



Kelly Ann Bird

Director, Employment & Labor Law

Newark

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Services: Employment & Labor Law; Employment Law Compliance Counseling and Training

OVERVIEW

Ms. Bird counsels employers on employment and human resources issues, and litigates as necessary in these areas. Her clients range from small, family-owned businesses to regional based companies with thousands of employees. Her experience involves proceedings in federal and state courts, and state and federal civil rights agencies, as well as arbitrations and mediations.

Her practice includes:

- Developing, drafting, and assisting in implementation of employment policies, procedures, handbooks, and contracts;
- Providing advice on equal employment, hiring, performance management, termination, and leave issues;
- Conducting workplace training on a variety of topics;
- Handling and advising on workplace investigations and responses to employee complaints;
- Defending management in litigation relating to discrimination, harassment, whistleblower, wrongful discharge, tort, and contract claims; and
- Representing individual officers, directors, and employees who have been sued personally for discrimination, sexual harassment, wrongful discharge, and related tort and contract claims.

FOCUS AREA(S)

Employment Counseling and Training

Ms. Bird provides counseling services to help every client create a legally compliant workplace and a more productive and efficient workforce. She advises employers on employment and human resources issues and also trains employees on topics essential to the workplace or their particular positions. For example, Ms. Bird's recent training sessions included a workplace conduct session for a small team of employees, as well as a presentation to a management team on the topic of bullying in the workplace.

EXPERIENCE

In the past year, Ms. Bird has worked with clients ranging from small start-up businesses to well-established medical device companies, to craft and implement policies that comply with federal and state

laws, including the NLRB's recent decisions concerning protected activity. She has conducted multiple investigations into allegations of improper and unlawful workplace conduct.

Ms. Bird's experience is enhanced by her work on the State of New Jersey Committee on Character, in which she evaluates candidates for the New Jersey State Bar and was recently appointed a Statewide Chair. She actively works to support the growth of women in the legal profession, by serving as co-chair of the Gibbons Women's Initiative Events Committee and in her work for two terms as Chair of committees for New Jersey Women Lawyers Association.

EDUCATION

Seton Hall University School of Law (J.D.)

College of the Holy Cross (B.A.)

University of Virginia (M.A.T.)

PROFESSIONAL ADMISSIONS

State of New Jersey

United States District Court for the District of New Jersey

United States Court of Appeals for the Second Circuit

PROFESSIONAL ACTIVITIES

Task Force on Diversity in the Legal Profession
ECBA Chair

New Jersey Women Lawyers Association
Programming Committee: Co-Chair, July 2010 - July 2012
Women's Leadership Committee: Co-Chair, July 2012 - July 2014

New Jersey Bankers Association
Appointed to Serve on the Human Resources Committee, April 13, 2005 - March 30, 2008

Seton Hall University School of Law
Adjunct Professor, August 1999 - January 2003

New Jersey State Bar Association
Labor and Employment Law Section

American Bar Association
Litigation Section
Woman Advocate Committee
Labor and Employment Law Section
EEO Committee and State Labor
Employment Law Development Committee

HONORS & AWARDS

Listed in *Chambers USA Guide to America's Leading Lawyers for Business*, Labor & Employment

Selected to the *New Jersey Super Lawyers* list, Employment & Labor
Top 50 Female Attorney in New Jersey

Chair, Part VI of the State of New Jersey, *Committee on Character*, Appointment by the Supreme Court of New Jersey, July 2014

State of New Jersey, *Committee on Character*, Appointment by the Supreme Court of New Jersey, July 2006-July 2014

