

Theresa A. Kelly

Partner

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Overview

Theresa Kelly represents employers in a wide variety of litigation matters, including actions under discrimination laws, wage and hour laws, and ERISA, as well as wrongful discharge suits, whistleblower actions, contract actions and arbitration of employment claims. She defends employers in federal and state courts, as well as before the U.S. Equal Employment Opportunity Commission (EEOC) and various state administrative agencies.

Theresa's practice also includes advising employers on a broad spectrum of employment matters, including hiring, termination, reductions in force, workplace investigations, employee leave and accommodation issues, employee handbooks and policies, and the negotiation and preparation of employment and separation agreements. She also designs and conducts training on many employment law topics, including discrimination and harassment awareness, performance management, interviewing and hiring, wage and hour compliance, social media, FMLA, and disability/religious accommodations in the workplace.

Theresa has represented employers in the automotive, banking, finance, logistics, retail, pharmaceutical and travel industries, among others. She has also represented various non-profit organizations in New Jersey and New York.

Firm Leadership:

- Chair, Pro Bono Committee

Practices & Industries

Automotive

Employment & Labor

Employment Contracts

Employment Counseling & Training

Employment Litigation

Environmental, Social & Governance

Litigation

Wage and Hour Compliance & Employee Compensation

Workplace Investigations

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Defended employers in litigation in federal and state courts under various discrimination laws, the FMLA, wage and hour laws, ERISA, whistleblower claims, and numerous other common law, contract and public policy claims

Negotiated successful settlements of discrimination, harassment, retaliation and wage and hour claims brought under state and federal law

Counseled employers on planning and implementation of reductions in force, including selection of employees for layoff, legal compliance, employee communications and separation and release agreements

Defeated class certification of ERISA claims on behalf of global diagnostics company in federal court and represented employers in various ERISA litigation matters

Regularly counseled employers on discipline and employment investigation matters, and conducted employment law training for clients nationally on various employment law issues, and one-on-one counseling for executives

Represented employers before the EEOC and various state anti-discrimination agencies to obtain dismissal of charges of discrimination, as well as before Departments of Labor at the federal and state level defending wage audits, investigations and employee complaints

Education and Credentials

Education

Boston College Law School, J.D., 1988

University of Wisconsin, Madison, B.S., 1985

Admissions

State of New Jersey

U.S. Court of Appeals for the Third Circuit

U.S. District Court, District of New Jersey

Affiliations

American Bar Association

Morris County Bar Association

New Jersey State Bar Association, Labor and Employment Law Section

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Labor and Employment attorney in New Jersey, 2009-2022

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Employment Law – Management, 2013-2027, Labor Law – Management, 2014-2027, Litigation – Labor and Employment, 2013-2027

Selected to the list of New Jersey *Super Lawyers*®, Employment and Labor, Employment Litigation, 2010, 2012-2019, 2021-2027

AV Preeminent rated by Martindale-Hubbell (LexisNexis)

Insights

New Jersey Court Opens Door to Employee Lawsuits Over Cannabis-Related Adverse Employment Actions
Day Pitney Alert, July 13, 2026

New Jersey Family Leave Act Amendments Expanding Coverage Take Effect July 2026: What Employers Need to Know
Day Pitney Alert, May 13, 2026

The Employee/Independent Contractor Pendulum Swings Back Again
Day Pitney Alert, April 6, 2026

EEOC Rescinds Its 2024 Harassment Guidance
Day Pitney Alert, February 9, 2026

Federal Contractors and Other Recipients of Federal Government Funds, Be Wary: DEI Initiatives May Lead to Liability Under the False Claims Act
Day Pitney Alert, May 30, 2025

It's Not to Whom You Are Married — Second Circuit Limits Marital Status Protections Under NYC Law
Day Pitney Alert, May 13, 2025

Executive Orders Raise Compliance Concerns for Employers
Day Pitney Alert, May 6, 2025

New Jersey Supreme Court Rules All Commissions Are Wages Under the New Jersey Wage Payment Law, Exposing Employers to Criminal and Civil Penalties for Non-Payment
Day Pitney Alert, April 14, 2025

