



**Kristin Klein Wheaton**  
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Kristin Klein Wheaton counsels and defends the interests of clients facing employment and labor issues, civil rights and discrimination claims, and complex commercial disputes. A skilled problem solver with over 20 years of legal experience in both the private and public sectors, Kristin’s wide-ranging practice includes labor and employee relations, contract negotiations, and assisting clients with the creation and maintenance of compliance strategies for state and federal laws.

Kristin dedicates a significant portion of her practice to providing day-to-day employment and labor counseling to a wide variety of clients. These include municipal bodies, such as towns, villages, counties, law enforcement bodies, and public entities; long-term care facilities, colleges and universities, and nonprofits; and the full gamut of private sector employers, in fields from health care and hospitality to logistics and manufacturing. Kristin frequently offers comprehensive counsel on employment concerns including issues involving personnel, discipline, and leave administration. Kristin also provides guidance on fine-tuning, overhauling, or drafting from scratch her clients’ policies, procedures, and handbooks. She represents her clients in hearings before the National Labor Relations Board (NLRB) and the Public Employment Relations Board (PERB), as well as in arbitrations and traditional labor negotiations. Kristin’s record of success in hearings, arbitrations, and negotiations is proof of her skill at achieving highly favorable settlements and agreements, saving her clients time and legal dollars and avoiding the distraction, risk, and publicity of a trial. Kristin also is adept at negotiating employment agreements and severance agreements and has extensive experience conducting and counseling on internal employee investigations and audits.

Kristin’s practice includes defending her clients against discrimination and civil rights claims in hearings before the Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). Her experience in this area also extends to housing issues. Kristin has defended property management companies, homeowners associations, realty groups, and other clients in a wide variety of discrimination and civil rights matters involving allegations ranging from reasonable accommodation and disability discrimination claims to racial discrimination claims. Kristin also has extensive experience handling claims before the United States Department of Justice, Office for Civil Rights, in areas including but not limited to discrimination claims based upon race, religion, disability, and national origin, as well as alleged failure to accommodate, to name a few.

As the former Executive Vice President for Legal Affairs at a large community college in Western New York, Kristin brings an unparalleled depth of experience and client-oriented service to higher education institutions facing a host of legal issues, from employment and labor policy drafting to union negotiations, audits and investigations, commercial leasing, and crisis management. In her previous role, Kristin reported directly to the president of the institution, and managed a team of 20 professionals across a range of departments. Kristin provided legal guidance to the Board of Trustees on a whole host of issues affecting the college, as well as guidance on meeting administration, bylaws and policy revisions. Kristin coordinated and represented the school in all of its legal matters, as well as union matters, including grievances, arbitration, negotiations and labor management meetings, tort and employment litigation, Title IX, financial aid and Education Law compliance, administrative proceedings, and more. She also instituted monthly labor management meetings and reduced grievances by more than 50 percent over her tenure — including a two-year period with no grievances from one of its four unions, and only three grievances total that went to arbitration. As an administrator, Kristin was also a member of numerous governance committees and was a member of the leadership team assigned to manage budgetary issues, accreditation issues, compliance issues and regulatory visits. As leader of Goldberg Segalla’s Higher Education Practice Group, Kristin leverages that experience on behalf of both public and private institutions of

higher education across New York State and beyond.

## KRISTIN KLEIN WHEATON | Goldberg Segalla

Kristin also spent several years in the Erie County Attorney's Office, as an Assistant County Attorney, a First Assistant County Attorney, and the Acting County Attorney. Among other duties, she frequently appeared before the New York State Public Employment Relations Board, negotiated settlements with unions on employment issues, represented the county and its employees before a variety of state and federal courts and administrative agencies, and acted as in-house counsel for Erie County Commissioners and the County Sheriff. As counsel for the Commissioners of Personnel, Disability, and Equal Employment Opportunity, Kristin regularly advised on matters involving the New York State Civil Service Law and civil service administration, New York General Municipal Law, Open Meetings Law, Freedom of Information Law (FOIL), New York Public Officers Law, and legislative resolutions. She also represented the Erie County Board of Elections on election law proceedings. Kristin has extensive experience handling municipal litigation arising out of legislative enactments, and has achieved no cause of action verdicts in jury trials and favorable results on summary judgment in a variety of employment and civil rights cases — including claims involving discrimination, constitutional rights, negligence, and excessive force — in the U.S. District Court for the Western District of New York, as well as in CPLR Article 75 and 78 proceedings in New York State Supreme Court. Kristin has broad experience handling inmate condition claims, as well as claims brought under New York General Municipal Law section 207-c.