Tribute to Women and Industry, "TWIN" Award, April 2004

PUBLICATIONS & FEATURES

- "Is It Time to Update Your Employee Handbook?" *Association of Corporate Counsel New Jersey (NJCCA) Chapter*, July 7, 2014 (By: Kelly Ann Bird, Carla N. Dorsi)
- "N.J.'s Pregnant Worker's Fairness Act: The Impetus, Impact and Hidden Benefits for Employers," *New Jersey Law Journal*, March 17, 2014 (By: Kelly Ann Bird, Marisa N. Hourdajian)
- "Mediation Can Be the Antidote for Costly Litigation," *New Jersey Law Journal*, December 9, 2013 (By: Kelly Ann Bird, Susan L. Nardone)
- "The Case For Getting Aggressive With Workplace Bullies," *The Metropolitan Corporate Counsel*, September 2013 (By: Kelly Ann Bird, Lindsay J. Jarusiewicz)
- "NLRA Impact on Non-Union Workplace Policies to Continue into 2013," *Employment Law Alert*, February 14, 2013
- "Fourth Circuit Says Preferential Treatment for Pregnant Employees Not Required," *Employment Law Alert*, January 22, 2013
- "Employment Policies and Training: Why They Make Sense Now," *NJCCA Newsletter*, October 2012
- "Easy Fixes To Flawed Investigations," *The Metropolitan Corporate Counsel*, September 2012
- "U.S. Department of Labor Publishes Proposed Rules for Military FMLA," *Employment Law Alert*, February 8, 2012
- "Safeguarding the Decision-Making Process in Employee Actions," *NJCCA Newsletter*, September 2011
- "Can a USERRA Claim Be Released as Part of a Separation Agreement?" *Employment Law Alert*, June 27, 2011
- "The Gibbons Employment Academy Webinar Series - Disability and Reasonable Accommodations," *Employment Law Alert*, June 23, 2011
- "Can a USERRA Release be Bullet-Proof?" *New Jersey Labor & Employment Law Quarterly*, *New Jersey State Bar Association*, June 2011
- "Introducing the Gibbons Employment Academy Webinar Series," *Employment Law Alert*, May 23, 2011

- "Follow the Leader: A Checklist of Characteristics Common to Female Leaders in the Legal Profession," *New Jersey Women Lawyers Association Platinum Gala*, March 30, 2011
- "Focus on Training in 2011," *Employment Law Alert*, January 13, 2011
- "Expanded Leave Laws Can Lead to Abuses: What New Jersey Employers Need to Know," *Commerce*, February 2009
- "Retaliation/Discrimination or Interference Why It Matters Under the FMLA," *Municipal Lawyer*, January/February 2008
- "Retaliation/Discrimination or Interference: Why It Matters Under the FMLA," *The Metropolitan Corporate Counsel*, July 2007
- "Let's Talk Labor Law," *GC Mid-Atlantic*, June 1, 2007 (Kelly Ann Bird, interviewed)
- "Employment Practices Training: A Win-Win," *Garden State Woman*, 2007
- "Internet Usage Policies: Rules are Required for Workplace Web Activities," *New Jersey Business*, March 2005 (Kelly Ann Bird, quoted)
- "Words of Wisdom," *The WOMAN Advocate Newsletter - American Bar Association Section of Litigation*, Vol. XI, Winter 2005
- "When Non-Competes are Non-Retaliatory," *New Jersey Lawyer*, October 25, 2004
- "Does Your Settlement Agreement Insure "Peace?"," *The Employment and Labor Law Alert*, February 13, 2004
- "EEOC Fast Sheet Explains Prospective Employees' Rights Under the ADA," *The Employment and Labor Law Alert*, November 26, 2003
- "Supreme Court Clarifies Prima Facie Burden to Whistleblowers," *The Employment and Labor Law Alert*, October 9, 2003
- "Supreme Court Holds that Plaintiffs Are Entitled To A "Mixed Motive" Jury Instruction In All Title VII Cases," *The Employment and Labor Law Alert*, July 9, 2003
- "Employer's Subjective Test of Performance Sustained as Basis for Contract Termination," *The Employment and Labor Law Alert*, March 25, 2003
- "Per Se Liability for Business Owners Under Fair Housing Act Rejected," *The Employment and Labor Law Alert*, February 14, 2003
- "Damages Available Under Law Against Discrimination and Wage and Hour Law for Uncompensated Overtime Required of Handicapped Employee," *The Employment and Labor Law Alert*, January 8, 2003
- "Balancing of Value of EEOC Determination Permitted Prior to Evidentiary Use in Subsequent Litigation," *The Employment and Labor Law Alert*, November 1, 2002

