



## FORREST T. RHODES, JR.

PARTNER

WICHITA OFFICE

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### PROFILE

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Forrest brings legal expertise with a down-to-earth approachable style to partner with clients to help identify and resolve issues before they become legal problems and effectively address difficult employment situations to avoid or minimize legal risk.

A cornerstone of Forrest's practice is assisting employers with the review and development of employment policies and other day-to-day preventative measures, including working through challenging discipline situations, the proper handling of employee absences that may implicate the Family and Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA), and military leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA). He also has significant experience defending employers in government audits brought by the Department of Labor (FLSA) and the Equal Employment Opportunity Commission, as well as those agency's state counterparts.

Where employment litigation cannot be avoided, Forrest defends the client's interests through practical legal advice and advocacy with the goal of resolving the matter in a way that is effective as well as cost efficient.

Forrest assists employers with a wide variety of labor-management issues, including union avoidance and responding to union organizing efforts, advising or representing employers during labor contract negotiations, and assisting with the day-to-day contract and other issues that can arise when dealing with a represented workforce. He also represents employers in unfair labor practice and other adversary proceedings before the National Labor Relations Board (NLRB).

Forrest also represents employers through all aspects of the safety and health compliance process, including inspections brought by the Occupational Safety and Health Administration (OSHA) and the negotiated resolution of any proposed penalties, and, where necessary, defense of litigation brought before the Occupational Safety and Health Review Commission (OSHRC).

# FOULSTON

ATTORNEYS AT LAW

Since 2013, Forrest has been selected by *Chambers USA* as one of America's Leading Lawyers in the area of Employment Law. He has been selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Employment Law – Management and Litigation – Labor and Employment. Forrest is a frequent speaker on employment law issues, especially the complicated and evolving requirements under the FLSA and other aspects of wage and hour compliance.

## Education

- University of Kansas (J.D., 1999)  
Order of the Coif; Staff Member - *Kansas Law Review*
- University of Kansas (B.S. in Business Administration, 1991)  
With Distinction

## Admissions

- U.S. District Court for the District of Kansas (2000)
- U.S. District Court for the Northern District of Illinois (2010)
- U.S. District Court for the Western District of Missouri (2008)
- Kansas (2000)
- Missouri (2008)

## PRACTICE AREAS

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- Employment & Labor
- OSHA

## INDUSTRIES

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- Agribusiness
- Aviation & Aerospace
- Banking & Financial Services
- Construction
- Government
- Healthcare
- Hospitality & Retail
- Manufacturing

## COMMUNITY INVOLVEMENT

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- Butler Community College Foundation, Board of Directors, 2014-present (Board President 2019-2020)
- Butler Community College Board of Trustees, 2020-present

# FOULSTON

ATTORNEYS AT LAW

- Hope Covenant Church, Leadership Team, 2018-present

## RELEVANT EXPERIENCE

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- Represented employers in a wide variety of industries including hospitality, financial services, manufacturing, retail, and health care, with wage and hour (FLSA) compliance investigations conducted by the U.S. Department of Labor.
- Served as defense counsel for numerous hospitality industry (restaurant) employers in federal court litigation regarding tip credit compliance and delivery driver reimbursements under the FLSA and state wage and hour laws.
- Advised employers in various industries through a variety of labor relations issues, including collective bargaining agreement negotiation, unfair labor practice changes, and contract compliance.
- Defended several different manufacturing companies in lawsuits stemming from allegations of employment discrimination and/or retaliation, with cases resolving on client-friendly terms, including summary judgment and favorable settlements.
- Provided cost-effective defense for employers in wide variety of industries facing employment discrimination investigations from the Equal Employment Opportunity Commission or equivalent state agency. Successfully resolved every charge while minimizing interference on client's business operations.
- United States Navy, Cryptologic Division Officer - Led teams of cryptologic support sailors and marines in support of national military requirements and surface and subsurface naval units deployed in the Mediterranean Sea and western Indian Ocean.
- United States Navy, Cryptologic Officer, Naval Space Support Teams - Provided support and training on military space systems to shore training facilities and operational naval units.

## PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

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- Selected for inclusion in Missouri & Kansas Super Lawyers® List, 2017-2018 (a Thomson Reuters business)
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Employment Law – Management and Litigation – Labor and Employment, 2015-2021
- Identified by Chambers USA as a leading lawyer in the United States in the area of Labor & Employment Law, 2013-2020
- Named a “Labor & Employment Star” by *Benchmark Litigation*, 2019
- American Bar Association Labor & Employment Section and Federal Labor Standards Committee
- Kansas Bar Association
- Wichita Bar Association

## PRESENTATIONS

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### 2020

- Successfully Navigating DOL Wage and Hour Audits (Foulston Siefkin LLP, Employment Law Institute)

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Webinar Series)

- Waves of Change from the Department of Labor, National Labor Relations Board, and Other Federal Agencies (Foulston Siefkin LLP, Employment Law Institute Webinar Series)
- Navigating the New Normal: Employment Law Issues Impacted by COVID 19 (Human Resource Professionals Association of Greater Emporia, Emporia Area Business Conference)
- COVID-19 Guidance for Hospital Employers - FFCRA, OSHA, and Confidentiality (Kansas Hospital Association)
- Implementing the Families First Coronavirus Response Act (FFCRA) (Foulston Siefkin LLP, Coronavirus Webinar)
- An Employer's Guide to Coronavirus (Foulston Siefkin LLP, Coronavirus Webinar)
- Litigation Issues for HR (Foulston Siefkin LLP, HR Training Series)

## 2019

- FLSA Issues (Foulston Siefkin LLP, HR Training Series)
- Leave of Absence (Foulston Siefkin LLP, HR Training Series)
- FLSA Update (Foulston Siefkin LLP, HR Training Series)
- What Fresh Hell Is This? The Latest From the Legislature, Agencies, and Courts (Foulston Siefkin LLP, Kansas Employment Law Institute)
- What's the DOL Up to Now? A Discussion of the DOL's Proposed FLSA Regulatory Amendments (Foulston Siefkin LLP, Kansas Employment Law Institute)

## 2018

- Not as Easy as One, Two, Three: How the FMLA, ADA, and Workers' Compensation Interact with Employee Leave of Absence and Return to Work (Foulston Siefkin LLP, HR Training Series)
- Just the Facts: Difficult Conversations, Discipline, and Performance Management (Foulston Siefkin LLP, HR Training Series)
- Back to the Basics: HR Topics from A-Z that Every HR Professional Should Know (Foulston Siefkin LLP, HR Training Series)
- Box of Tricks or Pandora's Box? How Outside Information Can Help or Hurt Employee Hiring and Retention (Foulston Siefkin LLP, HR Training Series)
- OSHA Inspections: How to Prepare and Respond (Foulston Siefkin LLP, HR Training Series)
- Employment Law Round-Up - The Latest from the Legislature, Agencies, and Courts (Foulston Siefkin LLP, Employment Law Institute)
- Five Things You Can Do to Avoid Wage and Hour Law Headaches (Foulston Siefkin LLP, Employment Law Institute)

## 2015

- How the Proposed Changes to the White-Collar FLSA Exemptions WILL Impact Your Business (Foulston Siefkin LLP, Employment Law Seminar)
- FLSA Potpourri (Foulston Siefkin Employment Seminar)
- Labor and Federal Agency Employment Laws (Wichita Bar Association Business Law CLE)
- Proposed Amendments to the White Collar Exemptions – what they mean and how they'll impact your business (Foulston Siefkin HR Box Lunch Series)

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## 2014

- What Do I Do When My Competitor Is Hiring My Employee, or I'm Hiring Theirs? (Foulston Siefkin LLP, Employment Law Seminar)
- Hot Topics in Employment Law (Foulston Siefkin LLP, HR Box Lunch Series)
- The NLRB and the Non-Union Employee (Foulston Siefkin LLP, HR Box Lunch Series)
- Best Hiring Practices (Kansas County Counselors Conference)
- Wage and Hour Update (Foulston Siefkin HR Box Lunch Series)

## 2013

- Best Hiring Practices (Kansas Human Rights Commission Employment Law Seminar)
- Wage and Hour Compliance (InfoComm Live)

## 2012

- An FLSA Audit Is Coming – Be Prepared Before DOL Arrives (Foulston Siefkin Employment Law Seminar)
- Alphabet Soup of Employment Law, from FLSA to FMLA to COBRA (Kansas County Clerk's Conference)
- Equal Pay Act – Compliance and Audit Preparation (Foulston Siefkin HR Lunch Series)

## 2011

- OSHA Compliance (Foulston Siefkin OSHA Workshop, Overland Park)
- Fair Labor Standards Act (Foulston Siefkin, Foulston Siefkin HR for Health Care Providers Workshop)
- National Labor Relations Act (Foulston Siefkin, Foulston Siefkin HR for Health Care Providers Workshop)
- National Labor Relations Act – What You Don't Know Can Hurt Your Business (S.E. Kansas Manufacture's Network)

