

Sarah Smith Kuehnel

Shareholder || [Tampa, St. Louis](#)

Sarah Kuehnel has devoted her entire career to providing litigation and counseling services to employers. She represents clients in all areas of employment law, including:

- ▶ Class and collective actions
- ▶ Employment discrimination and retaliation
- ▶ Government agency investigations and subpoenas
- ▶ Harassment investigations
- ▶ Mine safety and health
- ▶ Reasonable accommodations and the interactive process
- ▶ Unemployment
- ▶ Wage and hour
- ▶ Wage garnishments, assignments, and levies

Sarah is admitted to practice in Florida, Illinois, and Missouri. She represents employers before administrative agencies in agency proceedings, investigations, and audits, as well as in state and federal trial and appellate courts. She has successfully defended employers in litigation and government investigations involving many types of claims, including:

- ▶ Age Discrimination in Employment Act (ADEA)
- ▶ Equal Pay Act
- ▶ Fair Credit Reporting Act (FCRA)
- ▶ Fair Labor Standards Act (FLSA)
- ▶ False Claims Act
- ▶ Family and Medical Leave Act (FMLA)
- ▶ Title I of the Americans with Disabilities Act
- ▶ Title III of the Americans with Disabilities Act
- ▶ Title II of the Civil Rights Act
- ▶ Title VII of the Civil Rights Act
- ▶ Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
- ▶ Worker Adjustment and Retraining Notification Act (WARN Act)
- ▶ Workers' Compensation Retaliation
- ▶ Florida Civil Rights Act



Practice Groups



[Employment Law](#), [Litigation](#), [Disability Access](#)

Industry Groups



[Staffing/PEO](#)

- ▶ Florida Minimum Wage Act
- ▶ Florida Whistleblower Act
- ▶ Illinois Biometric Privacy Information Act
- ▶ Illinois Human Rights Act
- ▶ Illinois Minimum Wage Law
- ▶ Mine Safety and Health Act
- ▶ Missouri Human Rights Act
- ▶ Missouri Minimum Wage Law
- ▶ Missouri Prevailing Wage Law

Sarah partners with her clients to determine the best way to meet their goals, whether by assisting in the implementation of employment policies, negotiating early case resolutions, or aggressively and cost-effectively defending her clients against claims brought in state or federal court. In doing so, she has extensive experience representing employers in various industries, including:

- ▶ Banking and finance
- ▶ Hospitality
- ▶ Manufacturing
- ▶ Mining
- ▶ Nonprofit
- ▶ Professional Employer Organizations
- ▶ Retail
- ▶ Restaurants
- ▶ Staffing
- ▶ Technology

Experience

Employment Litigation

- ▶ Won jury trial for healthcare equipment manufacturer and individual defendant on claims of race discrimination and retaliation
- ▶ Won summary judgment, upheld by Eighth Circuit Court of Appeals, against plaintiff's claims of race discrimination against a large food manufacturer
- ▶ Convinced plaintiff to voluntarily dismiss case with prejudice to avoid award of summary judgment in favor of defendant in age discrimination claim pending in federal court in Florida
- ▶ Won summary judgment on Title VII retaliation claim where termination decision and protected activity occurred days apart
- ▶ Won Eighth Circuit Appellate Brief resulting in decision in favor of restaurant chain involving Missouri Human Rights Act claims
- ▶ Won multiple motions to dismiss with prejudice against plaintiff's Florida Whistleblower Act claims
- ▶ Defended a multi-year class action filed by Equal Employment Opportunity Commission, resulting in Consent Decree
- ▶ Defended and negotiated favorable settlement for multiple clients accused of FMLA violations
- ▶ Represented national restaurant in denial of public accommodation claim under Title II of the Civil Rights Act and Title III of the ADA
- ▶ Successfully and expediently resolved Title III ADA claims to minimize exposure to claim for attorneys' fees
- ▶ Defended and successfully negotiated a settlement for international company in case alleging multiple violations of the Americans with Disabilities Act
- ▶ Defended government contractor in case alleging retaliation under the False Claims Act and 10 U.S.C. § 2409
- ▶ Defended large and small companies in state and federal court in claims alleging Workers' Compensation retaliation

