



## BOYD A. BYERS

PARTNER

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### PROFILE

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Mr. Byers is the practice group leader for the firm's labor and employment law litigation team. Mr. Byers represents clients in all matters relating to aspects of employment relations. He provides preventive consultation and is experienced in helping employers implement personnel policies and comply with federal, state, and local employment laws. He prepares and reviews for legal compliance employee handbooks, policy manuals, government contractor affirmative action plans, employment contracts, and severance agreements. Mr. Byers also handles litigation before federal and state courts and administrative agencies, including discrimination, workplace harassment, retaliation, wrongful discharge, wage and hour, unfair labor practices, and other employee relations issues. He guides clients through Department of Labor and other government agency audits and represents employers in discrimination charges filed with the EEOC and state administrative agencies. Mr. Byers enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers reflecting exemplary professional expertise, experience, and stature, and is listed in *The Best Lawyers in America*®, *Missouri & Kansas Super Lawyers*®, and *Chambers USA* as a leading employment attorney. Mr. Byers also authors the Kansas Employment Law Blog.

### Education

- University of Iowa (J.D., 1993)  
with High Distinction
- Midland University (B.A., 1990)  
summa cum laude

### Admissions

- Kansas (1993)

### PRACTICE AREAS

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- Employment & Labor

- Mediation/Dispute Resolution
- Trade Secret & Noncompete Litigation
- Emerging Small Business
- Intellectual Property

## INDUSTRIES

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- Manufacturing

## COMMUNITY INVOLVEMENT

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- Exploration Place, Board of Trustees
- United Way of the Plains Young Leaders Association, Steering Committee
- Wichita Area Sexual Assault Center, former Board Member
- Greater Wichita YMCA and Andover Parks & Recreation, Youth Sports Coach

## PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

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- Recognized by Best Lawyers® as the 2015 Wichita Employment Law – Management “Lawyer of the Year” and 2017 Labor Law – Management “Lawyer of the Year”
- Selected by peers for inclusion in The Best Lawyers in America® in the area of Employment Law – Management, Labor Law – Management, and Litigation – Labor & Employment, 2007-2018
- Selected for inclusion in Missouri & Kansas Super Lawyers® List, 2008-2016 (a Thomson Reuters business)
- Identified by Chambers USA as a leading lawyer in the United States in the area of Labor & Employment Law, 2007, 2009-2016
- Wichita Business Journal / 40 Under 40 Business Leader, 2006
- American Bar Association Employment Law Section
- Kansas Bar Association Employment Law Section, President, 2003-04
- Journal of the Kansas Bar Association Board of Editors
- Wichita Bar Association
- Kansas Association of Defense Counsel
- Defense Research Institute
- HR Insight (National Newsletter) Board of Editors
- Kansas Employment Law Letter Co-editor

## PRESENTATIONS

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## 2015

- The Craziest Thing I Ever Heard: New Court Rulings and EEOC, NLRB, and DOL Activity that Every Employer Needs to Know About (Foulston Siefkin LLP, Employment Law Seminar)
- “My Boss is Stressing Me Out” and Other Legitimate and Illegitimate Reasons Employees Request Time Off (Foulston Siefkin LLP, Employment Law Seminar)

## 2014

- How to Survive an Employment Law Sharknado (Foulston Siefkin LLP, Kansas Health Law Institute)
- Affirmative Action Update: OFCCP’s New Regulations and Recent Enforcement Activity (Foulston Siefkin LLP, Employment Law Seminar)
- What’s New in Employment Law (Foulston Siefkin LLP, Employment Law Seminar)

## 2013

- Employment Law Update (Foulston Siefkin LLP, Health Law Institute)

