



## KINSEY O'BRIEN

Partner

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Kinsey represents and advises employers in all aspects of labor and employment law. While she is resident in our Buffalo, New York office, she services her clients' employment law needs across the U.S. She also devotes a substantial portion of her practice to assisting Canadian companies with U.S. hiring and workforce management issues.

Kinsey regularly counsels employers on onboarding/hiring issues, worker classification, compliance with wage and hour laws, leave and accommodation compliance and management, avoidance of discrimination, harassment, and retaliation claims, internal investigations, discipline, and discharge, and workplace policies and handbooks.

Kinsey also regularly defends employers in a broad array of employment-related litigation, including allegations involving discrimination, harassment, retaliation, leave and accommodations, whistleblower claims, contract disputes, and wage and hour statutes. She is experienced in all phases of litigation, including defense of administrative charges and investigations, drafting pleadings, conducting discovery, motion practice, mediation and settlement negotiations, and trial.

Working with her clients as a strategic business partner, Kinsey helps management and human resource professionals mitigate risk through all phases of the employment relationship. She prides herself on providing timely, practical, and straightforward guidance to help her clients achieve their business objectives.

Before joining Hodgson Russ, Kinsey worked for a law firm in Buffalo. She also clerked for the United States Attorney's Office, Western District of New York and worked in the office of a United States Senator.

### Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars (Employment & Labor) 2016 - 2023

The Guaranty Building  
140 Pearl Street  
Suite 100  
Buffalo, NY 14202

### Practices & Industries

Canada-U.S. Cross-Border  
Cannabis & Hemp  
Employment Litigation  
Equine  
Home Care  
Labor & Employment  
Wage & Hour

### Admissions

New York  
U.S. District Court, Western District of New York  
U.S. Bankruptcy Court, Western District of New York

### Education

University at Buffalo, B.A., summa cum laude  
University at Buffalo School of Law, J.D., summa cum laude

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- Recipient of the John N. Bennett Award for Highest Academic Achievement in Graduating Class
- *Winning Team and Best Appellate Brief*, Charles S. Desmond Memorial Moot Court Competition
- *Second Place Appellate Brief*, NYC Regional, American Bar Association National Appellate Advocacy Competition
- Former publications editor and former associate editor, *Buffalo Law Review*
- Former member, *Buffalo Human Rights Law Journal*
- Former fellow, Buffalo Public Interest Law Program

## In the News

Employers, Don't Try to Diagnose Behavioral Health Conditions  
*Buffalo Business First*, October 20, 2022

Webcast Speakers: Cannabis Legalization Passed, But Much Remains To Be Done  
*The Trusted Professional*, April 22, 2021

Thought Leaders - COVID-19 and Work Safety  
*Buffalo Business First*, October 30, 2020

Questions still surround changes to New York state's paid leave laws  
*Buffalo Law Journal*, October 21, 2020

Equal grounds: Employers must do more to promote workplace pay equity  
*Buffalo Law Journal*, October 18, 2019

BNHRA Annual Legal Update  
*Speaking Engagement*, September 17, 2019

Second Draft for On-Call Employment Regs is Out  
*Buffalo Law Journal*, February 19, 2019

## Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 Upstate New York Super Lawyers List  
August 23, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers  
*Hodgson Russ Press Release*, August 23, 2022

Hodgson Russ Announces New Partners  
*Hodgson Russ Press Release*, December 16, 2021

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Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers  
*Hodgson Russ Press Release*, August 20, 2021

Kinsey O'Brien Appointed Chair of the Labor Law Committee of the Bar Association of Erie County  
*Hodgson Russ Press Release*, June 21, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers  
*Hodgson Russ Press Release*, September 8, 2020

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers  
*Press Release*, August 12, 2019

Hodgson Russ Announces Eight Newly Elected Partners, Five Attorneys Promoted to Senior Associate  
*Press Release*, January 8, 2019

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers  
*Press Release*, August 20, 2018

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50  
*Press Release*, September 6, 2017

## **Publications**

New York State's "Freelance Isn't Free" Act – What Employers Need to Know  
*Hodgson Russ Labor & Employment Alert*, April 18, 2024

Employees Enjoy a Private Right of Action Under Changes to New York City Earned Safe and Sick Time Act  
*Hodgson Russ Labor & Employment Alert*, March 7, 2024

NY General Obligations Law Amended to Limit Further Pro-Employer Provisions in Settlement Agreements  
*Hodgson Russ Labor & Employment Alert*, January 23, 2024

New Year - New Statute of Limitations for Complaints filed with the New York State Division of Human Rights  
*Hodgson Russ Labor & Employment Alert*, December 29, 2023

New York State Increases Minimum Wage and Modifies Other Salary Requirements  
*Hodgson Russ Labor & Employment Alert*, December 22, 2023 - CORRECTED\*

Alternative Instruction for Suspended Students  
*Hodgson Russ Education Alert*, October 20, 2023

Wage Theft In New York Is Now Criminal Larceny  
*Hodgson Russ Labor & Employment Alert*, October 3, 2023

New York State Bans Employee Captive Audience Meetings  
*Hodgson Russ LLP Labor & Employment Alert*, September 28, 2023

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OSHA Launches National Emphasis Program Targeting Warehousing and Distribution Operations  
*Hodgson Russ Occupational Safety & Health Act Alert*, August 8, 2023

NYSED to Begin Monitoring School District Websites for Compliance with Privacy Laws  
*Hodgson Russ Education Alert*, July 21, 2023

## **Presentations & Events**

Transparency is Key – From Job Postings to Notice Requirements, How Employers Must be More Transparent Than Ever  
May 15, 2023

Kinsey O'Brien, Thomas Grenke Speak On Transparency in Job Postings  
UB Law Alumni Association, Inc., March 15, 2023

27th Annual Labor & Employment Conference  
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 12, 2023

BNHRA Legal Update Breakfast  
BNHRA, The Foundry, September 21, 2022

Marijuana and the Workplace  
Capital Region BOMA, Albany Capital Center, April 28, 2022

What the Renewable Energy Industry Needs to Know Now - Key Labor & Employment Updates for 2022  
February 3, 2022

New York Government Finance Officers' Association Western Holiday Seminar  
New York Government Finance Officers' Association, RIT Conference Center, Rochester, December 9, 2021

2021 Labor & Employment Webinar Series  
November 19, 2021

NYS Society of Human Resources Management Virtual Conference  
NYS Society of Human Resources Management, November 19, 2021

The Legalization of Recreational Marijuana  
New York State Bar Association, Saratoga Springs, NY, October 15, 2021

## **Professional Affiliations**

- New York State Bar Association
- WNY Chapter of the Women's Bar Association of the State of New York, President 2023-2024
- Bar Association of Erie County, Labor Law Committee, Chairperson
- Leadership Buffalo *Class Experience 2022*

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**Community & Pro Bono**

- Locust Street Neighborhood Art Classes, Inc., Board President, 2016 - Present, and Board Member, 2014 - Present

