

**Amber K. Dodds**

Associate

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About Amber

Amber Dodds counsels employers in all areas of employment law. Her advice includes analysis and direction on employment and benefits issues, such as leave administration, employee investigations, use of background checks and consumer reports, employee discipline and preventing harassment and retaliation claims. She drafts employment policies and employee handbooks specific to client industry and management needs. Amber also routinely advises on employee pay practices, such as compliance with overtime, per diem, pay deduction, and exemption classification requirements. She has experience advising clients on compliance with Occupational Safety and Health Act (OSHA) regulations, including the General Duty Clause, Process Safety Management, and a variety of industry or hazard-specific regulations.

In addition to regulatory and employment-law compliance, Amber represents employers in pre-litigation administrative investigation and hearings, settlement negotiations, and federal and state court litigation. Her litigation matters have included a variety of employment-law claims, such as retaliation, wrongful termination, discrimination, harassment, and wage and hour issues, as well as general civil litigation matters in the public, private and religious organization employer context. Amber is also experienced in Fair Labor Standards Act (FLSA) collective action litigation, including class certification and notice issues.

Amber served as an intern in the United States District Court for the Western District of Texas with the Honorable Lee Yeakel and the Texas First Court of Appeals with Justice Evelyn V. Keyes.

Recent Notable Matters

Alice Meadows v. Texas TransEastern, Inc. (55th Judicial District Court, Harris County, June 2019) — Obtained jury verdict in favor of Texas TransEastern on claims that it discriminated, harassed, failed to accommodate and retaliated against a former employee because of a disability. Also obtained an advisory verdict from the jury that Texas TransEastern be paid the attorneys' fees it incurred defending against the plaintiff's claims.

International cybersecurity and logistics provider — arbitration of former employee in Americans with Disabilities Act, Family and Medical Leave Act, and breach of contract claims; obtained dismissal of most claims through motion briefing; resolved remaining claims for minimal settlement amount

Bexar County, Texas — Reyes v. Bexar County et al., (W.D. Tex. 2016); against deputy constable First Amendment claim regarding employment termination; drafted successful motion for summary judgment resulting in dismissal of case

Multi-state organization of national religious denomination — led financial evidence section of legal team in state court financial fraud litigation; developed expert report and damages model with client and forensic

accounting expert; obtained judgment for full amount of damages model, totaling more than \$2 million, in favor of client

Fortune 20 vehicle sales and rental company — Equal Employment Opportunity Commission directed investigation of hiring practices for compliance with Age Discrimination in Employment Act, including review of hiring process and documents, strategy, preparation of submission to Commission, and response to Commission inquiries

National energy production company — Fair Labor Standards Act collective action litigation; co-wrote successful motion opposing class certification; grant of motion led to very favorable settlement

REXAM Beverage Can Americas — multiple grievances filed by union representing its employees; advice involved multiple mediations and settlement of grievances

Leading beverage distributor — contesting OSHA citations under the Process Safety Management, confined space entry, and grain dust standards; representation included depositions of multiple OSHA investigators; extensive research on affirmative defenses; finding, engaging and interviewing an expert witness; and ensuring compliance with abatement requirements under the resulting abatement agreement

Manufacturing company — analyzed business need to reduce staff and designed reduction in force program that complied with the Age Discrimination in Employment Act; drafted employee notice for compliance with federal Worker Adjustment and Retraining Notice Act; counseled client regarding options for benefits, drafted communication with participants, produced separation agreements, and assisted client with implementation

Private university — designed successful Voluntary Exit Program enabling university to meet financial constraints through employee voluntary separation from employment; program provided benefits to two employee groups, staff and faculty, in compliance with Age Discrimination in Employment Act; counseled client regarding options for benefits, drafted communication with participants, produced separation agreements, and assisted client with implementation

Publications and Speeches

"Arbitration Agreements," SAHRMA Employment Law Conference, August 22, 2018.

"'Why Matters' - In Texas, Proving Same-Sex Harassment 'More Complicated' than Proving Opposite-Sex Harassment," Lexology, April 10, 2018.

"The case for uniform ban-the-box laws," *Strategic HR Review*, December 2017.

"Fitness-for-Duty Inquiries and Examinations under the ADA, FMLA, GINA and HIPAA: What Information an Employer may Seek and How to Do It Right," SAHRMA Employment Law Conference, August 23, 2017.

"Employment Law Retaliation in the Digital Age," *Corporate Compliance Insights*, July 14, 2017

"OSHA Obligations in Crisis Situations: Is Your Facility Prepared?" *Westlaw Journal*, October 2016.

"Austin Bans the Box: Is it Time to Review Your Employment Application and Hiring Process?" *Law360*, July 2016.

"Strategies for Compliance with the Department of Labor Revised Overtime Regulations," *Webinar*, June 23, 2016.

"Labor & Employment 2015-2016 A Year in Review & Trends," *Webinar*, January 21, 2016.

"OSHA Sharpens Focus on Businesses' Obligations to Contingent Workers," *HR Online*, December 2, 2015.

"Don't Tell Me No! The NLRB Crackdown on Employer Social Media and Behavior Policies," *Human Resources Executive Online*, March 16, 2015.

"Ten Employer New Year's Resolutions: Implementing Lessons Learned from 2014," *Bloomberg Law*, February 2015.

"Making Room for Fido at Work: Animals in the Workplace as Reasonable Accommodations," *Labor Law Journal*, Winter 2014.

"Effects Bargaining: Understanding the Impact on the Sale of Businesses," *Inside Counsel*, October 27, 2014.

"Thinking about Hiring Interns? New Case Reminds Employers of Rules on Interns," *Employee Benefit Plan Review*, October 2014.

"Accommodations for the Non-Disabled Pregnant Worker: EEOC Guidance and Supreme Court Developments," *Corporate Counsel*, September 2014.

"Considerations Before Mandating English In The Workplace," *Law360*, December 18, 2013.

"Pregame Strategies To Beat Bullying," *Law360*, December 12, 2013.

"To AMA, Obesity Is A Disease, But To ADA ...," *Law360*, August 16, 2013.

Education

The University of Texas School of Law, J.D.
2012 – *with honors*

Boston University, Master of Theological Studies
2008 – *summa cum laude*

Trinity University, B.A.
2006 – *summa cum laude, Phi Beta Kappa*

Certifications

Board Certified in Labor and Employment by the Texas Board of Legal Specialization

Noteworthy

U.S. District Court for the Western District of Texas, Intern

Texas First Court of Appeals, Intern

The University of Texas School of Law, *Texas International Law Journal*, Article and Notes Editor

The University of Texas School of Law, Dean's Achievement Award, Outstanding Performance in Business Associations

Affiliations

YWCA San Antonio, Board of Directors; 2014-2019

Concordia University, Nebraska, Personnel Committee

Bar Admissions

Texas