

Kevin D. Kelly

Partner

Chicago

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Kevin counsels clients in a variety of industries on a wide range of labor and employment issues and defends them in various types of litigation.

OVERVIEW

Although Kevin's practice covers the gamut of labor and employment counseling and litigation, he is particularly experienced in traditional labor issues, such as union election campaigns, strikes and picketing, and the negotiation of collective bargaining agreements. He handles labor arbitrations involving a variety of issues, and he regularly counsels companies in the construction, residential management, and other industries on labor-management relations issues, including discipline and discharge of union employees, and interpretation of collective bargaining agreements. Kevin is counsel to the Apartment Building Owners and Managers Association of Illinois, a multiemployer bargaining association in the residential management space, and he is also counsel to two Taft-Hartley trust funds.

In addition to his experience in employment discrimination, wage and hour, whistleblower, and labor litigation, Kevin also represents clients in non-competition and trade secret litigation in a variety of forums. He prepares viable restrictive covenants for companies, and he drafts numerous employment and severance agreements for C-level executives and other employees.

Kevin regularly assists clients with workplace investigations, wage and hour compliance reviews, reductions in force, employee handbook reviews, ADA reasonable accommodation issues, compliance with state and federal leave laws and local sick leave ordinances, implementation of pre-dispute arbitration programs, OSHA compliance, and affirmative action issues. He often conducts workplace training for supervisors on a variety of employment law topics.

Kevin's previous experience includes four years of service in the U.S. Navy as communications officer and ordnance officer onboard the cruiser USS Ticonderoga (CG-47).

REPRESENTATIVE MATTERS

- As counsel to the Apartment Building Owners and Managers Association of Illinois, guided the negotiation of the Chicago city-wide collective bargaining agreements covering janitorial and door staff for hundreds of residential buildings.
- Obtained a complete dismissal of a multimillion-dollar federal court class action against a construction client by

enforcing an arbitration provision and class action waiver in a collective bargaining agreement.

- Defended a staffing company in a class action case under the Illinois Wage Payment and Collection Act involving more than 21,000 class members and negotiated a comprehensive settlement of the matter on a claims-made basis.
- Defended a construction firm in three separately filed wage and hour class actions in California and negotiated a settlement of the matters following consolidation and removal to federal court under CAFA.
- Obtained a federal court injunction halting a widespread work stoppage by a union that violated a no-strike clause in a collective bargaining agreement.
- Defended a construction firm against retaliation claims under state law in a bench trial in federal court in Portland, Oregon.
- Guided multiple clients through large-scale reductions in force in 2008-2009 and 2020.
- Counseled numerous clients on the implementation of pre-dispute arbitration agreements covering employees in multiple states, including the structuring of such agreements to avoid class/collective action claims.

AWARDS

- *Crain's Chicago Business*, Notable Leader, Employment and Labor Law (2023)
- *Best Lawyers in America*®, Employment Law – Management (2016-2026)
- *Super Lawyers*® Illinois, Employment & Labor (2018-2022)
- *Super Lawyers*® Illinois Rising Star, Employment & Labor (2008-2010)

TOP AREAS OF FOCUS

- Labor + Employment

ALL AREAS OF FOCUS

- Accessible Facilities and Services (ADA Titles II and III)
- Commercial Mortgage-Backed Securities Special Servicing
- Emerging Companies + Venture Capital
- Employment Counseling
- Labor + Employment
- Litigation + Trial
- Noncompete + Trade Secrets
- OSHA + Workplace Safety
- Traditional Labor
- Wage + Hour Matters

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, American Bar Association Labor and Employment Law Section

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Chicago Law School, J.D., *with honors*, 1999
- University of Chicago, B.A., *with honors*, 1992

BAR ADMISSIONS

- Illinois
- Michigan

COURT ADMISSIONS

- U.S. District Court, Western District of Michigan
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Illinois, Trial Bar
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Seventh Circuit

SPEAKING ENGAGEMENTS

- Speaker, Apartment Building Owners and Managers Association of Illinois (ABOMA), annually.

PUBLICATIONS

- Author, “Permanent Changes for Temporary Employees: Illinois Expands Protections for Temporary Employees and Implements Stricter Compliance Requirements for Temporary Agencies and Employers,” *Locke Lord*, October 2023.
- Co-author, “The NLRB Joins the Trend of Trying to Restrict Non-Compete Agreements,” *Locke Lord QuickStudy*, June 1, 2023.
- Author, “Illinois Enacts Statewide Paid Leave Law Mandating Paid Leave for Any Reason,” *Locke Lord*, May 2023.
- Co-author, “NLRB Greatly Expands Scope of Unfair Labor Practice Remedies,” *Locke Lord QuickStudy*, December 15, 2022.
- Co-author, “An Overview of Recent Changes to Chicago and Illinois Employment Laws,” *Locke Lord QuickStudy*, July 11, 2022.
- Author, “Florida’s ‘Stop WOKE’ Act and Its Potential Impact on DEI Training,” *Locke Lord*, May 2022.
- Author, “Recent, and Upcoming, Changes in Illinois Employment Law,” *Locke Lord*, May 2022.
- Co-author, “Memes, Emoticons, and Social Media Posts as Protected Concerted Activity,” *Locke Lord QuickStudy*, February 22, 2022.
- Author, “Illinois Imposes Substantial New Limitations on Employee Non-Compete and Non-Solicit Agreements,” *Locke Lord*, October 2021.
- Co-author, “Illinois Enacts Sweeping Changes Impacting Employer Use of Criminal Conviction Records with Respect to Applicants and Employees,” *Locke Lord QuickStudy*, March 26, 2021.
- Co-author, “NLRB Reverses Course with Significant Rulings on Employee Email Use, Investigation Confidentiality, and Union Election Rules,” *Locke Lord QuickStudy*, February 5, 2020.

MEDIA COMMENTARY

- Quote, “How Employers Can Embrace DEI Without Inviting Lawsuits,” *National Law Journal*, November 2, 2023.