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EDUCATION

Legal: Boston College Law School, J.D.,
summa cum laude, 2004 (Order of the Coif;
Executive Editor, Boston College Law Review)

Undergraduate: Arizona State University,
B.S., summa cum laude, 2001

PRACTICE AREAS

Labor and Employment Law

Litigation: Appeals, Complex Civil Litigation,
Trial Practice

ADMITTED TO PRACTICE

States:
Iowa

Federal Courts:

U.S. Court of Appeals,
Third Circuit

U.S. District Court,
Northern District of Iowa

U.S. District Court,
Southern District of Iowa

U.S. Court of Appeals,
Eighth Circuit

Kelsey J. Knowles

Kelsey believes a lawyer's job is to prevent and solve problems consistent with a business's mission, philosophy and needs. Legal solutions are not one-size-fits-all. Whether it is day-to-day legal advice or litigation, Kelsey works with you to understand your company's unique needs and find a solution.

Employment Law

Kelsey dedicates a substantial portion of her practice to assisting employers in employment law compliance. Kelsey regularly drafts handbooks, policies, employment agreements and non-competes that not only comply with the law, but are functional and practical. This practical approach is carried through Kelsey's work with clients on employment-related problems, whether it is a potential termination, a new approach to PTO or navigating a tricky situation involving the FMLA and ADA. Kelsey recognizes that as legal counsel, her job is two-fold: (1) ensure clients have accurate legal advice, and (2) help clients consider business options and weigh risks.

Kelsey also assists with internal audits on issues such as wage and hour and I-9 compliance and provides guidance and representation for administrative audits before the Department of Labor, the Department of Homeland Security and Iowa Workforce Development. Kelsey also conducts investigations when companies require legal counsel or where the nature of the complaint makes an outside investigator a better choice.

Litigation

Litigation requires a different approach to problem solving that is still practical and client-focused. Some cases require bet-the-company efforts. Others require a reasoned approach to settlement. All cases deserve our best efforts and attention. Kelsey has litigated cases at the administrative, trial—before both judges and juries—and appellate level, including numerous appellate arguments.

Prior to joining Belin McCormick, Kelsey served as a law clerk to the Honorable Richard L. Nygaard for the United States Court of Appeals for the Third Circuit and the Honorable Ronald L. Longstaff for the United States District Court for the Southern District of Iowa. These personal experiences working with judges as they decide cases continue to inform Kelsey's approach to practicing law.

Labor Law

The National Labor Relations Act (NLRA) raises special issues and requires an attorney with a background in traditional labor law. Kelsey is familiar with evolving labor law including the National Labor Relations Board's (NLRB) increasing focus on non-unionized employers. Kelsey has extensive experience advising and training companies on legal compliance under the NLRA and reviewing company policies to ensure compliance with the Act.

Kelsey also has experience with unionized employers including with negotiating contracts, addressing mid-contract changes and arbitrating grievances on contract interpretation and discipline and discharge cases. Kelsey assists both unionized and non-union employers with unfair labor practice charges and other matters before the NLRB.

Honors & Accomplishments

Recognized by Chambers and Partners for her labor & employment law practice

Recognized by The Best Lawyers in America® in the practice area of Employment Law — Management

Recognized by Super Lawyers for her Labor and Employment Law practice

Community & Professional Activities

Living History Farms, Board Member (Chair 2018-2019, Vice-Chair 2016-2017, Secretary 2013-2014)

Greater Des Moines Leadership Institute (2012-2013)

Greater Des Moines Partnership Workforce and Education Board Member

Iowa State Bar Association, Member

American Bar Association, Member

Polk County Bar Association, Member

Personal

Kelsey grew up in Glendale, Arizona and attended college at Arizona State University. She met her husband Sean— who grew up in Des Moines — in Arizona. After moving to Boston for her law school and his graduate school, Sean took a job in Iowa for what they thought would be a 2-3 year stay. Over a decade and two children later, they have no intention of leaving. Des Moines provides the kind of vibrant, active community that invites people to become involved and be engaged. And it has seasons and snow!

When not working, Kelsey enjoys spending time with her family and friends, running random races and triathlons and reading books that are not at all sophisticated.

Representative Work

Represented employers in Department of Labor wage and hour audits resulting in reduced back wages owed and resolution without litigation.

Trained supervisors and hourly employees regarding numerous topics including discrimination, retaliation, union issues, social media and other relevant employment-law issues.

Drafted numerous employment agreements including issues such as non-compete, non-solicitation provision, and confidentiality and intellectual property protections for multi-state employers.

Investigated numerous internal complaints on topics including sexual harassment, retaliation, ethical violations and other employment-related misconduct. Investigations include employees such as CEO, CFO, CIO, HR Directors and other similarly high-ranking executives.

Successfully arbitrated unionized employer's right to use contractors to perform work previously performed by bargaining unit members.

Successfully arbitrated unionized company's right to discharge employee for just cause when employee was found sleeping or appearing to sleep while on duty.

Successfully arbitrated company's right to exercise its management rights clause to manage their operations and assign workers to perform work outside of their normal territory.

Successfully arbitrated unionized company's right to discipline employee for failure to follow job instructions.

Successfully arbitrated multiple cases for unionized company's right to discipline or discharge employees for falsification of time.

The Continental Care Center at Seymour, Inc. et al. v. Steven Wright et al. Verdict in our client's favor following jury trial after former owners of facility failed to pay wages to employees as required by the purchase agreement.

Stevens v. Prairie Meadows. Wrongful discharge in violation of public policy claim resulting in summary judgment for our client, which was affirmed on appeal.