New Jersey's New Pay Transparency Law Is on the Horizon
November 20, 2024

NLRB GC Proposes Significant Penalties for Employers' Use of Non-Compete and Stay-or-Pay Agreements
October 11, 2024

Texas Court Invalidates FTC Noncompete Rule Nationwide
August 21, 2024

EEOC Final Rule and Interpretive Guidance on the Pregnant Workers Fairness Act and Legal Challenge to the Final Rule
May 30, 2024

New York Employment Law Developments: Paid Lactation Breaks, Posting Requirements and More
May 22, 2024

EEOC's New Guidance on Workplace Harassment Being Challenged
May 21, 2024

Updated: U.S. Department of Labor Increases Exempt Salary Thresholds
May 20, 2024

Union Officials and Other Non-Employees Now Allowed in OSHA Inspections
May 14, 2024

Updated: NLRB’s Proposed Joint Employer Rule Is Still in Flux
May 8, 2024

New Protections for Domestic Workers Under the New Jersey Domestic Workers' Bill of Rights
April 11, 2024

2023 New Jersey Employment Law Recap and Looking Ahead in 2024
January 29, 2024

U.S. Department of Labor Finalizes Independent Contractor Rule
January 26, 2024

U.S. Department of Labor Proposes Increases to Exempt Salary Thresholds
December 4, 2023

District of New Jersey Reiterates What Is Just Not Reasonable
September 18, 2023

Supreme Court Reexamines Undue Hardship Standard for Title VII Religious Accommodation
August 4, 2023

New Jersey Employers Face New Reporting Requirements Under Unemployment Insurance Law
July 28, 2023

NLRB Overhauls Independent Contractor Test for the Third Time in Less Than a Decade
June 20, 2023

Updated: New York Legislature Passes Noncompete Ban
June 13, 2023

2023 Annual Employment and Labor Conference
June 7, 2023

NLRB General Counsel Clarifies Limits on Broad Confidentiality and Non-Disparagement Provisions in Employment Documents
May 23, 2023

UPDATED: New York City Makes Moves to Expand Protections Against Appearance-Based Discrimination
May 18, 2023

New York Updates Sexual Harassment Prevention Model Policy and Training Materials
May 3, 2023

New York State and City Pay Transparency Laws Continue to Evolve
March 24, 2023

NLRB Limits Use of Confidentiality and Non-Disparagement Provisions
March 7, 2023

UPDATED: Groundbreaking Changes to Temporary Workers' Rights in New Jersey
March 2, 2023

2022 New Jersey Employment Law Recap and Looking Ahead in 2023
February 24, 2023

Omnibus Spending Bill Includes New Workplace Protections for Pregnant and Nursing Employees
January 19, 2023

Congress Tells Victims to Speak Out!
January 6, 2023

New York Law Prohibits Employers From Disciplining Employees for Lawful Absences
December 20, 2022

Have You Told Your Employees About Their Rights? New Workplace Posting and Distribution Requirements
November 17, 2022

The "STOP WOKE Act" – Florida's Attempt to Prohibit Mandatory Employee Diversity Training Put on Hold for Now
October 21, 2022

Connecticut Expands Anti-Discrimination Protections
October 20, 2022

DOL Shakes Up Employee/Independent Contractor Distinction Again
October 17, 2022

Don’t Fall Behind: Stay Up to Date With the Changes to New York’s Employment Laws
October 3, 2022

Weeding Out Impaired Employees: NJ Commission Issues Guidance on Adverse Employment Action for Cannabis Use
September 20, 2022

When Less Isn't More: An Overview of East Bay's Impact on Employee Misclassification
August 8, 2022

EEOC'S Updated COVID-19 Guidance Places Additional Restrictions on Employers
July 20, 2022

Day Pitney's Annual Employment and Labor Conference Session 2
June 16, 2022

NJ Court Holds First Amendment Does Not Prohibit Employee Discharge for Racially Insensitive Post
June 8, 2022

New York City Council Votes to Amend Pay Transparency Law and Extend Effective Date to November 1, 2022
May 2, 2022

The 'Other' ADA Claim - Website Accessibility Under Title III
April 28, 2022

UPDATED: 2022 Brings More Employment Law Updates for New York Employers
April 14, 2022

