



## ROBERT A. KAISER

### COUNSEL

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Bob Kaiser is a member of the Employment and Labor practice group representing emerging and mature businesses in the full range of labor and personnel-related disputes. Because employment and labor laws and regulations continue to evolve, he deftly guides management in creating “fences” and boundaries to assess risks and decrease litigation.

In the much litigated area involving wage and hour laws, Bob assists in determining the divergence between practical and business reality. He routinely defends companies in both individual and collective actions lawsuits involving denial of overtime pay and misclassification of employees. He also assists employers in Labor Department audits. Bob works proactively by determining potential risks, reviewing job descriptions and auditing payroll practices.

A portion of Bob’s practice includes traditional labor law, a focus he has had for more than 25 years. For small- to mid-sized organizations, he handles labor union relations such as union avoidance, collective bargaining, elections, strikes, picketing and other work stoppage issues and reduction-in-force planning. He routinely arbitrates conflicts between management and the labor unions and appears before the National Labor Relations Board.

As counsel to both public and private sector employers, including manufacturing companies, health care providers and governmental entities, Bob advocates in employment matters throughout the country involving discrimination and wrongful discharge. His cases involve federal and state laws including the Family and Medical Leave Act (FMLA), Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), state antidiscrimination statutes and the Uniformed Services Employment and Reemployment Rights Act (USERRA). He frequently appears before state and federal courts, the Equal Employment Opportunity Commission, the Missouri Human Rights Commission, the Illinois Department of Human Rights and the Department of Labor/Wage and Hour Division.

Bob is particularly knowledgeable with respect to complicated business deals, executive employment agreements, compensation plans, change-in-control agreements, confidentiality and non-compete agreements. He also conducts workplace training as part of management leadership programs and speaks to a wide variety of audiences on divergent subjects such as family and medical leave, age discrimination and wage and hour law.

### SERVICES AND INDUSTRIES

Employment and Labor

Noncompete and Trade  
Secrets

Class Action Litigation

Internal Investigations and  
Regulatory Compliance

Manufacturing and Innovation

Agribusiness and Food

Litigation

### ADMISSIONS

Missouri

Illinois

Supreme Court of the United  
States

U.S. District Court, Eastern  
District of Missouri

U.S. District Court, Western  
District of Missouri

U.S. Court of Appeals, Eighth  
Circuit

U.S. Court of Appeals, Seventh  
Circuit

U.S. Court of Appeals, Tenth  
Circuit

U.S. Court of Appeals, Fifth  
Circuit

## EDUCATION

- University of Missouri School of Law (J.D., 1983)
  - Order of Barristers
- University of Missouri (A.B., 1980)

## PROFESSIONAL ACTIVITIES

- The Missouri Bar (Labor Law Committee)

## CHARITABLE AND CIVIC INVOLVEMENT

- 911 Vision Foundation (Board of Directors)
- Nusach Hari B'Nai Zion Congregation
- Muscular Dystrophy Association (Missouri Counsel)
- Aish HaTorah of St. Louis (Executive Board)
- Volunteer Lawyers and Accountants for the Arts

## ACCOLADES

- Benchmark Litigation, Labor and Employment Star (2019-present)
- Selected as a 2013 *Top Rated Lawyer* in Labor & Employment by *Martindale-Hubbell* and *American Lawyer Media (ALM)*
- *Chambers USA: America's Leading Lawyers for Business* for Labor and Employment Law (multiple years)
- *The Best Lawyers in America*<sup>®</sup>; Employment Law – Management, Labor Law—Management, Litigation—Labor and Employment (2008-present); Lawyer of the Year (2015-2017)
- [Missouri/Kansas Super Lawyers](#)<sup>®</sup> (2008-present); *Super Lawyers*<sup>®</sup>, Business Edition (2011-2014); *Super Lawyers*<sup>®</sup>, Top 100 Missouri & Kansas (2012-2014); *Super Lawyers*<sup>®</sup>, Top 50 St. Louis (2012-present)
- AV<sup>®</sup> Peer Review Rated, *Martindale-Hubbell*

## EXPERIENCE

### Summary Judgment for Fortune 100 Company on MHRA Claims

Obtained summary judgment on Missouri Human Rights Act (MHRA) claims in state court for a Fortune 100 company based on untimeliness and failure to exhaust administrative remedies.

### Secured Unconditional Defense Coverage from Insurer for Client

Client company and its executives were sued by a former employee for various claims arising from allegations of sexual harassment. The client's insurer denied coverage. After prevailing upon the insurer to withdraw its disclaimer, the insurer agreed to

provide an unconditional defense and indemnity for the claims against the client.

#### **Summary Judgment in Employment Discrimination Case**

Secured summary judgment in the Circuit Court of Cape Girardeau County, Missouri, for a university client in a heavily contested employment discrimination case. A former university coach claimed she was discriminated against based on gender stereotyping and implicit bias. Following numerous depositions and testimony from expert witnesses on both sides, the Court granted summary judgment for the university on all counts.

#### **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.

#### **Withdrawal of Unfair Labor Practice Charge Against Manufacturer**

Successfully defended a pet food company against an unfair labor practice charge filed with the National Labor Relations Board. In filing the charge, a union alleged the client unlawfully disciplined and discharged one of its employees because of his support for the union during its organizing campaign. Following a vigorous defense against the allegation, the union withdrew the charge.

#### **Summary Judgment for Hospital in FMLA Retaliation Suit**

Obtained summary judgment ruling for a hospital in the U.S. District Court for the Eastern District of Missouri. The lawsuit brought by former employee alleged retaliation under the Family and Medical Leave Act.

#### **Representation in Class Action Involving Biometric Information Privacy Act**

Represented corporate client in employment-related class action involving the Illinois Biometric Information Privacy Act.

#### **Dismissal of Wrongful Termination Suit for University**

Obtained dismissal of lawsuit brought in the U.S. District Court for the Eastern District of Missouri by the former employee of a university, who claimed wrongful termination in violation of the Americans with Disabilities Act and Missouri Human Rights Act.

#### **Favorable Ruling for University Granting 11th Amendment Immunity**

Obtained favorable ruling in U.S. District Court for the Eastern District of Missouri granting employer 11th Amendment immunity from future litigations.

#### **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.

#### **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.