



## JEREMY M. BRENNER

### ASSOCIATE

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Jeremy Brenner is a seasoned employment attorney and co-leader of the firm's national wage and hour/Fair Labor Standards Act (FLSA) practice. He has served as a strategic business partner to employers for over a decade, both as an HR consultant and as an employment attorney. He has been recognized as a Rising Star in Employment and Labor Law by *Missouri/Kansas Super Lawyers*® consecutively since 2014, and was named an Up & Coming Lawyer by *Missouri Lawyers Weekly* in 2017.

A substantial portion of Jeremy's practice is devoted to wage and hour law. He has successfully handled many Department of Labor investigations around the country and litigated numerous misclassification, overtime, and minimum wage collective and class actions under the FLSA and other similar state laws. He has defended wage cases in state and federal courts across the country, including Missouri, Colorado, Florida, Tennessee, California and Texas. His experience also includes a variety of industries and employees, such as auto repair technicians, retail and restaurant managers, cable/satellite installers, health care workers, software engineers, and oil and gas industry workers.

Jeremy also works closely with the firm's corporate transaction teams and has extensive experience handling a wide range of employee-related issues that arise in the context of mergers and acquisitions, including reviewing and preparing employment-related agreements on both sides of transactions. He provides critical guidance to both buyers and sellers at all stages of the M&A life cycle, from employment law compliance at the due diligence stage through post-closing integration efforts. Jeremy also frequently represents employers and managers in administrative charge processes and federal and state court litigation throughout the country involving, for example, state and federal claims of discrimination, wrongful termination, harassment, retaliation and Family Medical Leave Act (FMLA) violations.

Jeremy is equally passionate about sharing his knowledge and experience with employers and managers to help prevent disputes. He writes and speaks extensively on employment law and general HR topics. He has given CLEs for the Missouri Bar and presented at the Missouri Commission on Human Rights' annual conference. He is a regular presenter in the BLR Master Class Series for Missouri employers; frequent national lecturer on employment, wage and hour and sexual harassment law through Surgent Professional Education webinar courses; a recurring employment and wage law panelist on "The All-Star Tax Series" sponsored by Edward Jones; and co-editor of the *Missouri Employment Law Letter*, a monthly publication for Missouri HR professionals.

In addition to his employment law practice, Jeremy serves as outside general counsel to

### SERVICES AND INDUSTRIES

Litigation

Employment and Labor

Class Action Litigation

Emerging Companies

Manufacturing and Innovation

Financial Services and Banking

Technology

Health Care and Life Sciences

Energy and Utilities

### ADMISSIONS

Missouri

Illinois

U.S. District Court, Western

District of Missouri

U.S. District Court, Eastern

District of Missouri

U.S. District Court, Central

District of Illinois

U.S. District Court, District of

Colorado

three nonprofit organizations and outside employment counsel to several others, all in the area of early childhood education and children's health and wellness.

Finally, Jeremy is a member of Armstrong Teasdale's Associates Committee and Inclusion Committee, and oversees the firm's onboarding programs for first year lawyers and lateral associates. In 2018, he served as chair of the firm's annual United Way campaign.

## EDUCATION

- University of Missouri School of Law (J.D.)
  - Graduate Certificate in Dispute Resolution
  - Dean's List
  - Curator's Scholarship Recipient
  - Mizzou Law Ambassadors
  - Law School Representative
  - Mizzou Graduate Professional Council
- Olin Business School at Washington University (B.S., *Dean's List*)
  - Business Administration

## PROFESSIONAL ACTIVITIES

- The Missouri Bar
- Human Resource Management Association of St. Louis
- Missouri Employment Law Newsletter (Editor)

## CHARITABLE AND CIVIC INVOLVEMENT

- Armstrong Teasdale United Way Campaign (Chair, 2018)
- University City Children's Center (Board of Directors, 2015-Present; Board Secretary and Executive Committee Member, 2016-Present)
- Anti-Defamation League Glass Leadership Institute (Class of 2012-2013)
- St. Louis Hillel at Washington University (Board of Directors, 2012-2014)
- US Attorney's Hate Crimes Task Force (2012-Present)
- Washington University Alumni and Parents Admission Program (2007-Present)
- Beta Theta Pi Fraternity (District 44 Chief, 2008-2010; Financial Advisor, Alpha Iota Chapter, 2007-2008)
- AmeriCorps St. Louis (Junior Board Vice President, 2007-2008; Auctioneer, 2007 Starbright Auction)
- St. Louis Jewish Film Festival (Board of Directors, 2004)

## ACCOLADES

- *Missouri/Kansas Super Lawyers*®, Rising Star (2014-present)

- Up & Coming Award, *Missouri Lawyers Weekly* (2017)
- Recognized by the Missouri Bar for inclusion in the 2011, 2015 and 2017 "Pro Bono Wall of Fame"

## **BACKGROUND**

Before law school, Jeremy had a significant and unique amount of business experience. After graduating from the Olin Business School at Washington University, he worked for three years in finance and buying roles for the May Department Stores Company and Macy's. Jeremy also spent several years as a senior executive for a human resources consulting firm helping businesses (from startups to Fortune 500 companies) identify and solve human resources challenges. He also served as general manager of that firm's Kansas City regional operations.

