



# Tiffany A. Jenca

Member

Pittsburgh

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Tiffany helps employers manage the workforce. She is experienced with employers of all sizes, in all industries, with and without union representation.

Tiffany helps employers avoid costly disputes and maintain positive employee relations by working with clients to develop risk-mitigation strategies. In this regard, Tiffany assists employers with compliance measures, such as internal investigations and staff and supervisory training, and provides employment resources tailored to each client's specific business needs – including employee handbooks, performance management plans, and restrictive covenant agreements. For employers with a unionized workforce, Tiffany represents the employer at the bargaining table.

Tiffany helps employers manage their operations by answering day-to-day questions about everything from hiring to firing, including medical leave, drug testing, and reductions in force. She routinely provides advice on basic and complex discrimination and harassment issues, as well as a host of other issues arising under Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the National Labor Relations Act, and similar state and local laws. For employers with a unionized workforce, Tiffany also assists with administering collective bargaining agreements.

Tiffany helps employers resolve personnel disputes when they arise, both inside and outside the courtroom. She takes time to understand the client's specific goals, and manages the situation accordingly. When called for, she vigorously defends employers in administrative proceedings, arbitration, and state and federal litigation. Tiffany also has extensive experience litigating restrictive covenant actions and representing institutions of higher education in Title IX disputes.

## Experience

Won summary judgment for a medical school in a case brought by a former resident for employment discrimination, breach of contract, and tortious interference. The plaintiff was a practicing Sikh who alleged that he was constructively terminated from the medical residency program after filing a complaint about derogatory comments about his religious practices, including keeping his hair covered by a patka. In granting summary judgment, the district court found that the medical school's stated reason for removing this plaintiff from the program -- his poor clinical performance -- was legitimate and nondiscriminatory. This result was affirmed by the U.S. Court of Appeals for the Second Circuit.

Represented Feenix Venture Partners, an investment firm that partners with consumer-facing businesses raising growth capital, in its \$25 million senior term credit facility secured by all the borrowers and its subsidiaries' assets. This transaction drew on the experience of the firm's corporate, tax, real estate, and labor and employment attorneys.

Obtained an award in our client's favor in an international franchise arbitration matter centered on the termination by our client of a 26-year franchise relationship covering 100 franchise locations in Malaysia and Taiwan, along with related development and distribution agreements, for which the opposition sought \$34 million in damages. After more than two years of litigation and nine days of

## Practice Areas

- Employment Litigation
- Labor & Employment
- Trade Secrets, Restrictive Covenants, and Computer Abuse
- Long-Term Care Litigation

## Industry Sectors

- Education

## Education

- Duquesne University School of Law, J.D., *cum laude*, 2014
- University of Akron, B.S., *cum laude*, 2005

## Bar Admissions

- Pennsylvania

## Court Admissions

- U.S. District Court -- Western District of Pennsylvania
- U.S. District Court -- Northern District of Ohio
- U.S. Court of Appeals for the Third Circuit
- U.S. Supreme Court

## Affiliations

Pittsburgh Human Resources Association,  
Board of Directors

## Awards & Honors

- Best Lawyers in America Ones to Watch, 2021-2025
- Pennsylvania Super Lawyers - Rising Star, 2022-2024

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hearing, with witnesses coming in from China, Singapore, and various states in the United States, the tribunal found that the franchisee was entitled to no damages and our client was entitled to recover on its counterclaims for lost profits and unpaid royalties. In addition, the tribunal entered a permanent injunction directing the claimants, *inter alia*, to transfer all product registrations using our client's trademarks and related tradenames at no charge to our client.

Secured separate Emergency Interim Awards in two international arbitrations, under which a mandatory injunction was entered to restore the status quo that the parties enjoyed prior to the breach of distributor agreements by one group of distributors in Singapore and a second group in the Philippines. The distributor in Singapore was furthered ordered to pay in advance for product monthly.

Aggressively defended a private college in a Title IX action, resulting in the withdrawal of all claims.

Secured a victory for the employer defending an unfair labor practice charge of bad faith bargaining under Pennsylvania's Public Employee Relations Act.

Defeated a student's Title IX, Section 1983, and breach of contract claims against a University at summary judgment.

Defended numerous wage and hour class and collective actions alleging misclassification of independent contractors under federal, Ohio, West Virginia, and Pennsylvania law.

Defended numerous single plaintiff wage and hour actions involving unpaid overtime.

Counseled companies in the manufacturing, administrative services, and education sectors with regard to union organizing campaigns.

Represented numerous retail, gaming, and hospitality clients in class action website accessibility cases.

Successfully persuaded the United States Court of Appeals for the Third Circuit that a private hospital's decision to terminate a public university student from its nurse anesthetist program for refusal to submit to a drug test does not constitute state action, which resulted in a precedential decision overturning a \$1.5M jury verdict. *Certiorari* denied.

Secured a total dismissal of a six-count action against a non-profit organization and its CEO in Pennsylvania state court.

Obtained *ex parte* relief for a roofing company in a restrictive covenant case.

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