- ▶ Negotiated favorable settlement in USERRA claim

Wage and Hour

- ▶ Defended and resolved several cases alleging unpaid wages and/or employee misclassification
- ▶ Defended well-known restaurant in a multi-million dollar wage-hour collective action involving minimum wage claims
- ▶ Defended multiple companies and obtained favorable settlement agreements in collective actions alleging misclassification of exempt employees
- ▶ Represented a large national client against claims of failure to pay minimum wage and overtime
- ▶ Represented a large company against case involving claims of failure to pay wages

Garnishments

- ▶ Won summary judgment on Illinois Income Withholding for Support Act claim in favor of employer where plaintiff sought over \$200,000 in penalties from employer for failure to withhold child support
- ▶ Won Missouri Court of Appeals decision in favor of employer where creditor challenged employer's application of head of family exemption
- ▶ Successfully argued to reverse default judgment against client who initially failed to timely respond to writ of garnishment
- ▶ Defended numerous employers in creditor garnishments, government tax levies, and student loan debts, resulting in avoidance of default judgments for failure to withhold, dismissal of invalid garnishments, favorable settlements, etc.

Agency Complaints, Charges, and Investigations

- ▶ Prepared numerous position statements in response to EEOC, MCHR, IDHR, FCHR charges of discrimination resulting in dismissal and case closures
- ▶ Conciliated multiple cases where EEOC found probable cause supporting charge of discrimination
- ▶ Successfully mediated several charges of discrimination filed by current employees who agreed to resign employment as part of settlement
- ▶ Defended employers in claims before Illinois Department of Human Rights and the Illinois Human Rights Commission
- ▶ Defended large client in Department of Labor audit resulting in dismissal of claim
- ▶ Defended small client during on-site Department of Labor investigation

Employment Counseling

- ▶ Prepared and revised dozens of employee handbooks for both small and multi-state employers, ensuring compliance with federal, state, and local law
- ▶ Advise clients on a variety of employment issues including performance management, termination, medical leaves and accommodation, military leaves, etc.
- ▶ Counseled employers relating to wage garnishments in multiple scenarios, including competing garnishments, tax levies, student loans, etc.
- ▶ Counseled restaurants, hotels, and other businesses on nuances of wage and hour law, including to meal and rest breaks, exemptions, minimum wage and overtime, preliminary and postliminary activities, etc.
- ▶ Prepared cease and desist letters to former employees demanding cessation of violation of non-compete and non-solicit agreements and other unlawful activity
- ▶ Counseled sole-proprietor regarding contractual agreements with clients and independent contractors, including preparation of master service agreements and independent contractor agreements
- ▶ Provide day-to-day employment law guidance to PEO/ASO client

Education & Admittance to Practice

Education

- ▶ J.D., *cum laude*, Washington University School of Law, 2009
- ▶ B.A., *summa cum laude*, Political Science, Southern Illinois University of Edwardsville, 2006

Admittance to Practice

- ▶ Missouri
- ▶ Illinois
- ▶ Florida
- ▶ U.S. District Court, Eastern and Western Districts of Missouri
- ▶ U.S. District Court, Central and Southern Districts of Illinois
- ▶ U.S. District Court, Middle and Northern Districts of Florida
- ▶ United States Supreme Court

Professional Activities & Speeches

Professional Activities

- ▶ The Florida Bar
- ▶ The Illinois Bar
- ▶ The Missouri Bar
- ▶ American Bar Association
- ▶ The Bar Association of Metropolitan St. Louis
- ▶ Military Spouse Juris Doctorate Network (MSJDN)
- ▶ Walton County Bar Association
- ▶ Okaloosa County Bar Association
- ▶ Walton County Chamber of Commerce