## 2012

- Employment Law Update (Foulston Siefkin, Employment Law Seminar)
- Ten Things Employers Do That Drive Their Lawyers Crazy (Foulston Siefkin Employment Law Seminar)
- Things HR Can Do Now to Take Advantage of the New Kansas Workers Comp Law (Foulston Siefkin, Foulston Siefkin Employment Law Seminar)
- Employment Law Update (Foulston Siefkin Kansas Health Law Institute)

## 2010

- For Ledbetter or Worse: Preventing, Finding, and Fixing Compensation Discrimination (Foulston Siefkin, Employment Law Seminar - Wichita)

## 2008

- A Prescription for FMLA Headaches (Foulston Siefkin Employment Law Seminar)

## PUBLICATIONS

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### 2016

- A Big-Picture Viewpoint May Help You Make Better Hiring Decisions  
-Kansas Employment Law Letter, Vol. 23, No. 3, p. 3
- EEOC Proposes Changes to EEO-1 Reports to Collect Pay Data  
-Kansas Employment Law Letter, Vol. 23, No. 1, p. 5

### 2015

- Christmas Vacation, Free Beer, and the FLSA  
-Kansas Employment Law Letter, Vol. 22, No. 9
- All I Really Need to Know About HR I Learned in Kindergarten?  
-Byers' Market, Kansas Employment Law Letter, Vol. 22, No. 8
- J-Law and the 'Hustle' for Equal Pay  
-Byers' Market, Kansas Employment Law Letter, Vol. 22, No. 9
- Wrestling over equal pay  
-Lexology
- What's going on under the green dome?  
-Lexology
- Can Angry Birds make employees happy (and productive)?  
-Lexology

#### **2014**

- Royals, Royals, Royals  
-Lexology
- Drunk employee who fell through roof still gets workers' comp  
-Lexology
- Municipalities subject to new employment rules relating to handguns  
-Lexology
- Affirmative Action Update - December 2014  
-Lexology
- "Fountain Lady" Teaches Lesson in Unemployment Benefits  
-Kansas Employment Law Letter, Vol. 20, No. 10

#### **2013**

- Federal Contractors Subject to Historic Regulations  
-HR Insight, Vol. 10, No. 8
- 'Gimme that back' – big changes to Kansas Wage Payment Act  
-Kansas Employment Law Letter, , Vol. 20, No. 3
- Gaga Over the FLSA Monster  
-Kansas Employment Law Letter, Vol. 19, No. 12
- Can You Make Employees Give More Notice Than the Pope?  
-Byers' Market, Kansas Employment Law Letter, Vol. 20, No. 1

#### **2012**

- After the tempest: 2012 Kansas legislative session in review  
-Kansas Employment Law Letter, Vol. 19, No. 4

#### **2011**

- Kansas Supreme Court makes Husky Hogs squeal  
-Kansas Employment Law Letter, Vol. 18, No. 4
- New Kansas Workers' Compensation Act offers something for everyone  
-Kansas Employment Law Letter, Vol.18, No.3

**2010**

- Getting paid to sit at home and refuse to work  
-Kansas Employment Law Letter, Vol. 16, No. 10
- What would Yogi say? HR guidance from baseball's accidental philosopher  
-Kansas Employment Law Letter, Vol. 17, No. 1
- Get the message: OSHA says employers must ban texting while driving  
-Kansas Employment Law Letter, Vol. 17, No. 8
- Exotic dancers exposed as employees, not independent contractors  
-Kansas Employment Law Letter, Vol. 17, No. 4

**2008**

- 2009 FMLA Forms and Compliance Manual  
-Foulston Siefkin LLP

**2006**

- Kansas City juries show employees the money  
-Kansas Employment Law Letter, Vol. 13, No. 2
- Happy Father's Day -- or not  
-Kansas Employment Law Letter, Vol. 13, No. 3

**2005**

- Deconstructing the statute of limitations for Kansas constructive discharge claims  
-Kansas Employment Law Letter, Vol. 11, No. 11
- Working through the Kansas Wage Payment Act  
-Kansas Employment Law Letter, Vol. 12, No. 2