Shelton v. United States Postal Service. Verdict in excess of \$4.6 million dollars for our client in a wrongful death action.

Carter v. Prairie Meadows. Wrongful discharge in violation of public policy claim resulting in summary judgment for our client, which was affirmed on appeal.

Cross v. Prairie Meadows, et al. Sexual harassment and retaliation claim resulting in summary judgment for our client. The Eighth Circuit Court of Appeals affirmed the district court's ruling in a published decision establishing multiple important legal principles previously unaddressed in our jurisdiction.

Kim v. Grand View University, et al. Race discrimination and retaliation claims resulting in summary judgment for our clients, which was affirmed on appeal.

Mahony v. Ultimate Nursing Services, Inc., et al. Wrongful discharge in violation of public policy, False Claims Act, retaliation and promissory estoppel claims resulting in summary judgment for our client. On appeal, the Eighth Circuit Court of Appeals affirmed the district court's ruling.

Diaz v. Tyson Fresh Meats. Race discrimination and disability retaliation claim resulting in summary judgment for our client. The Eighth Circuit Court of Appeals affirmed the district court's ruling in the first opinion from the Eighth Circuit to address the United States Supreme Court decision in *Staub v. Proctor Hospital*.

Haviland v. Catholic Health Initiatives. Fair Labor Standards Act collective action alleging uncompensated and interrupted lunch periods resulting in summary judgment for our clients.

Hayes v. Vermeer Manufacturing Corporation. Family Medical Leave Act case alleging wrongful interference with the right to leave resulting in summary judgment for our client. The Iowa Court of Appeals affirmed the district court's ruling.

ISU-VSC v. Iowa Veterinary Referral Center. Represented plaintiff in an action to enforce covenants not to compete against former employees resulting in the entry of a preliminary injunction in favor of our client.

Mason City Human Rights Commission v. Newbury Management Company. Housing discrimination action alleging familial status discrimination resulting in verdict in favor of our client after a trial.

Gosa and Dittrick v. NuWorld Amaranth. Wrongful discharge in violation of public policy claims resulting in summary judgment for our client.

Barucic v. Titan Tire. National origin discrimination and retaliation claims resulting in summary judgment for our client.

Derringer v. Tyson. ADA claim resulting in summary judgment for our client.

Coughlin v. Walgreens. ADA claim dismissed with prejudice after we sought summary judgment.

Kloster v. Goodwill. Collective action under the Fair Labor Standards Act alleging misclassification and failure to pay overtime resulting in summary judgment for our client.

Lavia v. Siegwark. Age and gender discrimination claim resulting in summary judgment for our client.

Hudson v. Tyson Foods. FMLA interference and retaliation claim resulting in a jury verdict for our client.

Sysco Iowa, Inc. v. University of Iowa. Case seeking injunction to prevent disclosure of confidential trade secrets under Iowa's Open Records Act. On appeal, obtained reversal of District Court order denying injunction, including finding that contract with confidential pricing information constituted trade secrets.

Raveling v. Tyson Foods, Inc. et. al. Age discrimination case under the Iowa Civil Rights Act resulting in summary judgment for our client.

Publications & Presentations

- #MeToo Movement and its Implications for Corporate Decision Making, 2018
- MeToo: The Aftermath, 2018
- MeToo: The Ripple Effect, 2018
- Labor and Employment Overview, 2018
- So Now What? Wage and Hour Updates and Developments, 2017
- Tropical Vacations to Medical Leave: Attendance and PTO Policies, 2017
- Critical Wage and Hour Issues for Legal Administrators, 2017
- Critical Wage and Hour Issues for Financial Professionals, 2017
- When it's not as easy as saying "You're Fired!", 2017
- The Employer's Bermuda Triangle: Workers' Compensation, the Family Medical Leave Act (FMLA), and the Americans with Disabilities Act (ADA), 2017
- Know Your Revised Agency Rules, part 1: Pay Data Reporting Requirements, 2016
- We're Paying You How Much? Department of Labor Wage and Hour Changes, 2016
- Employees Gone Wild: What to do when an employee misbehaves or breaks down in the workplace, Iowa Employment Conference October, 2015
- Five Trap Doors in the Fair Labor Standards Act, September 2015
- Status Update: Social Media's Evolving Role in Employment, September 2015
- Iowa SHRM Legal Update, July 2015
- Employment Law Update, HR OneSource Employment Law Conference, April 2015
- Breaking Up is Hard to Do: Disciplining and Discharging Employees While (Hopefully) Avoiding a Lawsuit, October 2014; September 2014
- We Just Want People to Show Up and Work. Is that So Much to Ask? Handling attendance, leave, intermittent leave and accommodations. September 2014; April 2014; September 2013
- Top 10 labor and employment issues. September 2014,
- Employee Representation: Unions, Organizing Campaigns and Weingarten Rights, September 2014
- I Don't Like What You "Like": Employees, Employers and Social Media, October 2013;
- Administrative, Executive and the Wrath of the Department of Labor: Navigating Key
- Exemptions in the Fair Labor Standards Act, September 2013
- The NLRB and Why it Matters To Me (and should matter to you too!), September 2012
- Employee Handbooks, September 2012
- Employment Law Update: Legislative and Legal Updates, Central Iowa SHRM, July 2012
- Misclassification: The Lurking Lawsuit, May 2012
- Dollars and Cents: Paying Your Employees Correctly and Staying out of Court, December 2011
- Legal Developments, September 2011
- Supervisors Love 'Em or Hate 'Em, September 2011
- Are You Ready to Rumble...Exemptions from the Fair Labor Standards Act, September 2011
- Hot Spots in Wage and Hour Litigation, April 2011, September 2010