



# Scott Rogoff

*Partner*

*Rochester*

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## Education

- Western New England College School of Law, *Cum Laude*, JD
- Ithaca College, BS

## Practices & Industries

- Labor & Employment
- Health Care Controversies
- Hotels, Hospitality & Food Service
- Health Care

## Admitted to Practice

- New York
- Massachusetts

## Biography

With nearly 30 years of legal experience, Scott concentrates his practice on labor and employment matters, housing discrimination, and health care controversies, representing for-profit and not-for-profit employers and housing providers of all sizes as well as individuals involved in civil litigation. He also serves as Barclay Damon's Hotels, Hospitality & Food Service Team leader.

Scott represents employers in claims before state and federal courts and administrative agencies, such as the NYS Division of Human Rights, the Equal Employment Opportunity Commission (EEOC), and state and federal departments of labor, including in connection with wage-and-hour and unemployment matters. He helps employers develop and implement best practices to establish and maintain effective working relationships with employees, drafts employee policies and handbooks, and serves as a trusted resource for human resources professionals. Scott is a frequent speaker and trainer on a variety of important labor and employment topics.

Scott also counsels hospitality clients as well as those involved in the food and beverage manufacturing and distributing industry, housing providers, health care clients, and not-for-profit agencies on corporate compliance, governance, and controverted matters.

## Bar Associations

- Monroe County Bar Association, Board of Trustees Member; Bylaws Committee Chair; Memorial Committee Chair; and Former Disability, Labor & Employment Law Committee Chair

## Representative Experience

- Successfully defended a local town and its officials against claims brought by an elected official alleging unlawful discrimination and equal protection violations under 42 U.S.C. Sections 1981 and 1983. Secured dismissal at the trial court level and successfully argued the appeal before the Second Circuit, which affirmed the dismissal in full. This case garnered significant media coverage.
- Obtained dismissal of a Title VII employment discrimination claim brought in US District Court by a terminated employee against a manufacturing company.
- Obtained dismissal of a Title VII employment discrimination claim brought in federal court against a residential property management company.
- Obtained summary judgment dismissing Title VII gender-based harassment and discrimination claims brought against a manufacturer and prevailed on the plaintiff's appeal to the US Court of Appeals for the Second Circuit.
- Obtained summary judgment for a large printing company dismissing a federal court claim alleging age and sex discrimination.
- Obtained numerous 'no probable cause' determinations and dismissals for housing providers, not-for-profit corporations, and other employers involved in state and federal agency claims for discrimination based on age, race, sex, religion, disability, national origin, sexual harassment, and retaliation.
- Successfully represented clients in state and federal Department of Labor wage-and-hour audits involving the classification of employees.
- Obtained summary judgment dismissing claims by an individual against an OASAS facility for alleged wrongful eviction and conversion.
- Successfully represented defendants in jury and bench trials.
- Obtained a dismissal of a disability discrimination case in the US Court for the Northern District of New York filed by a group of individuals.
- Served as counsel to a NYS Office of Alcoholism and Substance Abuse Services (OASAS) chemical-dependency treatment program in a case of first impression, creating precedent from a NYS appellate court that chemical-dependency-treatment clients who participate in licensed chemical-dependency residential treatment programs are not entitled to an eviction proceeding or substantive due process prior to discharge.
- Successfully defended a major hotel against an employment discrimination claim.

## Prior Experience

- Barclay Damon LLP, Associate
- Deutsch Williams DeRensis Holland & Drachman, P.C., Associate
- Hamilton & Dahmen, LLP, Associate
- Massachusetts Office of the Attorney General, Law Clerk

## Selected Community Activities

- Penfield Little League Baseball and CYO Basketball, Coach
- Jewish Community Federation of Greater Rochester, Former Board Member
- Jewish Family Service of Rochester, Former Board President
- Selected to participate in inaugural Ramim program pairing young professionals in Rochester with young professionals in Israel.

## Selected Honors

- *The Best Lawyers in America*®: Litigation – Labor and Employment, 2021–2025
- *The Daily Record* and *Rochester Business Journal*, Labor & Employment Law Power List, 2024
- *The Daily Record*, Power 20 Labor & Employment Law List, 2023
- Jewish Community Federation of Greater Rochester, Benjamin Goldstein Young Leadership Award, 2012

## Selected Speaking Engagements

- Council of Agency Executives, “Employment Law Update”
- Monroe County Bar Center For Education, “Employment Discrimination Update: How to Pursue and Defend Claims With the Human Rights Division and EEOC”
- Barclay Damon, “Is There Anything I *Can* Ask in an Employment Interview?” Webinar
- Small Business Council of Rochester, “Managing Employees During the COVID-19 Pandemic”
- ESOP Association, “Returning to the Workplace: What You Need to Know on Health and Safety” Webinar

## Selected Media

- *Rochester Business Journal*, "AI, DEI, Noncompetes Reshape NY Employment Law"
- *Rochester Business Journal*, "Scrutiny, Awareness Raise The Stakes for Employers"

## Selected Alerts & Blog Posts

- More Relief May Be on the Way for Struggling Restaurants
- SBA Launches PPP Direct Forgiveness Portal, Providing More Relief for the Hospitality Industry
- Mask On, Mask Off: New York State to Adopt CDC's Lifting of COVID-19 Restrictions on May 19, 2021
- SBA Will Accept Restaurant Revitalization Fund Applications Beginning May 3, 2021
- Restaurant Revitalization Funds: How to Be Prepared

## Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*—"Untangling the Web of Leave Issues Under ADA, FMLA, and Related Laws, Part 2," With Scott Rogoff
- *Barclay Damon Live: Labor & Employment Podcast*—"Untangling the Web of Leave Issues Under ADA, FMLA, and Related Laws, Part 1," With Scott Rogoff
- *Barclay Damon Live: Labor & Employment Podcast*—"Can I Ask That, Part 3: Employee Interviews, With Scott Rogoff"
- *Barclay Damon Live: Labor & Employment Podcast*—"Can I Ask That: Job Postings and Applications, Part 2, With Scott Rogoff"
- *Barclay Damon Live: Labor & Employment Podcast*—"Can I Ask That: Job Postings and Applications, With Scott Rogoff"