

KARA E. SHEA

Practice Group Leader, Labor and Employment Group

Nashville Office

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Kara is a member and Practice Group Leader for Labor and Employment. She regularly counsels clients in financial services, healthcare and home health industries on employment law compliance. She has extensive trial and appellate experience in Tennessee and around the country.

PRACTICE AREAS AND INDUSTRY TEAMS

- Labor and Employment
- Employment Counseling
- Employment Litigation

EXPERIENCE

- Extensive trial and appellate experience in Tennessee and around the country.
- Regularly counsels clients in financial services, healthcare and home health industries on employment law compliance.
- Provided FLSA exemption analysis to national home health care company.
- Assisted Tennessee troubled bank with reduction-in-force impacting dozens of positions, resulting in return of all severance agreements and no claims against the bank.
- Provides guidance and risk assessment relative to employee disciplinary action and termination.
- Represented employers in Department of Labor wage and hour investigations resulting in reduction of backpay assessments.
- Litigated and favorably mediated wage and hour class and collective actions in health care, transportation, agriculture, and retail services industries.
- Briefed cases to Tennessee Supreme Court and United States Supreme Court.
- Drafted sex harassment, overtime, and other employment policies and forms for hundreds of employers in a variety of industries.
- Helped retail services client draft innovative FMLA policy aimed at reducing absenteeism.
- Conducted dozens of workplace investigations for public and private employers.

- Has trained public and private supervisory workforces around the country on all aspects of employment law compliance.
- Drafts and assists in enforcement of non-compete agreements.

BAR ADMISSIONS

- Tennessee, 1996
- U.S. Court of Appeals
 - 6th Circuit
 - 7th Circuit
 - 10th Circuit
 - 11th Circuit
- U.S. Supreme Court

DISTINCTIONS

- *Lifetime Achievement Selection, America's Top 100 Attorneys*[®], 2016
- Best of the Bar, *Nashville Business Journal*, 2012, 2020
- *Best Lawyers in America*[®]
 - Employment Law – Management, 2013-2021
 - Labor Law – Management, 2015-2021
- *Super Lawyers*[®]
 - Top 50 Women: Mid-South Super Lawyers, 2014-2016
 - Top 50: Nashville Super Lawyers, 2014-2016
 - Top 100: Tennessee Super Lawyers, 2014, 2016
 - Mid-South Super Lawyers, Employment & Labor, 2013-2020
- "Nashville's Top 101 Lawyers", *Nashville Post Magazine*, 2011
- *Chambers USA: America's Leading Lawyers for Business*
 - Labor and Employment – Tennessee, 2014-2020
- *Benchmark Litigation*
 - Labor & Employment Star, 2021
- Editor, *Tennessee Employment Law Letter*, published by BLR/HR Hero
- Fellow, Nashville Bar Association
- Fellow, American Bar Foundation

ASSOCIATIONS

- American Bar Association
- Nashville Bar Association
- Tennessee Bar Association
- Society of Human Resource Management
- Employers Counsel Network
 - Tennessee Representative
- Middle Tennessee Society for Human Resources Management (MT-SHRM)
 - Past Board Member
 - SHRM Tennessee State Council
 - Legal and Legislative Chair

EDUCATION & HONORS

- Vanderbilt University, J.D., 1996
 - Associate Editor, *Vanderbilt Law Review*
- Boston University, B.S., *summa cum laude*, 1991

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Guest, "Working Mothers in Crisis," HR Works Podcast, January 26, 2021.
- Presenter, "Can I Require my Employee to Take the COVID-19 Vaccine," Tennessee Association for Home Care, December 17, 2020.
- Presenter, "Navigating the Challenges of 'COVID-19 Leave' and Compensation Issues," Tennessee Bankers Association, HR Hot Topics: Conquering COVID Chaos, November 5, 2020.
- Presenter, "Health, Privacy and Employer Liability Issues," BLR Reopening the Workplace Virtual Conference: Navigating the New Reality of COVID-19, May 20, 2020.
- Author, "Top tips for effective employment handbooks," *Nashville Business Journal*, *Memphis Business Journal*, September 19, 2019.
- Presenter, "Administering Pay: Compliance Essentials and How to Avoid FLSA Pitfalls," Business and Legal Resources, December 7, 2018.
- Presenter, "Paid Sick, Parental & Family Leave Hotbed: Multi-State Updates for Mastering Emerging Compliance Obligations," HR Comply, Las Vegas, Nev., November 15, 2018.
- Presenter, "Time is Money: Preventing & Defending Off the Clock Claims," Webinar Presented by Butler Snow and Welch Consulting, October 25, 2018.
- Presenter, "Top Ten Wage & Hour Mistakes," 2018 Employment Law Conference, Franklin, Tenn., October 19, 2018.
- Presenter, "Sourcing and Interviewing Do's and Don'ts to Help You Identify Ideal Candidates While Avoiding Legal Pitfalls," BLR Events, RecruitCon 2018, Nashville, Tenn., May 11, 2018.
- Speaker, FMLA Master Class: Tennessee – Advanced Skills For Employee Leave Management, Nashville, Tenn., May 16, 2017.
- Keynote Speaker and Presenter, 21st Annual Advanced Employment Issues Symposium, Las Vegas, Nev., November 9-11, 2016.
- Presenter and Panelist, "The New DOL Overtime Regulations: Is Your Workplace prepared?" 2016 MidSouth Employment Law Conference, October 2016.