Do You Know Where Your Employees Are? The Risks of Remote Work
April 11, 2022

Don't Be Late on Wage Payments to Terminated Employees in Massachusetts
April 7, 2022

Employers Are Required to Provide Written Notice of Tracking Devices in Vehicles Used by Their Employees
March 21, 2022

EEOC's Advice to Employers on Accommodating Religion and COVID-19 Vaccines in the Workplace
March 16, 2022

Massachusetts Ends COVID-19 Emergency Paid Sick Leave Program
March 11, 2022

Biden Signs Act Restricting Forced Arbitration of Sexual Harassment or Assault Claims
March 4, 2022

2021 Recap and What's New for 2022: Updates to New Jersey Employment Law
January 19, 2022

Updated: The Supreme Court Has Spoken: OSHA ETS Stayed
January 14, 2022

New Year, New(ish) Connecticut Employment Laws
January 13, 2022

Keeping Up With New York's New Employment Laws in the New Year
January 11, 2022

Sixth Circuit Lifts Stay of OSHA COVID-19 Emergency Temporary Standard Requiring Vaccination or Testing
Day Pitney Alert, December 21, 2021

UPDATED: OSHA Issues COVID-19 Emergency Temporary Standard Requiring Vaccination or Testing
November 9, 2021

Biden DOL Rescinds Trump-Era FLSA Joint Employment Rule
October 28, 2021

New York City Mandates Private Employers to Provide Retirement Savings Plans for Employees; Similar Statewide Law Not Far Behind
October 28, 2021

New York Amends Labor Law and Expands Coverage for Wage Theft
October 27, 2021

New Jersey Amends Law Against Discrimination to Expand Protections Against Age Discrimination
October 8, 2021

New York Revises Model Workplace Safety Plan Under HERO Act
October 4, 2021

NY Designates COVID-19 a Highly Contagious Communicable Disease, Triggering HERO Act Workplace Safety Plans
September 13, 2021

New Jersey Supreme Court Makes Clear That No Adverse Action Is Required for Failure-to-Accommodate Claims
July 29, 2021

President Biden Issues Executive
Day Pitney Advisory, July 29, 2021

New York Issues HERO Act Airborne Infectious Disease Exposure Prevention Standard and Model Plan
July 8, 2021

New Jersey Supreme Court Weighs In on Pregnant Workers Fairness Act: Undue Hardship Is Not What You Thought It Was
July 6, 2021

A WARNing to New Jersey Employers Contemplating Mass Layoffs or Other Business Change
June 28, 2021

New York Amends HERO Act Mandating Workplace Safety Plan for Airborne Infectious Diseases
June 25, 2021

EEOC OKs Employer COVID-19 Vaccine Mandates and Incentives
June 11, 2021

New Jersey Executive Orders 242 and 243 Reduce COVID-19 Workplace Restrictions
May 28, 2021

New York Passes 'HERO' Act Mandating Workplace Safety Plan for Airborne Infectious Diseases
May 11, 2021

New Jersey Guidance Supports Mandatory Vaccination Policies
April 12, 2021

Not So Fast: New York City Ordinance Ends At-Will Employment for Fast Food Workers
March 25, 2021

What the American Rescue Plan Means for Employers
March 19, 2021

Connecticut Follows Growing Trend in Proscribing Workplace Hair Discrimination
March 18, 2021

Out With the Old, In With the New: President Biden Shakes Up Federal Labor Law
March 3, 2021

EEOC Updates: Conciliation Program Changes, Guidance on Systemic Discrimination, EEO-1 Data Collection Resumes and New Leadership
February 17, 2021

New Guidance Indicates Employees Entitled to Multiple Leaves Under the New York COVID-19 Sick Leave Law
February 1, 2021

A New Year Means New Changes to NY and NJ Wage and Hour Laws
January 20, 2021

Massachusetts Paid Family and Medical Leave Act Provisions Go Into Effect on January 1, 2021
December 29, 2020

Congress Declines to Extend Paid Sick and Emergency Family Leave but Incentivizes Employers To Continue Voluntarily Providing Leaves
December 28, 2020

EEOC Issues Guidance for Employers on COVID-19 Vaccines, But Should Employers Mandate Vaccination?
December 22, 2020