**2004**

- Kansas Employment Law Newsletter (editor)  
-HR Hero.com
- Court's certification of class shakes Money Tree  
-Kansas Employment Law Letter, Vol. 11, No. 7
- School will be out soon – Employ teens carefully  
-Kansas Employment Law Letter, Vol. 11, No. 2
- Seven Deadly Sins of Employee Handbooks  
-Kansas Employment Law Letter, Vol. 10, No. 11

**2003**

- A Kansas Wage Payment Act Primer  
-Journal of the Kansas Bar Association
- See Dick and Jane Work: A Kansas Wage Payment Act Primer  
-Journal of the Kansas Bar Association

- Privacy Rights: When is a picture worth a million bucks?  
-Kansas Employment Law Letter, Vol. 10, No. 1

## **2002**

- Promises, promises: Employees win two wage cases  
-Kansas Employment Law Letter, Vol. 9, No. 6
- What's new at OFCCP?  
-Kansas Employment Law Letter, Vol. 9, No. 5
- Win some, lose some: a tale of two retaliation cases  
-Kansas Employment Law Letter, Vol. 8, No. 12

## **2001**

- 2001: Your Human Resources Odyssey  
-Kansas Employment Law Letter, Vol. 7, No. 10
- Brave New World: OFCCP's New Affirmative Action Regulations  
-Kansas Employment Law Letter, Vol. 7, No. 11
- Life is Unfair, But Your Workplace Doesn't Have to Be  
-Kansas Employment Law Letter, Vol. 8, No. 8
- New Rulings on Workers' Comp Retaliation: Clarification or Confusion?  
-Kansas Employment Law Letter, Vol. 8, No. 5

## **2000**

- Gooseplay Not Protected Activity  
-Kansas Employment Law Letter, Vol. 7, No. 9
- Hostile Work Environment Claims, They're Not Just for Employees Anymore  
-Kansas Employment Law Letter, Vol. 6, No. 11
- State Law Claim Thrown Out for Failure to Follow Administrative Procedures  
-Kansas Employment Law Letter, Vol. 6, No. 12

## **1999**

- Adventures in Topsy-Turvy Land: Are Civil Rights Claims Arising Under 42 U.S.C. § 1981 Governed by  
-38 Washburn Law Journal 509
- Disgruntled Union Members Discover They're Ineligible for Unemployment Benefits  
-Kansas Employment Law Letter, Vol. 6, No. 5
- Don't Become 'Road Kill' on the Information Superhighway  
-Kansas Employment Law Letter, Vol. 6, No. 9
- EEOC Issues Guidance on Reasonable Accommodation  
-Kansas Employment Law Letter, Vol. 6, No. 2
- Sticks and Stones May Break My Bones, But Names Will Net Me Cash  
-Kansas Employment Law Letter, Vol. 6, No. 3

## **1998**

- Guilt by Association? Court Construes ADA's Association Provision  
-Kansas Employment Law Letter, Vol. 4, No. 12
- How Fit is Your Fitness-for-duty Policy?  
-Kansas Employment Law Letter, Vol. 5, No. 6
- Mandatory Arbitration of Employment Law Claims: The Whats, Whys, and Hows  
-Journal of the Kansas Bar Association
- New Guidance on Sexual Harassment: The Good, The Bad, and the Ugly  
-Kansas Employment Law Letter, Vol. 5, No. 5
- Section 1981 Statute of Limitations Revisited  
-Kansas Employment Law Letter, Vol. 5, No. 1
- Supreme Court to Decide Whether Unions May Waive Employees' Right to Sue  
-Kansas Employment Law Letter, Vol. 5, No. 8
- Want to Stay Out of Court? Consider Pre-dispute Arbitration Agreements  
-Kansas Employment Law Letter, Vol. 5, No. 2

