

## ATTORNEY BIOGRAPHY



### Kimberly A. Rozak

Partner

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#### Legal Administrative Assistant

Debra M. Ostrander

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#### Practice Groups and Specialty Areas

Labor, Employment and Employee Benefits  
 Employee Benefits and Executive Compensation  
 Employment Litigation  
 Human Resource-Related Advice and Training  
 Education Law  
 Labor Law  
 Municipal Law

Kim is a partner in the firm's Labor, Employment and Employee Benefits Group. She currently serves as counsel to a wide variety of employers, both in the public and private sectors, including for-profit and not-for-profit organizations. Her practice includes representing employers before the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the National Labor Relations Board, the State Division of Labor Relations, and the Civil Service Commission. She also appears in state and federal courts in connection with discrimination cases. She regularly advises clients on a broad range of topics, such as the drafting and implementation of personnel policies, discipline and termination practices, and employment and non-compete agreements. She also represents numerous clients in labor arbitration matters. Kim's practice includes representing school committees and school districts, handling arbitrations and labor complaints, and providing advice on issues related to school policy and student discipline.

Kim was recognized by *Massachusetts Lawyers Weekly* as one of the "Top Women in Law" for 2010. Kim has been named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* every year since 2011. In 2011, Kim was one of six recipients to receive the "Outstanding Women in Business Award," awarded by the *Worcester Business Journal*. In 2001, Kim was selected by the *Worcester Business Journal* as one of "40 under Forty" professionals honored for their professional excellence and community service.

Kim has exclusively practiced management-side labor and employment law throughout her career. She was previously associated with Morgan, Brown and Joy in Boston, where her practice was also focused on traditional labor and employment law. She is also admitted to practice in state and federal courts in Arizona, where she worked as an assistant attorney general for the Navajo Nation Department of Justice, handling a wide range of litigation matters for the tribal government, including discrimination and labor complaints involving highly complex jurisdictional issues. She began her career by serving as a clerk to the Honorable Jerome Niedermeier, in the U.S. District Court for the District of Vermont.

#### Representative Matters

- Successfully represented a client in related cases before a state administrative agency, proving that workers were independent contractors and not employees under Massachusetts law
- Represented a transportation industry employer in arbitration involving the termination of an employee who also served as vice president of the union; obtained an award upholding termination
- Represented a transportation industry employer in arbitration involving the discipline of an employee and challenges the by union to the employer's use of video surveillance cameras; obtained an award upholding the discipline and no finding of invasion of privacy under Massachusetts law

#### Education

JD, Boston College Law School  
 BA, *with honors*, College of the Holy Cross

#### Bar and Court Admissions

Massachusetts  
 Arizona  
 U.S. District Court for Massachusetts  
 U.S. District Court for Arizona  
 U.S. Court of Appeals for the First Circuit  
 Navajo Nation

#### Professional/Community Affiliations

Massachusetts Council of School Attorneys (MA COSA), member, past president  
 Massachusetts Association of School Committees, member  
 National School Board Association, Council of School Attorneys, member  
 Worcester Economic Club, member, past president  
 American Bar Association, Labor and Employment Section, member  
 Massachusetts Bar Association, member  
 Worcester County Bar Association, member; former co-chair, Labor and Employment Section  
 State of Arizona Bar Association  
 Navajo Nation Bar Association  
 Society for Human Resource Management (MA Chapter), member

## ATTORNEY BIOGRAPHY – KIMBERLY A. ROZAK

### Representative Matters (continued)

- Obtained findings of lack of probable cause in two related national-origin cases before the MCAD, where brothers employed by the same manufacturer each brought separate discrimination charges and were the only employees of that heritage in the company's workforce
- Obtained a finding of lack of probable cause by the MCAD for a non-profit client in a protracted sexual harassment, retaliation and constructive discharge case
- Obtained the dismissal of an unfair labor practice charge by both the Massachusetts Labor Relations Commission and the NLRB in charges filed by union against major health care employer for unilaterally changing technology in the workplace
- Obtained a decision from the Massachusetts Civil Service Commission upholding the 60-day suspension of a municipal employee in a case that spanned eight years and involved an interlocutory appeal to the Superior Court in which the municipality also prevailed
- Negotiated a favorable prevailing wage settlement with the Commonwealth of Massachusetts for an employer that improperly calculated the benefits component of the prevailing wage
- Mediated and settled multiple protracted cases involving municipal employee in the global resolution of the matter on terms that included an eight-year prohibition on the employee's ability to compete for any promotional opportunities within the department
- Successfully represented a range of clients in arbitrations involving procedural and substantive arbitrability, including before the Massachusetts Superior Court
- Preserved management rights through a number of successful arbitrations for broad range of clients in the public and private sectors

### Recent Publications/Presentations

- “Board of Elementary and Secondary Education Adopts Emergency Regulations Addressing Student Learning Time,” Mirick O’Connell Client Alert, December 18, 2020
- “The Next Phase in the COVID-19 Battle for School Districts: Budget Cuts, Furloughs, Layoffs and Collective Bargaining,” Mirick O’Connell Client Alert (May 15, 2020)
- “Families First Coronavirus Response Act,” Milford Area Chamber of Commerce Webinar (April 6, 2020)
- “NEW Federal Employment Acts (Emergency Sick Leave, Emergency FMLA Amendment and Payroll Protection Act),” Worcester Regional Chamber of Commerce Webinar (April 2, 2020)
- “Extended Closure due to COVID-19 Raises Multiple Issues for Schools,” Mirick O’Connell Client Alert (March 30, 2020)
- “Governor Baker Recommends Legislation to Address Challenges Caused by School Closures,” Mirick O’Connell Client Alert (March 2020)