## **EXPERIENCE**

### **Decertification of Collective Action, Denial of Class Certification, Partial Summary Judgment in Overtime Misclassification Complaint**

Secured collective action decertification and denial of class certification for a client in U.S. District Court for the Eastern District of Missouri, regarding a complaint in which current and former employees asserted overtime claims based on alleged misclassification as exempt employees under the Fair Labor Standards Act and under the wage and hour laws of the states of Missouri and Washington.

### **Dismissal of Multi-State Unpaid Overtime Class Action Claims**

Obtained dismissal of numerous state law class action claims based on lack of standing in a multi-state unpaid overtime lawsuit in the United States District Court for the District of Colorado, resulting in a substantial reduction in the potential size of the class and, accordingly, substantially reducing the company's potential exposure.

### **Enforced Arbitration Agreement for Securities Company**

Successfully enforced an arbitration agreement against a current employee of a large securities brokerage company in St. Louis County Circuit Court, resulting in withdrawal of the employee's attorney and dismissal of the employee's claims.

### **Dismissal of Claim for Unpaid Commissions**

Successfully obtained dismissal of a former employee's claim for unpaid sales commissions in St. Louis County Circuit Court.

### **Favorable Result in FLSA Employee Misclassification Case**

Achieved a favorable trial result in the United States District Court for the Western District of Texas on behalf of a client accused of misclassifying a significant portion of its workforce as exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) after several years of litigation.

### **Partial Summary Judgment in FLSA Misclassification Action**

Obtained partial summary judgment on behalf of a client in a Fair Labor Standards Act (FLSA) misclassification collective action, reducing the potential scope of class and the client's potential exposure by over 90%.

### **Resolution of Fraud, Wrongful Termination, Other Claims**

Obtained a favorable result in a jury trial in the United States District Court for the Western District of Missouri on behalf of an international corporation that had been sued by a number of former employees for fraud, wrongful termination in violation of public policy, and a number of other tort claims. After trial, the remaining claims settled for a small fraction of the settlement demand, saving the client hundreds of thousands of dollars.