## 2010

- OSHA Compliance (Foulston Siefkin OSHA Workshop, Wichita)
- Advanced FLSA: Understanding, Preparing for, and Defending Wage and Hour Audits (Foulston Siefkin, Employment Law Seminar - Wichita)

## 2009

- Employee Free Choice Act (EFCA): Learn How It Works Before It Is Too Late (Foulston Siefkin Seminar)
- The Brave New World of Employment and Labor Law: The Employee Free Choice Act (Foulston Siefkin Employment Law Seminar)
- The Employee Free Choice Act "EFCA" (Kansas Manufacturers Network)

## 2008

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- Military Leave and USERRA Issues (Foulston Siefkin Summer HR Box Lunch Series)
- Unemployment – How it Works and How to Avoid Awards (Foulston Siefkin Employment Law Seminar)
- Executive Compensation (Foulston Siefkin HR Box Lunch Series)

## 2007

- Exempt or Non-Exempt? Applying the FLSA White Collar Rules to the Health Care Industry (Foulston Siefkin LLP, Kansas Health Law Institute)

## PUBLICATIONS

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### 2020

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2020), 3rd ed.

### 2019

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2019), 3rd ed.

### 2018

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2018), 3rd ed.

### 2017

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2017), 3rd ed.

### 2016

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2016), 3rd ed.

### 2015

- DOL proposes significant increase in required salary for FLSA exemptions  
-Kansas Employment Law Blog
- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, 3rd ed.

### 2014

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2014), 2nd ed.

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## ATTORNEYS AT LAW

- DOL delays proposed amendments for white collar exemptions  
-Lexology

### 2013

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2013), 2nd ed.

### 2012

- The Fair Labor Standards Act, Contributing Author  
- ABA Section of Labor & Employment, Cumulative Supplement (2012), 2nd ed.
- Kids in Candyland: DOL audit reminds employers about child labor  
-Kansas Employment Law Letter

### 2011

- The Fair Labor Standards Act, Contributing Author  
-ABA Section of Labor & Employment, Cumulative Supplement (2011), 2nd ed.
- Employers with Salaried Non-Exempt Employees Beware! New DOL Regulations Change How You May Pay These Employees  
-Foulston Siefkin Issue Alert
- New Notice Rule Reaches out to Union and Nonunion Employers Alike  
-Kansas Employment Law Letter

### 2010

- Road map for whether Kansas wage and hour laws apply to you  
-Kansas Employment Law Letter

### 2009

- When Free Isn't Free: The Employee Free Choice Act (EFCA)  
-Kansas Employment Law Letter

### 2005

- When a 'fixed salary' Can Change  
-Kansas Employment Law Letter

### 2003

- Dot the i's and cross the t's - ensuring your agreement is enforceable  
-Kansas Employment Law Letter
- Title VII: Race Discrimination through the promotion of minorities  
-Kansas Employment Law Letter

### 2002

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Bonuses: Don't let overtime pay requirements Grinch your holidays  
-Kansas Employment Law Letter

- Can a pregnant employee use FMLA leave to avoid overtime  
-Kansas Employment Law Letter

### 2001

- FMLA individual liability - not necessarily limited to one individual  
-Kansas Employment Law Letter
- Is arbitration the answer for Kansas Employers?  
-Kansas Employment Law Letter
- Keeping a former employee quiet - where to draw the line?  
-Kansas Employment Law Letter
- Navigating channels of military leave - and avoiding the mines  
-Kansas Employment Law Letter

### 2000

- Assistant secretary for OSHA discussed construction safety  
-Kansas Employment Law Letter
- In addition to ships, loose lips can sink companies  
-Kansas Employment Law Letter
- 'Talking the talk' but not 'walking the walk' results in punitive damages  
-Kansas Employment Law Letter

### 1999

- From Topeka with love  
-Kansas Employment Law Letter

## ISSUE ALERTS

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### 2020

- Coronavirus: Key Tax and Business Provisions

### 2019

- DOL Proposes New Rules for Tipped Employees

### 2016

- Federal Court Puts FLSA Salary Increases on Indefinite Hold
- Department of Labor Issues Long-Awaited Updates to Key Fair Labor Standards Act Overtime Exemptions

### 2012



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- OSHA Targeting Nursing and Residential Care Facilities

## 2011

- New Notice Rule Reaches Out to Union and Non-Union Employers Alike
- Employers with Salaried Non-Exempt Employees Beware! New DOL Regulations Change How You May Pay These Employees