- Presenter, "Disability and Leaves of Absence: The latest on Who Qualifies as Disabled, "Non-Traditional" Disabilities and Mental Health Claims, What Accommodations Qualify as Reasonable, and a Tactical Tool-Kit for Defending Against ADA & FMLA Claims." American Conference Institute, July 2016.
- Presenter, "Overtime Exemption Rule: How to Audit White-Collar Classifications Amid Major Changes," HR Webinar, BLR, June 2016.
- Keynote Speaker and Presenter, 20th Annual Advanced Employment Issues Symposium, Las Vegas, Nev., November 4-6, 2015.
- Co-Presenter, "Overcome Compliance and Employee Leave Challenges," 2015 FMLA Masters Class, Nashville, Tenn., May 12, 2015.
- Presenter, "Overtime Exemption Decisions: HR's Pay Practice Checkup to Find and Fix Costly Errors," HR Webinar, *BLR*, September 25, 2014.
- Author, "Here We Go Again!" Legal Update on Wage and Hour Law, Cowan Benefit Services Summer Seminar Series, June 2014.
- Author, "Tennessee Passes Guns in Trunks Law," *Workplace* Vol. 2013 No. 3, April 2013.
- *Tennessee Employment Law Letter*, BLR/HR HEro, monthly.
- Author, "Overtime," *HR Guide to Employment Law, A Practical Reference*, BLR, 2010, updated 2013.
- Author, "Top Tennessee Employer Mistakes with their Employees," TN Association for Home Care, March 2013.
- Author, "Wage & Hour - Companionship Exemption," TN Association for Home Care, January 2013.
- *Wage & Hour Compliance, Practical Solutions for HR*, BLR, 2009, updated 2012.
- Author, "Wage and Hour Master Class," *Tennessee Employment Law Letter*, December 2012.
- Author, "Addressing Workplace Harassment Issues in Public Entities," TnPRIMA Conference, November 2012.
- Author, "Independent Contractors: Tennessee," *Practical Law Company*, November 2012.
- Author, "Wage & Hour Update," Middle Tennessee Society for Human Resource Management, October 2012.
- Author, "Conducting Effective Workplace Investigations"---Advanced Employment Issues Symposium, October 2012.
- Author, "FMLA Compliance Virtual Summit," August 14, 2012.

- Author, "Tennessee FMLA Master Class," June 5, 2012.
- Author, "Exempt or Nonexempt: How to Find and Fix Misclassification Mistakes," April 25, 2012.
- Author, "Calculating Overtime: HR's How-To Guide for FLSA Compliance," April 12, 2012.
- Author, "Employee vs. Independent Contractor: How Employers Can Avoid Misclassification and Legal Headaches," December 13, 2011.
- Author, "Weather-Related Absenteeism: Policies, Payroll Adjustments, Telecommuting, and More," August 17, 2011.
- Author, "Weather-Related Absenteeism: Policies, Payroll Adjustments, Telecommuting, and More," March 8, 2011.
- Author, "Independent Contractor or Employee? Avoid the Misclassification Crackdown," October 5, 2010.
- Author, "Legal Update: Wage & Hour Issues For Auto Dealers," Tennessee Automotive Association, November 2010.
- Author, "Hot Topics in Wage & Hour Law," Middle Tennessee Society for Human Resource Management, May 2010.
- Advanced Employment Issues Symposium, *HR Law Hero*, April 2010.
- Author, "Conducting Workplace Investigations: A Step-by-Step Virtual Summit for HR Leaders," *HR Hero*, April 2010.
- Author, "Background and Credit Checks: Legal Risks and Workable Solutions," February 17, 2010.
- Regular speaker for programs sponsored by Middle Tennessee Society for Human Resource Management.