Speeches

- ▶ Bay County SHRM Webinar - "Understanding The Families First Coronavirus Response Act: What It Means For Your Business" - March 26, 2020
- ▶ Big Bend SHRM Webinar - "Navigating through H.R. 6201 Bill The Families First Coronavirus Response Act" - March 24, 2020
- ▶ Managing a Workforce in 2020 - "Test Your Knowledge" - Tampa - October 2, 2019
- ▶ Gateway Association of Payroll Professions - "Garnishments: What Employers Need to Know" - St. Louis - September 19, 2019
- ▶ ECC SHRM - "Pre-Employment Tests & Top 10 Hiring Mistakes" - Ft. Walton - May 17, 2019
- ▶ Ogletree Deakins Podcast - "Third Thursdays with Ruthie: Policies and Protected Concerted Activity" - May 16, 2019

- Mobile County SHRM Meeting - "Harassment & Bullying in the #MeToo Era" - Mobile - April 25, 2019
- Ogletree Deakins Webinar - "Put to the Test: Understanding and Reducing the Risks of Pre-Employment Testing" - April 24, 2019
- Northeast Missouri SHRM - "2019 Legal Update & What's In Your Handbook" - Hannibal - April 17, 2019
- Ogletree Deakins Podcast - "Pre-Employment Tests: Best Practices to Minimize Risks" - April 2, 2019
- USERRA Webinar - "Military Spouse JD Network" - March 29, 2019
- Bay County SHRM - "Employee Relations Issues After a Natural Disaster" - Panama City Beach - March 28, 2019
- Lorman Webinar - "Legal Implications of Testing Job Applicants" - February 8, 2019
- Wiregrass Human Resources Management Association's Annual Forum - "Top 5 Hiring Mistakes" - Dothan - November 14, 2018
- Lorman Webinar - "Legal Implications of Testing Job Applicants" - November 9, 2018
- NBI: Human Resource Law Boot Camp - "Social Media Policies: Balancing Employer Needs and Employee Rights" - St. Louis - November 7, 2018
- NBI: Human Resources Law Boot Camp - "Hiring and Firing: Legal Do's and Don'ts for Crucial HR Functions" - St. Louis - November 7, 2018
- Mobile SHRM Annual Conference - "Top 10 Hiring Mistakes" - Mobile - November 2, 2018
- Military Spouse JD Network's Making the Right Moves Annual Conference - "Lawyering Remotely" - San Diego - October 19, 2018
- HRMA - "Reality HR: Watch a #MeToo Employee Take a Company and Human Resources All the Way to Trial" - St. Louis - October 12, 2018
- Ogletree Deakins Seminar - "LGBTQIA Workplace Issues" - St. Louis - September 25, 2018
- Ogletree Deakins Seminar - "Panel Discussion: Top 10 Employment Law Issues" - St. Louis - September 25, 2018
- Ogletree Deakins Briefing - "50 Ways to Leave Your Workplace" - Pensacola - June 15, 2018
- Ogletree Deakins Briefing - "Homeward Bound: Legal and Practical Issues Arising from Telecommuting Arrangements" - Pensacola - June 15, 2018