## **THOUGHT LEADERSHIP**

March 8, 2019

**Déjà Vu: DOL (Again) Proposes to Increase Income Level for Salaried Exempt Employees**

February 20, 2019

**Illinois Raises State Minimum Wage, Effective Jan. 1, 2020**

May 22, 2018

**U.S. Supreme Court Holds Class Action Waivers In Employee Arbitration Agreements Enforceable**

May 4, 2017

**New St. Louis City Minimum Wage Effective May 5, 2017**

February 2, 2017

**Missouri Legislature Passes Right-to-Work Law**

February 1, 2017

**Employment Law Basics: Mitigating Risk in Managing Your Employees**  
Equipment Dealers News

November 23, 2016

**New Overtime Regulations Enjoined Nationwide**

February 15, 2016

**NLRB Finds Lieutenants Guarding Nuclear Power Plants Lack Supervisory Status**

February 12, 2016

**EEOC and DOL Actions on Wages - The Total Picture**

December 10, 2015

**Missouri Department of Labor Issues Important Memo on Prevailing Wage**

October 27, 2015

**Appeals Court Rules Sexual Orientation Not Covered by the Missouri Human Rights Act**

October 15, 2015

**Judge Stops St. Louis Minimum Wage Increase Due to State Law**

July 15, 2015

**DOL Announces that Most American Workers Should Properly be Classified as Employees under the FLSA**

July 7, 2015

**NLRB Considers Combining Employees, Contract Labor in Bargaining Units**

July 1, 2015

**DOL Sets off Pre-July 4 Fireworks with Proposal to Double Income Level for Salaried Exempt Employees**

July 1, 2015

**Researcher's Overtime Claim Fails under Learned Professional Exemption**

Missouri Employment Law Newsletter

June 18, 2015

**Colorado Employers Can Fire Workers for Off-Duty Medical Marijuana Use**

March 26, 2015

**U.S. Supreme Court Ruling Opens the Door to Interpretation of Pregnancy Discrimination Act**

March 20, 2015

**NLRB General Counsel Offers Guidance on Employer Policies and Rules**

February 1, 2015

**Employee Fails to Prove He Was Constructively Discharged**

Missouri Employment Law Letter

October 3, 2014

**NLRB Refines Test for Determining Independent Contractor Status Versus Employee Status**

October 1, 2014

**Policies Designed to Protect Employees May Do More Harm Than Good**

Missouri Employment Law Letter

July 21, 2014

**Department of Education Issues Guidance on Changes to Clery Act Reporting Procedures and Requirements**

July 1, 2014

**Don't Judge a Book By Its Cover: Is Obesity a Disability Under the ADA?**

Missouri Employment Law Letter

June 30, 2014

**Proposed Regulations Regarding Amendments to the Violence Against Women Act Impose Significant New Obligations on Colleges and Universities**

June 26, 2014

**United States Supreme Court Finds Obama's NLRB Appointments Invalid**

June 18, 2014

**New NLRB Ruling Creates New Hazards for Employer Retaliation Policies**

April 1, 2014

**Do We Have to Pay Summer Interns?**

February 1, 2014

**Independent Contractor or Employee? Clean Up Your Worker Classifications**

Missouri Employment Law Letter

November 1, 2013

**Missouri Supreme Court Narrows Discrimination Exemption for Religious Organizations**

Missouri Employment Law Letter

October 1, 2013

**Missouri Supreme Court Changes Rules for Discrimination Charges**

Missouri Employment Law Letter

## **EVENTS**

April 30, 2019

**Breakfast CLE - Déjà Vu: Time to Prepare for New Overtime Regulations (Again)**

*Armstrong Teasdale*

January 24, 2019

**St. Louis Employment and Labor Seminar**

*Saint Louis Art Museum*

November 16, 2018

**Understanding FLSA Compliance**

*Surgent Professional Education*

June 20, 2018

**Colorado Employment & Labor Seminar**

*Armstrong Teasdale LLP*

January 24, 2018

**Armstrong Teasdale's 18th Annual Employment & Labor Seminar**

*Saint Louis Art Museum*

November 2017

**Ethical Considerations in Employment Litigation**

*6th Annual Missouri Human Rights Conference*

September 2017

**Employment Law Update for Tax Practitioners**

*Edward Jones All-Star Tax Series*

June 2017

**Ethical Considerations for the Employment Litigator**

*The Missouri Bar 2017 Employment Litigation & Policy CLE*

February 2017

**Startups and Emerging Companies Grappling With Employment Law**

*Bar Association of Metropolitan St. Louis CLE Program*

February 2017

**Employment Law Basics: Mitigating Risk in Managing Your Employees**

*Equipment Dealers Association Webinar*

January 25, 2017

**Armstrong Teasdale's 17th Annual Employment & Labor Seminar**

*Saint Louis Art Museum*

November 2016

**The New FLSA Regulations: What They Mean for Your Business and Your Employees**

*Hampton-Chippewa Business Association*

October 2016

**Alternative Forms of Dispute Resolution: Arbitration and Mediation**

*Human Resource Management Association Leadership Conference*

September 2016

**The New FLSA Regulations: What They Mean for Your Business and Your Employees**

*Affton Chamber of Commerce*

August 2016

**How the DOL's Final Overtime Regulations Impact Your Clients and Your Business**

*Edward Jones All-Star Tax Series*

February 2016

**Non-Compete Agreements: Worthwhile Protections or Empty Gestures?**

*CIC @4240 Lunch 'n Learn*

February 2016

**Protecting Your Company from Internal Threats: Fundamentals of Non-Compete and Non-Solicit Agreements**

*HRMA Annual Legal Roundtable*

November 2015

**Pregnancy in the Workplace—the Recent US Supreme Case and Beyond**

*Bar Association of Metropolitan St. Louis (BAMSL)*

November 2015

**Social Media in the Workplace**

*Missouri Department of Health and Senior Services Annual Long-Term Care Provider Meeting*

November 2015

**Noncompete Agreements: Worthwhile Protections or Empty Gestures?**

*Armstrong Teasdale CLE*

October 2015

**2015 Wage and Hour Master Class: The Advanced Interactive Workshop for Missouri Employers**

September 2015

**BLR FMLA Master Class for Missouri Employers**

July 2015

**Secure Your Operation: Protecting Trade Secrets and Ensuring Strong Non-Competes**

*Armstrong Teasdale CLE seminar*

June 2015

**The Game of LIFE**

*Armstrong Teasdale Employment & Labor Mid-Year review*

February 2015

**When Policies Designed to Protect Employees Do More Harm Than Good**

*HRMA Annual Legal Roundtable*

October 2014

**Employee Misclassifications: Exempt Status and Independent Contractors**

*Columbia Business Times Master's Series*