#### 1997

- Board Continues to Define Scope of Work Disability  
-Kansas Employment Law Letter, Vol. 4, No. 2
- Blowing the Whistle on Internal Whistleblower Claims  
-Kansas Employment Law Letter, Vol. 4, No. 1
- Blowing the Whistle on Internal Whistleblower Claims, Part II  
-Kansas Employment Law Letter, Vol. 4, No. 2
- Computer Technical Writer Not Necessarily Exempt Under FLSA, Court Rules  
-Kansas Employment Law Letter, Vol. 3, No. 10
- Credit Checks Now More Complicated  
-Kansas Employment Law Letter, Vol. 4, No. 8
- Equal Opportunity or Legal Insanity? EEOC Issues Guidance on Psychiatric Disabilities Under ADA  
-Kansas Employment Law Letter, Vol. 4, No. 4
- Kansas Court Limits Scope of Workers' Compensation Retaliation Claims  
-Kansas Employment Law Letter, Vol. 3, No. 10
- Kansas Court Rejects EEOC's Review of Disabilities Controlled by Drugs  
-, Kansas Employment Law Letter, Vol. 3, No. 10
- Lookin' for Adventure? Try the Motor Carrier Overtime Pay Exemption  
-Kansas Employment Law Letter, Vol. 3, No. 12

#### 1996

- Court Admonishes Employee and His Attorney for Pursuing ADA Claim  
-Kansas Employment Law Letter, Vol. 3, No. 2
- EEOC Issues Guidance on Interplay Between Workers' Compensation and ADA  
-Kansas Employment Law Letter, Vol. 3, No. 8
- House Considers Reemployment Rights for State Military Personnel  
-Kansas Employment Law Letter, Vol. 2, No. 12
- Inquiries About Prescription Drug Use: Does the ADA Provide a Safe Harbor?  
-Kansas Employment Law Letter, Vol. 3, No. 1

- NLRB Eclipses Moonlighting Policy  
-Kansas Employment Law Letter, Vol. 3, No. 6
- NLRB Defines Employer's Duty to Furnish Self-Critical Analysis to Union  
-Kansas Employment Law Letter, Vol. 3, No. 4
- TB or Not TB?: OSHA Updates Enforcement Policy for Exposure to TB in the Workplace  
-Kansas Employment Law Letter, Vol. 2, No. 10

#### **1995**

- Court Clarifies Employee's Duties Under FMLA  
-Kansas Employment Law Letter, Vol. 2, No. 6
- Court Voids NLRB's Findings of Labor Violations  
-Kansas Employment Law Letter, Vol. 1, No. 10
- Employers Can Avoid OSHA's 'Egregious' Penalties  
-Kansas Employment Law Letter, Vol. 2, No. 6
- EPPA Reaches Even Employers That Do Not Offer Polygraph Tests  
-Kansas Employment Law Letter, Vol. 2, No. 4
- Reasonable Accommodation: A Religious Experience  
-Kansas Employment Law Letter, Vol. 2, No. 9
- U.S. Supreme Court to Decide If Refusal to Hire Union Organizers Violates Federal Labor Law  
-Kansas Employment Law Letter, Vol. 1, No. 12
- Well-Defined Anti-Harassment Policy Shields Employer  
-Kansas Employment Law Letter, Vol. 2, No. 6

#### **1994**

- Making A Case For Federal Regulation of Franchise Terminations: A Return-of-Equity Approach  
-19 Journal of Corporation Law 607

### **ISSUE ALERTS**

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#### **2015**

- Federal Contractors Will Have to Provide Paid Sick Leave
- Bank Misclassified Appraisers as Exempt from Overtime Pay, Court Says

#### **2014**

- December 2014 Affirmative Action Update

#### **2012**

- Healthcare Providers' Affirmative Action Obligations Take Center Stage

#### **2010**



- New Kansas Smoking Ban Directly Affects Employers

**2008**

- 2009 FMLA Forms and Compliance Manual