



## 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
- Health Law: Regulatory
- Not-For-Profit

Kimberly B. Malerba handles virtually all matters involving the employer-employee relationship. Her areas of concentration include wage and hour compliance and investigations, employment discrimination and workplace harassment prevention, policy development and litigation, and independent contractor analysis. She has defended against claims such as sexual harassment, age, race, national origin and disability discrimination for various clients, both large and small.

She also focuses her practice on social and digital media-related employment issues. In her counseling practice, she regularly advises employers on best practices concerning management of disability accommodation and leave-related issues, reductions in force, restrictive covenants, hiring and separations from employment, and performance management.

A partner at Ruskin Moscou Faltischek, P.C., she chairs the Employment Law and Digital Media Practice Groups, and is also a member of the firm's Litigation Department.

As a featured lecturer, Kimberly has participated in various continuing education programs offering continuing legal education, continuing professional education and human resources certification credit. These programs educate professional audiences on a wide variety of employment law topics, ranging from wage and hour compliance, reductions in force, and issues arising under the Family and Medical Leave Act, to NLRA compliance in social media, and many others. Additionally, she has implemented in-house management training for employers on a range of employment law related topics, including workplace harassment prevention, FMLA and ADA compliance, and wage and hour best practices.

Kimberly also has considerable experience in the intellectual property field and represents and advises clients in connection with trademark, copyright, licensing, privacy, Internet, domain name, unfair competition and trade secrecy issues. She advises clients regarding worldwide intellectual property matters and has experience in connection with drafting agreements for intellectual property rights in various contexts. She has litigated intellectual property and complex commercial matters on behalf of national and regional clients in federal and state courts.

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

Kimberly was recently honored by the Long Island Business News as one of the 40 Under 40 Long Islanders for her business achievement and community service.

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

### Interviews and Media Appearances

- Independent Contractors Not So Independent (LIBN, September 16, 2015)
- Small Business: Managing Unpaid Summer Interns (Newsday, May 29, 2015)
- On-Call Shifts Come Under Scrutiny (LIBN, May 22, 2015)
- Personnel Fouls (LIBN, October 17, 2014)
- Small Business: Running Background Checks on Job Applicants (Newsday, December 21, 2014)
- What You Know Can Hurt You” (LIBN, June 18, 2014)
- NYS Weighs Landmark Digital Asset Bill” (LIBN, August 18, 2014)
- Digital Life After Death (Nassau Lawyer, June 2014)
- People/Law: Students need to be wary of social media (LIBN, November 13, 2013)
- Getting Smart on SMARTPHONES, Long Island Business News, July 5–11, 2013.
- Small Business: Valuable Exit Interviews, Newsday, May 26, 2013.
- Yahoo! Hotjobs, 5 Lifestyle Activities That Can Get You Fired, June 19, 2008.

### PUBLICATIONS

- 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)