As the manager of the County's self-insured risk retention fund during part of her tenure, Kristin also was responsible for case and reserve valuation and reporting, municipal budgeting and risk management including, but not limited to, litigation, workers compensation, and health insurance. She also served as a management representative on the jointly administered labor management health care trust fund. In addition, Kristin served as an ex officio member of the Erie County Board of Ethics and provided guidance on ethical issues and the Hatch Act.

Kristin is an adjunct professor at Hilbert College, where she teaches Trial Preparation and Practice for Paralegals (Advanced Civil Litigation). In 2015, Kristin was named one of Western New York's Legal Elite by *Buffalo Business First* and the *Buffalo Law Journal*. In 2017 and 2018, she was named one of the *Best Lawyers in America* in the category of Employment Law — Management.

### Honors

- Martindale-Hubbell Judicial and Peer Review Rating: AV Preeminent
- Band 2, *Chambers USA*, Upstate New York: Labor and Employment, 2019
- *Best Lawyers in America*, Employment Law — Management, 2017–19
- *Buffalo Business First* Legal Elite of Western New York, 2015

### Professional Affiliations

- New York State Public Employer Labor Relations Association
- Erie County Bar Association: Labor Law Committee, Municipal and School Law Committee
- New York State Bar Association: Labor and Employment Section, Local and State Government Law Section
- National Center for the Study of Collective Bargaining in Higher Education and the Professions
- Organization of Public Employer Negotiators
- National Order of the Barristers
- Michigan State University Alumni Association, WNY Chapter
- National Public Employer Labor Relations Association
- County Attorney's Association of the State of NY (CAASNY)
- Buffalo Niagara Human Resources Association
- Hamburg Chamber of Commerce

### Community Involvement

- Secretary and Co-Chair, Mentor Committee, Hamburg High School Academy of Finance Advisory Board
- Secretary and Chair, Bylaws and Nominations Committee, Western New York Regional NAF Advisory Board
- Member, American Quarter Horse Association

### Admitted to Practice

- New York
- U.S. District Courts for the Western and Southern Districts of New York
- U.S. Court of Appeals for the Second Circuit

### Education

- Albany Law School, J.D., 1994
- Michigan State University, B.A., 1991

### Presentations

- "Setting Up a Drug and Alcohol Policy," Construction Exchange, Buffalo, NY, April 10, 2019
- "Labor and Employment Law Updates For Business Leaders" (Co-Presenter), Niagara Business Associates, Buffalo, NY, April 5, 2019
- "Hot Topics in Labor and Employment Law" (Co-Presenter), Breakfast Briefings at Goldberg Segalla, Buffalo, NY, February 14, 2019
- "Business Busters: Protecting Your Business from Employment Risks" (Co-Presenter), Buffalo Niagara Partnership Speaker Series, Buffalo, NY, October 19, 2018
- Panelist, "#MeToo and Legislation Geared Toward the Prevention of Sexual Harassment," NYSBA – Entertainment, Arts and Sports Law Section Meeting, New York, NY, October 18, 2018
- "Sports, Drugs and Rock & Roll – The Evolving Landscape of Drugs and Scandals in Sports and Entertainment," NYSBA – Entertainment, Arts and Sports Law Section Meeting, New York, NY, October 18, 2018
- "Latest Developments on Sexual Harassment and Discrimination in the Public Workplace and the effect of the #MeToo Movement," NYSBA Local and State Government Section Annual Meeting, Buffalo, NY, September 28, 2018
- "New York State Sexual Harassment Update" (Co-Presenter), Tokio Marine HCC Annual Claims Seminar, Plymouth, MI, September 6, 2018
- "Business Busters — Protecting Your Business from Employment Risks " (Co-Presenter), *Buffalo Niagara Partnership*, June 28, 2018
- "School Safety in WNY - Legal Roles and Critical Responsibilities," Erie County Bar Association, Buffalo, NY, June 1, 2018
- "New York State Sexual Harassment Update and Municipal Law Update" (Co-Presenter), County Attorney's Association of the State of New York Annual Conference, Cooperstown, NY, May 22, 2018
- "New York State Legislation on Sexual Harassment" (Co-Presenter), GS Webinar, May 3, 2018
- "Harassment and Discrimination: Sexual Harassment Prevention Program - Avoid the Quandries of 'ME TOO' & 'TIMES UP,'" (Co-Presenter), New York Insurance Municipal Insurance Reciprocal, Scottsville, NY, March 22, 2018
- "Hot Topics in Employment and Labor Law" (Co-Presenter), Employer Services Corporation, Buffalo, NY, March 1, 2018
- "Labor and Employment: Wage and Hour Update" (Co-Presenter), Construction Law Webinar, November 16, 2017