- ▶ SHRM - "Retaliation: Two Can Play That Game . . . Or Can They?" - Ft. Walton - May 16, 2018
- ▶ SHRM - "Panel on Top 10 Employment Law Questions" - Tallahassee - May 9, 2018
- ▶ Bay County SHRM - "Hiring Dos and Don'ts" - Panama City - February 22, 2018
- ▶ Ogletree Deakins Briefing - "2018 Legal Updates" - St. Louis - November 16, 2017
- ▶ Wiregrass Human Resources Management Association - "Dealing with Difficult Employees" - Dothan - November 15, 2017
- ▶ SHRM - "A Review of 2017 Labor & Employment Issues and a Look Ahead to 2018" - Hannibal - October 18, 2017
- ▶ Greater Fort Walton Chamber of Commerce - "HR Hot Topics" - Fort Walton - October 15, 2017
- ▶ Ogletree Deakins Briefing - "Headline News" - St. Louis - September 28, 2017
- ▶ SHRM - "Dealing with Difficult Employees" - Biloxi - September 15, 2017
- ▶ Greater Pensacola SHRM Chapter - "Retaliation - Two Can Play That Game - Or Can They?" - Pensacola - May 17, 2017
- ▶ SHRM - "Managing Employee Leave: Uniformed Services Employment & Reemployment Rights Act (USERRA)" - Fort Walton - January 18, 2017
- ▶ Ogletree Deakins Seminar - "Avoiding Employers' Number One Risk - Retaliation Claims" - Tampa - November 4, 2016
- ▶ Ogletree Deakins Seminar - "Garnishments - What Employers Need to Know" - St. Louis - September 21, 2016
- ▶ Ogletree Deakins Seminar - "Two Can Play That Game . . . Or Can They?" - St. Louis - September 17, 2015
- ▶ Gateway Association of Payroll Professionals Seminar - "Workplace Leadership: Employee Engagement and Performance Management" - St. Louis - December 2014
- ▶ Ogletree Deakins Seminar - "Returning Veterans to the Workplace: USERRA" - St. Louis - September 2014
- ▶ Human Resources Management Association Legal Roundtable - "Garnishment Nuts and Bolts" - St. Louis - March 2014
- ▶ Ogletree Deakins Seminar - "Regulating Individual Expression - In and Out of the Workplace" - St. Louis - September 2013
- ▶ Human Resources Management Association Legal Roundtable - "USERRA and Military Leave Under the FMLA" - St. Louis - March 2013

- ▶ Ogletree Deakins Seminar - "On-Site Investigations by Administrative Agencies" - St. Louis - September 2012
 - ▶ Ogletree Deakins Seminar - "Harassment Investigations in the Workplace" - St. Louis - April 2011
 - ▶ Council on Education in Management - "A Toolkit for Managing the FMLA" - St. Louis - March 2010
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Published Works

- ▶ [April 27, 2020 - LODGING Magazine - "Seven Cost-Saving Measures to Help Hoteliers Avoid Layoffs"](#)
 - ▶ [January 4, 2018 - SHRM Online - "Florida Statute Preempts Miami Beach Minimum Wage Ordinance, Court Finds"](#)
 - ▶ Fall 2017 - ABA YLD Labor & Employment Law Committee - "EEOC Attacks Physical Ability Tests"
 - ▶ 2016 - Labor and Employment Law Committee Newsletter - "Employment Law Verdict Update"
 - ▶ 2011 - American Bar Association Midwinter Report - "Family and Medical Leave Act"
 - ▶ 2010 - American Bar Association Midwinter Report - "Family and Medical Leave Act"
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Media Quotes

- ▶ March 31, 2020 - [QSR Magazine](#) - "What Does the Stimulus Package Mean for Restaurants?"
- ▶ March 31, 2020 - [QSR Magazine](#) - "For Restaurants, there's a Big Problem with the Stimulus Package"
- ▶ May 8, 2019 - [Law360](#) - "Law360 Names Attys Who Moved Up The Firm Ranks In Q1"
- ▶ October 23, 2018 - [Missouri Lawyers Weekly](#) - "Up & Coming Honorees: Sarah Smith Kuehnel, 34"
- ▶ July 20, 2018 - [EHS Today](#) - "EEOC Cracks Down on Pre-Employment Physical Testing"
- ▶ September 28, 2017 - [Diversity & Flexibility Alliance](#) - "Spotlight on Flex - Sarah Kuehnel"

Honors & Awards



- ▶ *Super Lawyers* Rising Star (2017-2019)

- ▶ Martindale-Hubbell AV Preeminent Peer Review Rating

- ▶ *Missouri Lawyers Weekly's* Up and Coming Award (2018)

- ▶ Board Certified in Labor and Employment Law by the Florida Board of Legal Specialization
