Tucker Ellis LLP



Melissa Z. Kelly

Partner

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Melissa Kelly draws on her years of experience as a federal clerk to provide clients realistic and practical advice on a variety of legal issues, particularly in the areas of labor and employment, business litigation, and appellate matters.

Melissa regularly defends employers in a wide range of employment-related lawsuits. She has experience in FLSA collective actions and employment discrimination, wrongful discharge, and employee benefits cases. She also assists companies with OSHA compliance and investigations and other federal agency proceedings. Melissa helps clients avoid litigation by advising them on numerous issues, including employment agreements, personnel handbooks and policies, severance agreements, and standard operating procedures.

Melissa's robust appellate practice includes preparing and arguing appeals in federal and state courts on a variety of issues. She also has substantial experience conducting investigations in multiple contexts, including harassment and discrimination claims and employee misconduct.

Melissa also represents clients in various environmental matters, including a CERCLA contribution and cost recovery action and a case arising under the Natural Gas Act.

Before joining Tucker Ellis, Melissa served as a judicial law clerk for Judge Peter W. Hall, Circuit Judge of the United States Court of Appeals for the Second Circuit and, later, for Magistrate Judge Nancy A. Vecchiarelli of the United States District Court for the Northern District of Ohio. She also served as a staff attorney and immigration staff attorney for the Second Circuit.

In her spare time – when she's not cheering on her beloved Cleveland Browns – Melissa enjoys music, all things Irish, and spending time with her husband, Michael, and two sons, Declan and Faustin.

Education

- The University of Akron School of Law (J.D., cum laude, 2003); Moot Court; Appellate Legal Clinic
- New York University (B.A., magna cum laude, 1999); Phi Beta Kappa; Alumnae Award; Dean's Undergraduate Research Fund Award

State Admissions

- Ohio, 2004

Federal Admissions

- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Eighth Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

Service Areas

- Labor & Employment
- ERISA Litigation
- Business Litigation
- Appellate & Legal Issues
- White Collar Criminal Defense & Corporate Investigations
- Mass Tort & Product Liability
- Estate, Trust, and Fiduciary Litigation

Experience

- Defended multiple private employers in FLSA wage and hour collective actions
- Drafted post-hearing briefing before the NLRB on behalf of an employer in a matter involving the severance of an existing bargaining unit
- Advised a large private employer regarding its WARN Act obligations and drafted the required WARN Act notices and related documents
- Drafted multiple employee handbook provisions related to hourly-worker attendance and leave requests
- Advised a large private employer regarding a clock-in/clock-out policy applicable to its hourly workers and assisted in employee training and otherwise implementing the policy
- Negotiated the terms of a severance agreement on behalf of a high-level corporate executive
- Advised a growing private employer about its telework policy
- Advised multiple private employers regarding the enforceability of non-compete and non-disclosure provisions in employment agreements
- Defended a corporate entity and related individuals in a complicated business dispute and obtained dismissal of all claims
- Obtained a state court stay of claims pending arbitration and successfully defended the stay on appeal
- Represented a contractor in an out-of-state case and obtained dismissal of claims on the basis of lack of personal jurisdiction
- Drafted multiple trial court and appellate court briefs in a federal case arising out of court-imposed sanctions
- Drafted multiple briefs in state and federal court white collar criminal matters
- Represented a small business owner in state appellate court in a case arising out of consumer fraud claims
- Drafted multiple briefs in a state court action involving the Natural Gas Act
- Drafted multiple briefs and motions in a federal CERCLA action
- Serves as trial counsel on behalf of the Cleveland Metropolitan Bar Association in prosecuting attorney disciplinary violations