- "Case Law Affecting Municipalities," Organization of Public Employers Conference, October 20, 2017

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- "Appellate Division and Court of Appeals Review" (Co-Presenter), County Attorney's Association of the State of New York, Annual Meeting, May 22, 2017
- Panelist, "Legal Issues in Higher Education: Annual Review of Court and Administrative Developments," National Center for the Study of Collective Bargaining in Higher Education and the Professions Annual Conference, New York, NY, March 28, 2017
- "Labor and Employment Law Update Looking Ahead in 2017" (Co-Presenter), Navigating a New World: A 2017 Roadmap for Private Sector Employers, Buffalo NY, February 9, 2017
- "Trends and Legal Updates – Employment Practices Liability," AIG Claims Advisory Board Meeting, Buffalo, NY, November 2, 2016
- "Internal Investigations – Ethical Considerations" (Co-Presenter), New York State Public Employer Labor Relations Association Conference, Saratoga Springs, NY, July 22, 2016
- Panelist, "Bargaining Issues Involving Dual Credit and Enrollment Issues at Community Colleges," National Center for the Study of Collective Bargaining in Higher Education and the Professions Annual Conference, New York, NY, April 5, 2016
- Panelist, "Campus Sexual Assault Panel Discussion: Navigating the Tough Terrain of Compliance, Awareness and Prevention," WNY Network for Women Leaders in Education, May 2015
- "County Correctional Facilities, Federal and State Claim, and Litigation Exposure — Is Your County Exposed?" (Co-Presenter), County Attorneys Association of the State of New York Annual Conference, Albany, NY, April 2010
- "Furloughs and Employment Law Updates" (Co-Presenter), County Attorneys Association of the State of New York Winter Conference, Albany, NY, February 2010
- "Electronic Records, Retention and Litigation Issues for Municipalities," New York State Public Employer Labor Relations Association Conference, Saratoga Springs, NY, July 2006

Publications

- "Introducing Kristin Klein Wheaton, Finalist for the 2019 ATHENA Leadership Award ," *Buffalo Niagara Partnership*, April 10, 2019
- Quoted in "Sound Off: Paid Family Leave," *Buffalo Law Journal*, October 29, 2018
- "New Legislation on Sexual Harassment Will Significantly Affect the Handling of These Cases for Municipalities," *NYSBA Municipal Lawyer*, Vol. 32 No. 1, August 2018
- Quoted in "Navigating Marijuana at Work," *Buffalo Law Journal*, July 30, 2018
- "What To Expect From EEOC's New Harassment Guidance ," *Law360*, February 26, 2018
- "What To Know About NY's Proposed 'Call-In Pay' Regs " (Co-Author), *Law360*, December 18, 2018
- "Employee Leaves of Absence: Managing the Minefield ," *Buffalo Law Journal*, May 3, 2017