

FOCUS: BUSINESS OF LAW: LABOR/EMPLOYMENT

HOW I...

Help restaurants stay compliant

GROWING UP IN FAMILY BUSINESS GAVE ATTORNEY UNDERSTANDING OF CLIENTS



R. Scott DeLuca: "I don't know what made me think that being a lawyer would be less work than being in the restaurant industry; it certainly is not. They're both very challenging jobs, just in a much different way."

(But) I did a lot of office work for my folks, especially when they were away on vacation. All of that experience, I think, lends a certain amount of credibility for me with regard to restaurant owners. I say to them, "Look, I know what you're experiencing because my family's business experienced the same thing." Over the years I certainly advised my parents, whether it was a staffing problem or another of the whole range of issues that come along.

On industry challenges resulting from changes in labor law: I will say that it's certainly become a lot more difficult, probably since 2011. And the reason I say that is because there was a state law established in late 2010 called the Wage Theft Prevention Act, which imposed certain obligations on all employers in New York but it certainly made things more difficult for restaurants. And around that time, the Hospitality Industry (Minimum) Wage Order was issued by the state Department of Labor.

On his role as a labor consultant for the state Restaurant Association: I do a lot of educational seminars through the association. Going out and personally addressing restaurateurs and telling them, "These are the things you must do to be compliant with the law" is one of the biggest things we can do. ... (They) can't do it alone. They have to have knowledgeable consultants and advisers and, frankly, attorneys. And that's one of the reasons I strongly promote the association, because these training seminars are part of their annual membership dues. There's no additional cost to hear me speak. And as part of that, they can get some free telephone time with me as the association's labor consultant. I want to help by pointing them in the right direction and let them know what requirements they must meet.

On his favorite downtown restaurant: I'll punt on that. There are so many great places.

– Jane Schmitt

When attorney R. Scott DeLuca advises restaurateurs on labor and employment issues, two things come into play: his legal knowledge and personal experience. He grew up in the hospitality industry, working at the family-owned Cavalier Restaurant and Motor Lodge on Niagara Falls Boulevard and later at Mr. Bill's Restaurant & Bar in Cheektowaga. His parents, "Mr. Bill" and Nancy, ran the latter for nearly 23 years before selling it in 2014. He has fond memories of co-workers and customers but says it's a tough industry, made tougher by changing laws at the state and federal levels. And though he has no plans for a restaurant of his own someday ("I learned my lesson," he laughs. "I had enough."), he stays connected to his roots by helping others. Restaurant owners are among his clients as senior counsel at Kavinoky Cook in Buffalo where he handles matters ranging from wage payment requirements to employee discrimination.

R. SCOTT DELUCA

Company: Kavinoky Cook LLP

Title: senior counsel

Age: 43

Family: wife, Dawn Smith-DeLuca; daughter Ainsleigh

Education: B.A., political science/law and society, SUNY at Binghamton; J.D., New York Law School

Best thing about being part of the family restaurants as a youth: "Working with family members and our staff to provide customers with an enjoyable dining experience – and ready access to great food all the time!"

JIM COURTNEY

On his early days in the restaurant scene: As soon as I was old enough, I remember being (at the Cavalier) and helping the servers in the banquet room, even just putting silverware on the table. As I got older, the work progressed. Fish fries have always been big in Western New York and during the summer months I would help the head chef bread 300 to 400 pieces of fish in the late morning-early afternoon for Friday night fish fries. I remember the process vividly. I also was a busboy and server and I put in a lot of hours as a dishwasher. My grandfather sold it to the Boulevard Mall for an expansion project. Our last holiday was Mother's Day of 1990 and we did 900 dinners in six hours.

On working up to the business-management side of things: My parents opened Mr. Bill's in July 1991. I worked there that summer until I went away to college. Whenever I'd come home on breaks, I would fill in, wait tables, do a little cooking.