New DOL Rule Expands Religious Employers' Exemption From Federal Contracting Anti-Discrimination Requirement
December 17, 2020

As Deadlines for New Connecticut Laws Approach, Employers Must Be Sure To Comply
December 15, 2020

CDC Updates Guidance on Quarantine After COVID-19 Exposure, But State Guidance May Differ
December 7, 2020

New Jersey Employees' Children Not Going Back to In-Person School - Now What?
September 2, 2020

New Jersey Cracks Down on Independent Contractor Misclassification and Wage Statements
July 30, 2020

The Road Back' from COVID-19 - Reopening NJ Businesses
May 22, 2020

New COVID-19 Amendments to New Jersey's WARN Act Provide Some Relief for Employers
April 16, 2020

New Jersey Expands Protections and Paid Leave Benefits for Employees Impacted by COVID-19
March 30, 2020

Department of Labor Wage and Hour Division Issues Employment Law Guidance Relating to COVID-19
March 26, 2020

New Jersey Governor Orders Businesses to Make "Best Efforts" to Reduce On-site Staff and Closes "Non-Essential" Retail Establishment Due to COVID-19 Pandemic
March 22, 2020

COVID-19 Emergent Paid Family/Sick Leave Laws Passed and What This Means to Your Business
March 20, 2020

COVID-19 - Answers to Questions on Every Employer's Mind
March 18, 2020

HIPAA Considerations When an Employee Tests Positive for COVID-19
March 18, 2020

Preparing Your Business for the New Coronavirus, COVID-19
March 3, 2020

New Jersey Becomes First State in the Country To Require Severance in Mass Layoffs
January 28, 2020

What Employers Should Take From the EEOC's Latest Report
December 12, 2019

Day Pitney to Host CLE on Employment Law and Contract and Tort Healthcare Issues
April 13, 2016

Mind the Gap: How to Navigate Pay Disparity and Comply With Equal Pay Requirements
September 11, 2019

New Jersey Imposes New Restrictions on Salary History Inquiries by Private Employers
July 31, 2019

Commuting and Retirement: New Benefits for New Jersey Employees and Payroll Deductions for Employers
June 28, 2019

Employee Privacy Laws: New Jersey
June 12, 2019

The Weighty Matter of Obesity in the Workplace
June 4, 2019

Navigating Requests for the Accommodation of Uncommon Religious Practices
March 28, 2019

New Jersey Becomes First State to Ban Employers From Using Arbitration, Nondisclosure and Confidential Settlement Agreements for All Claims of Discrimination, Harassment or Retaliation
March 19, 2019

NJ Leave Law Amendments: More Employers Affected, More Leave, More Covered Family Members and More Paid Benefits
February 26, 2019

NYC Commission on Human Rights Declares a Ban on 'Hair' Discrimination
February 22, 2019

New York Enacts Gender Expression Non-Discrimination Act
February 1, 2019

We're Pregnant: New State Law Protections for Pregnant Employees
March 29, 2018

We're Pregnant: New State Law Protections for Pregnant Employees
november/december 2018 edition

Massachusetts "Grand Bargain" Creates Paid Family and Medical Leave, Increases the Minimum Wage and Eliminates Retail Premium Pay Obligations
September 26, 2018

NYC Releases Guidance and Notice Posting For New Temporary Work Schedule Changes Law
September 26, 2018

What's on the Horizon? Important Proposed Legislation in New Jersey
September 26, 2018

NJ Employers Beware: Federal and State Departments of Labor Team Up to Address Independent Contractor Misclassification
September 26, 2018

Despite Contrary Law in Other States, New Jersey Employers Not Required to Accommodate Medical Marijuana Use
September 26, 2018

New Massachusetts Noncompetition Law Effective October 1
September 26, 2018

NYS Issues Draft Model Sexual Harassment Policy and Training: Employers Must Act to Ensure Compliance With Both State and City Laws
September 4, 2018

New York City Releases Required Sexual Harassment Poster and Information Sheet
August 8, 2018

As the Fraternity of States With Earned Sick Leave Adds a New Chapter, New Jersey Employers Can Expect Big Changes
June 27, 2018

New Jersey Joins a String of States Cracking Down on Employee Misclassification
June 27, 2018

