Employment-law changes for 2020 (Employment)
- More protections for workers in NYS go into effect (Employment)
- New Year and New Obligations: What Employers Need to Know about 2019 (Employment)
- New Sexual Harassment Laws Affecting New York State Employers (Alerts, Employment)
- Seeking Counsel (Employment)
- Handling References For Past Employees (Employment)
- Partner at Ruskin Moscou Faltischek, P.C. Honored by Hofstra University Law School (Press Releases)
- Social Media Can Wreak Business Havoc (Articles)
- Starting Off The New Year Right (Alerts, Employment)
- LinkedIn: What's Your Policy ? (Alerts, Employment)
- Starting the New Year Right (Alerts, Employment)
- Employers Beware: Retaliation Standard Eased (Articles, Employment)
- Tech-Tock: Are Employees Who Check Devices Off Hours Entitled to Overtime Pay? (Articles, Employment)
- The Rise In Wage and Hours Suits: What's at Stake (Articles, Employment)
- NLRB Strikes Again: Two Long-Standing Employment Policies Attacked (Articles, Employment)
- Jan-12 Do You Know Who Owns Your Company's Social Media (Facebook, Twitter, LinkedIn) Accounts (Alerts, Digital Media)
- Does Bankruptcy Discharge Sexual Harassment Debts? (Commercial Litigation)