Publications & Events

SPEAKING ENGAGEMENTS

- "Age Discrimination in the Workplace," Lorman Live Webinar (July 2026)
- "Managing the Machine: Employment Law in an AI-Driven World," 22nd Annual Advanced Labor and Employment Seminar, Ohio State Bar Association (May 2026)
- "Employee Discipline for Conduct Outside of Work," Lorman Webinar (May 2025)
- "Putting the Pieces Together: Practices, Policies, and Procedures for Managing the Changing Landscape of Employment Regulation," Tucker Ellis 2024 In-House Counsel Summit (November 2024)
- "Payroll Issues on the Horizon: Law Updates," Greater Akron Canton Payroll Association (March 2024)
- "Recent Developments in Employment Law," Ashtabula County Society for Human Resource Management (August 2023)
- "Disability Inclusion: From Disability Compliance to Disability Competitive," Hot Topics in Employment Law, Tucker Ellis LLP (April 2023)
- "Age Discrimination in the Workplace," Webinar, Lorman Education Services (April 2023)
- "Disability Inclusion," Lorman Webinar (December 2022)
- "We're Not in Kansas Anymore, Are We? Operating in Multiple States May Mean Big Differences in Employment Laws," Tucker Ellis In-House Counsel Summit (October 2022)
- "Best Practices for Navigating the New Hybrid Workforce," Payroll Law Series, American Payroll Association (April 2022)
- "The Most Common Payroll Mistakes and How Legal Guidance Can Fix Them," American Payroll Association, Canton, Ohio Chapter (March 2022)
- "In Full Swing: The Biden Administration Reverses Course on Trump Era Labor and Employment Law Policies," Tucker Ellis In-House Counsel Summit Webinar (October 2021)
- "The Most Common Payroll Mistakes and How Legal Guidance Can Fix Them, American Payroll Association, Fort Worth, Texas Chapter (July 2021)
- "My Time or Yours? The Changing Landscape of Compensable Time," 27th Annual Wage & Hour Seminar, American Payroll Association, Greater Cincinnati & Northern Kentucky Chapter (June 2021)
- "New Beginnings: Considerations for Post-COVID-19 Returns to Work," Advanced Labor and Employment Law Seminar, Ohio State Bar Association (May 2021)
- "What to Do When Payroll Goes Wrong, and How Legal Guidance Can Help," National Webinar, American Payroll Association (February 2021)
- "My Time or Yours – The Changing Landscape of Compensable Time," Lake County Bar Association, Painesville, Ohio (October 2020)
- "What Every Employment Lawyer Should Know About ERISA in a COVID-19 World," 57th Annual Midwest Labor and Employment Law Seminar (October 2020)
- "Supreme Court Year in Review," Panelist, 2020 In-House Counsel Webinar, Tucker Ellis LLP (September 2020)
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"My Time or Yours? The Changing Landscape of What Constitutes Employees' Compensable Time," Labor and Employment Conference, Cleveland Metropolitan Bar Association (May 2020)
- "Employee Mobility: Here Today, There Tomorrow, Gone the Next Day," Advanced Employment Law Seminar, Ohio State Bar Association (May 2020)
- "The Supreme Court Year in Review," 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- "Successful Hiring and Recruitment Steps," National Business Institute, Mini Law School for HR Professionals, Canfield, Ohio (October 2019)
- "The Evolution of Title VII's Protected Classes," 19th Annual Labor & Employment Law Conference, Cleveland Metropolitan Bar Association, Cleveland, Ohio (May 2019)
- "The Supreme Court Year in Review," 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- "The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court's Uncertain Course," 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- "U.S. Supreme Court Round-Up," 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)

PUBLICATIONS

- "Department of Labor Final Rule Increases Salary Thresholds for Overtime Exemptions," Tucker Ellis Client Alert (April 2024)
- "6th Cir. FLSA Class Opt-In Ruling Levels Field for Employers," *Law360* (June 2023)
- "Sixth Circuit Upends FLSA Collective Actions," Tucker Ellis Client Alert (May 2023)
- "2023 Omnibus Spending Bill Includes New Protections for Pregnant or Nursing Mothers," Tucker Ellis Client Alert (January 2023)
- "High-Tech, High-Risk: Potential Pitfalls From Remote Employee Monitoring," *Reuters Legal News* and *Westlaw Today* (December 2022)
- "Minimize Your Legal Risks to Maximize Your Workforce Management," *PAYTECH*, American Payroll Association (January 2021)
- "Employer COVID-19 Precautions May Expand Compensable Time," The Newsletter of the Cleveland Society for Human Resource Management (Summer 2020)
- "When Product Liability Claims Are Hidden From Bankruptcy," *Law360* (December 2017)

MEDIA

- "Legal Tech's Predictions for Remote Work and COVID-19 in 2022," *Legal Tech* (December 2021); *New Jersey Law Journal*, *Palm Beach Daily Business Review*, *Miami Daily Business Review*, *Broward Daily Business Review* (January 2022)
- "6th Circ. Overturns Atty Sanctions in Medical Device Suit," *Law360* (January 2020)

Honors

- The John R. Quine Award, The University of Akron School of Law (May 2023)

In the Community

- Akron Bar Association
  - » Bar Admissions Committee
- Cleveland Metropolitan Bar Association
  - » Board Member (2026–2027)
  - » Certified Grievance Committee
- Ancient Order of Hibernians
- The University of Akron School of Law
  - » Adjunct Professor of Legal Writing (2013–present)
- Red Oak Behavioral Health
  - » Board Chair Emeritus (2026–present)
  - » Board Chair (2024–2026)
  - » Board Vice Chair (2023–2024)
  - » Board Secretary (2020–2023)
- Barberton Community Foundation
  - » Trusted Professional Advisor Council
- Tucker Ellis Women's Initiative, Co-Chair