NYS and NYC Crack Down on Sexual Harassment, Imposing New Requirements on Employers
June 27, 2018

Enforcing Arbitration Agreements in New Jersey
June 27, 2018

Still Using Unpaid Interns? Be Sure to Comply With Federal and Applicable State Law
June 27, 2018

New Jersey Enacts Statewide Earned Sick Leave Law
May 2, 2018

New Jersey Enacts a Broad and All-Encompassing Equal Pay Act
April 30, 2018

How Long and Where Can Employees Breastfeed or Pump Milk? States Continue to Weigh In
March 29, 2018

New Year Brings Even More Leave Requirements for New York City Employers
March 29, 2018

Supreme Court Recently Limited the Scope of Whistleblower Protection Under Dodd-Frank, But State Laws Continue to Provide Broader Protections
March 29, 2018

New IRS Code Section 45S - Employer Credit for Paid Family and Medical Leave
March 29, 2018

Reorienting Title VII - Although The Second Circuit Expands Sexual Orientation Protections Under Federal Law, State Laws Remain More Favorable to Plaintiffs
March 29, 2018

Do Your Severance Agreements Adequately Protect You?
March 29, 2018

Now Put It in Writing: New York City's New Employer Requirements for Workplace Accommodations
March 29, 2018

Revised EEO-1 Reporting Requirements Stayed Indefinitely
August 31, 2017

AARP Lawsuit Puts EEOC In An Awkward Position
November 23, 2016

Annual Labor and Employment Conference - NY
June 15, 2011

Annual Labor and Employment Conference - New Jersey
June 8, 2011

News

Day Pitney Advises Conexus Solutions in Strategic Sale to Axtria
Day Pitney Press Release, May 6, 2026

Day Pitney Receives Mansfield Certification for Seventh Consecutive Year; Commits to Mansfield Rule 2024-2025
October 2, 2024

Day Pitney's Boston Office Selected for Empowering Women Awards List
July 29, 2024

Rebecca Iannantuoni Accepts Pro Bono Award From Connecticut Bar Association
April 4, 2024

Day Pitney Recognized for "Tipping the Scales" With 2023 New Partner Class by Diversity & Flexibility Alliance
November 6, 2023

Day Pitney Receives Mansfield Certification for Sixth Consecutive Year; Commits to Mansfield Rule 7.0
October 10, 2023

Day Pitney's Boston Office Selected for Inaugural Empowering Women Awards List
July 31, 2023

Day Pitney's Manuel A. Garcia-Linares Named a Diverse Voice by South Florida Business Journal
June 20, 2023

Rosendo Garza Accepts Pro Bono Award From Connecticut Bar Association
May 4, 2023

Day Pitney Recognized with a Connecticut Law Firm Volunteers of the Year Award from the Pro Bono Partnership
April 17, 2023

Day Pitney Associate Daniel Pierre Named to 2022 Lawyers of Color Hot List
January 5, 2023

Day Pitney Recognized for "Tipping the Scales" With 2022 New Partner Class by Diversity & Flexibility Alliance
November 4, 2022

Day Pitney Honors Washington, D.C. Attorneys with 2022 Coleman Awards for Exemplary Pro Bono Service
October 27, 2022

Day Pitney Receives Mansfield Certification for Fifth Consecutive Year; Commits to Mansfield Rule 6.0
October 18, 2022

Day Pitney Participating in Mansfield Rule 6.0 Certification Process
August 16, 2022

Chambers USA 2022 Ranks 34 Day Pitney Attorneys and 13 Practices
June 1, 2022

Day Pitney Earns Perfect Score in HRC's 2022 Corporate Equality Index - Best Place to Work for LGBTQ+ Equality
January 27, 2022

Day Pitney Recognized on Law360's "Ceiling Smashers" List for Having a High Representation of Women Equity Partners
September 20, 2021

Day Pitney Receives Mansfield Certification for Fourth Consecutive Year; Commits to Mansfield Rule 5.0
September 13, 2021

Chambers USA 2021 Ranks 31 Day Pitney Attorneys and 13 Practices
May 21, 2021

Day Pitney Earns Highest Recognition in HRC's 2021 Corporate Equality Index - Best Place to Work for LGBTQ Equality
January 28, 2021