- "Sexual Harassment Investigation Can Be Proof of Wrongful Discharge," *The Employment and Labor Law Alert*, October 1, 2002
- "New Jersey Supreme Court Adopts United States Supreme Court's Framework for Continuing Violation Doctrine," *The Employment and Labor Law Alert*, September 4, 2002
- "ERISA Meets the Computer Age (Finally!)," *The Employment and Labor Law Alert*, May 1, 2002
- "United States Supreme Court Precludes Invocation of ERISA to Obtain Reimbursement of Benefits," *The Employment and Labor Law Alert*, January 25, 2002
- "What Employers Need to Know to Establish Evacuation Plans for Employees with Disabilities," *The Employment and Labor Law Alert*, December 21, 2001
- "Third Circuit Embraces Department of Labor Guidelines as Test for Corporate Liability Under the WARN Act," *The Job Description, Defense Research Institute Employment Law Committee Newsletter*, Fall 2001
- "Third Circuit Embraces Department of Labor Guidelines as Test for Corporate Liability Under the WARN Act," *The Employment and Labor Law Alert*, September 26, 2001

EVENTS

- Speaker, German American Chambers of Commerce, "6th Human Resources Roundtable," New York, NY, October 22, 2014 (Featuring: Kelly Ann Bird, Mitchell Boyarsky)
- Speaker, Gallagher Bollinger & Gibbons P.C., "HR, PPACA and Recent Employment Law Developments," Springfield, NJ, April 8, 2014 (Featuring: Kelly Ann Bird, Mitchell Boyarsky)
- Speaker, Gibbons P.C., "Bullying: When Workplace Conduct Crosses the Line," Newark, NJ, March 12, 2014 (Featuring: Kelly Ann Bird, Carla N. Dorsi)
- Speaker, Gibbons P.C., "The Third Annual Employment & Labor Law Conference: Getting Aggressive with Workplace Bullies," East Hanover, NJ, February 12, 2014 (Featuring: Kelly Ann Bird, Carla N. Dorsi, Susan L. Nardone)
- Speaker, Gibbons Academy, "Settlement Strategies," May 2, 2013 (Featuring: Kelly Ann Bird, Fruqan Mouzon)
- Speaker, Gibbons P.C., "The Impact of Government Agencies on the Workplace," Newark, NJ, April 10, 2013 (Featuring: Kelly Ann Bird, Susan L. Nardone, Carla N. Dorsi)
- Moderator, Gibbons P.C. and Women in E-Discovery, "A Social Media Discussion Among 'Friends,'" Newark, NJ, March 19, 2013
- Speaker, Gibbons P.C., "The Second Annual Employment & Labor Law Conference: Government Enforcement Priorities," Newark, NJ, February 6, 2013 (Featuring: Christine A. Amalfe, Kelly Ann Bird, Susan L. Nardone)
- Speaker, Gibbons P.C., "Employee Leave Laws and Disability 'Redefined,'" Newark, NJ, February 16, 2012 (Featuring: Kelly Ann Bird, Carla N. Dorsi)

- Speaker, New Jersey Business and Industry Association, "Putting It All Together: When Leave and Income Replacement Laws Intersect," Eatontown, NJ, July 28, 2011
- Speaker, Gibbons P.C., "Hiring Practices," June 1, 2011
- Speaker, New Jersey State Bar Association Annual Conference, Women in the Profession Section, "Reaching for the Stars," Atlantic City, NJ, May 18, 2011
- Speaker, New Jersey Business and Industry Association, "Hiring, Firing Pitfalls and Employee Evaluations," Eatontown, NJ, February 18, 2011
- Speaker, Gibbons Women's Initiative, "Make an Appointment for Your Financial Checkup," Newark, NJ, October 6, 2010 (Featuring: Rita M. Danylchuk, Kelly Ann Bird)
- Speaker, New Jersey Business & Industry Association, "The Nuts & Bolts - 10 Things That Should Be in Your Handbook," Iselin, NJ, May 2, 2008
- Speaker, The Gibbons Women's Initiative, "Whistleblower Laws: Corporate Opportunity for Improvement," Newark, NJ, March 14, 2006
- Speaker, New Jersey Bankers Human Resources Committee, "The Impact of Sarbanes Oxley on Human Resources Departments," January 17, 2006
- Speaker, Gibbons Employment Roundtable, "Post Employment Restrictions," Newark, New Jersey, June 8, 2005 and New York, New York, June 15, 2005