



Whitney M. Dowdy

Shareholder

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Whitney M. Dowdy represents employers and management clients regarding all aspects of employment law, with an emphasis on the Fair Labor Standards Act, the Family Medical Leave Act, and discrimination, harassment and retaliation claims.

As a shareholder in the Memphis office, Ms. Dowdy has extensive experience representing clients in employment matters before the Equal Employment Opportunity Commission, the Department of Labor, state agencies, and in various state and federal courts.

Ms. Dowdy's work for employers includes drafting employee handbooks and policies, training supervisors and managers on the implementation of these policies, and providing guidance and advice on current employment-related legislation and agency initiatives. Ms. Dowdy has successfully defended employers against employee claims and audits by the Equal Employment Opportunity Commission, the Department of Labor's Wage and Hour Division, the Occupational Safety & Health Administration, the Office of Federal Contract Compliance Programs, and various other state and federal agencies.

Ms. Dowdy also regularly advises higher education institutions on matters related to Title IX. Specifically, Ms. Dowdy serves as a Title IX investigator and provides training on Title IX investigations for higher education institutions.

Ms. Dowdy has experience representing other clients in eminent domain matters, appellate actions, and business or commercial litigation.

Ms. Dowdy previously served as law clerk to The Honorable Karl S. Forester, U.S. District Court Judge for the Eastern District of Kentucky.

Representative Matters

- Successfully handled audits by the Department of Labor's Wage and Hour Division, OSHA, and the OFCCP for multiple employers.
- Successfully enforced employee agreements, particularly covenants not to compete and other restrictive covenants in various jurisdictions.
- Obtained summary judgment in federal court in Memphis, Tennessee for medical device manufacturer in case filed by former employee alleging age discrimination.
- Obtained summary judgment in federal court in Houston, Texas for medical device manufacturer in a case filed by former employee alleging disability discrimination, FMLA interference, and workers' compensation retaliation.
- Represented a manufacturing company in a labor lawsuit filed in Mexico by a former employee. Obtained a full dismissal of the Mexican lawsuit by filing suit against the employee in the Western District of Texas and requesting an anti-suit injunction.
- Successfully defended casino and won summary judgment motion on all claims filed by plaintiff, a former blackjack dealer who alleged discrimination based on disability and failure to accommodate such disability in violation of the Americans with Disabilities Act. Plaintiff further asserted claims for retaliation and interference with her rights guaranteed under the Family Medical Leave Act.

- Secured numerous "no cause" findings for multiple employers before Equal Employment Opportunity Commission, Tennessee Human Rights Commission, and many other state agencies.
- Conducted internal compliance audits related to payroll practices, workforce classification, immigration compliance, and related issues.
- Successfully obtained summary judgment for global aggregates company defending against multiple lawsuits brought by mineral lessors. The ruling was affirmed by the United States Court of Appeals for the Sixth Circuit.
- Represented a municipal mayor who was sued individually and in his official capacity. A motion to dismiss was filed on his behalf, arguing the mayor was immune from suit given the allegations presented. Order entered granting the mayor's motion, and all claims alleged against him by the unions were dismissed.
- Represented a manufacturing company in a labor lawsuit filed in Mexico by a former employee. Obtained a full dismissal of the Mexican lawsuit by filing suit against the employee in the Western District of Texas and requesting an anti-suit injunction.



Professional Honors & Activities

- Listed in *Best Lawyers in America*® in Labor & Employment Litigation (2018 – 2022)
- Listed in *Mid-South Super Lawyers* in Labor & Employment (2020, 2021)
- Listed as a *Mid-South Super Lawyer* Rising Star (2012 – 2019)
- Member – Association for Women Attorneys
- Member – American, Federal, Tennessee and Kentucky Bar Associations
- Tennessee Bar Association Leadership Law Class Graduate (2016)
- Member – Memphis Bar Association; MBA Leadership Forum 2009 – 2010 Class Member
- Frank J. Glankler Jr. Pro Bono Award
- Co-Chair – Women's Initiative Memphis Office
- Named among "Top 40 Under Forty" by the *Memphis Business Journal*



Publications

- "When a Client Relationship Turns into a Lasting Friendship," *Women's Initiative Newsletter* (October 2021)
- "No Pressure Meditation with "The Anxious Lawyer" by Jeena Cho," *Women's Initiative Newsletter* (April 2019)
- Co-author – "Jerks in the Workplace: The Legal Risks Created by Bullying," *HR Professionals Magazine* (August 2013)
- Co-author – "How to Best Protect Your Intellectual Assets," *HR Professionals Magazine* (September 2012)



Speaking Engagements

- "New Tip Pooling Rules from DOL: What's the Big Deal?," Seventh Annual Tennessee Hospitality and Tourism Law Symposium (August 2018)
- "Interviewing with Intention," University of Memphis Title IX Conference (July 2018)
- "Report Writing," University of Memphis Title IX Conference (July 2018)
- Co-presenter – "Employment Law: Everything You Need to Know for a Smooth HR Team," Seventh Annual Hospitality and Tourism Law Symposium (July 2018)
- "Legal Issues Confronting Inside Counsel" (October 2017)
- Co-presenter – "Are You and Your Employees Ready to Handle ADA Issues?," Sixth Annual Hospitality & Tourism Law Symposium (July 2017)
- "Employment Practices That Could Keep You Out of Court," Sixth Annual Hospitality & Tourism Law Symposium (July 2017)

- "Hot L&E Topics for 2017 (Memphis)" (January 2017)
- "The DOL's Proposed Salary Regulations: How to Fight Them, Plan for Them and Live With Them," Memphis SHRM Half-Day Legal Seminar (March 2016)
- "Is Your Company Hitting Flat Notes on Wage & Hour Issues?," Tennessee State SHRM Conference - Legal Day (September 2012)



Webinars

- Best Practices in Handling Employee Complaints and Conducting Internal Investigations (February 2018)
- Sexual Harassment in the #MeToo Era – Is Your Company Ready? (January 2018)
- Title IX Investigations: Process, Pitfalls and Tips Revealed Through Recent Case Law (September 2017)



Education

- University of Kentucky College of Law, J.D., 2004
 - Editor in Chief – *Journal of Natural Resources and Environmental Law*
- Transylvania University, B.A., 2001



Admissions

- Tennessee, All Courts
- Kentucky, All Courts
- United States District Court for the Western and Eastern Districts of Kentucky
- United States District Court for the Western District of Tennessee
- Sixth Circuit Court of Appeals