Chambers USA 2020 Ranks 34 Day Pitney Attorneys and 12 Practices
April 30, 2020

Day Pitney Receives Pro Bono Award from Connecticut Fair Housing Center
June 4, 2019

Chambers USA 2019 Ranks 38 Day Pitney Attorneys and 12 Practices
May 8, 2019

Chambers USA 2018 Ranks 39 Day Pitney Attorneys and 11 Practices
May 25, 2018

Chambers USA 2017 Ranks 41 Day Pitney Attorneys
May 26, 2017

87 Day Pitney Lawyers Named to 2016 Super Lawyers List
November 10, 2016

71 Day Pitney Lawyers Named to 2017 Best Lawyers List
August 15, 2016

Chambers USA 2016 Ranks 47 Day Pitney Attorneys
May 27, 2016

91 Day Pitney Lawyers Named to 2015 Super Lawyers List
October 30, 2015

68 Day Pitney Lawyers Named to 2016 Best Lawyers List
August 24, 2015

Chambers USA 2015 Ranks 51 Day Pitney Attorneys
May 21, 2015

Eighty-Four Day Pitney Attorneys Recognized by Super Lawyers for 2014
November 3, 2014

Seventy Day Pitney Lawyers Named to 2015 Best Lawyers List
August 22, 2014

Chambers USA 2014 Ranks 46 Day Pitney Attorneys
May 23, 2014

Eighty-eight Day Pitney Attorneys Recognized by *Super Lawyers* for 2013
October 22, 2013

Seventy Day Pitney Lawyers Named to 2014 Best Lawyers List
August 15, 2013

Chambers USA 2013 Ranks 39 Day Pitney Attorneys
May 24, 2013

Ninety-eight Day Pitney Attorneys Recognized by *Super Lawyers*
October 22, 2012

Seventy-Five Day Pitney Lawyers Named to Best Lawyers List for 2013
August 23, 2012

Chambers USA 2011 Ranks 45 Day Pitney Attorneys
June 10, 2011

Chambers USA 2010 Ranks 40 Day Pitney Attorneys
June 11, 2010

In The Media

Once a Branding Strategy, Pay Transparency is Here to Stay
June 4, 2025

Mid-Market Roundup: Firms Embrace Diversity, Business Development Efforts
Law.com's Mid-Market Report, November 6, 2023

2023 Annual Employment and Labor Conference
June 7, 2023

Day Pitney Honored For Volunteer Work By Nonprofit Org
Law360 Pulse, April 19, 2023

No, Employees Aren't Legally Required to Report Positive COVID-19 Tests to Employers
July 19, 2022

Appeals Court Tosses Lawsuit over Trump-Era Joint Employer Rule
SHRM's HR Daily, November 8, 2021

Understanding and Managing Bias
October 14, 2021

Kritika Bharadwaj, Benjamin Haglund, Theresa Kelly, Naju Lathia and Elizabeth Sher Represent Firm at SABA-NJ 2021 Annual Gala
South Asian Bar Association of New Jersey, October 1, 2021

New York City Protects Fast Food Workers with Ban on At-Will Terminations
GOBankingRates.com, June 23, 2021

After Hours: Day Pitney Honors Attorneys With Pro Bono Awards
New Jersey Law Journal, May 12, 2021

Day Pitney Honors Attorneys With 2021 Coleman Awards
Connecticut Law Tribune, May 12, 2021

New Jersey Law Journal: On the Move
New Jersey Law Journal, May 7, 2021

Experts Advise Ramping Up Diversity Efforts in Tandem with Societal Shifts
Hartford Business Journal, Focus: Diversity Section, April 6, 2021

Working From Home or Living at Work: The Uncertainties of Tracking Work Hours While Working Remotely
Day Pitney Employment and Labor Quarterly Update, October 30, 2020

Pro Bono Partnership Pundit: Lawyers Giving Back to Their Communities
The Dodge Blog, April 25, 2017

Day Pitney Lawyers Speak at Pro Bono Institute at Esai Inc. Conference
September 18, 2015

Theresa Kelly and David Reid Contribute Article to *New Jersey Labor and Employment Law Quarterly*
New Jersey Labor and Employment Law Quarterly, July 1, 2013