



## Whitney M. Dowdy

Shareholder

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Whitney M. Dowdy, chair of Baker Donelson's New Litigator Group, 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

- Conducted wage and hour audits, including one of 100 employees for a client in the logistics industry. In light of the DOL's proposed changes to the salary basis for exempt employees, the audit included an analysis of the client's workforce and its classification of employees, with a focus on the client's exempt positions and compensation. The audit resulted in recommendations regarding reclassification of employees and alterations in compensation structure.
- 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 a medical device manufacturer in a case filed by a former employee alleging age discrimination.
- Obtained summary judgment in federal court in Houston, Texas for a medical device manufacturer in a case filed by a 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 a casino and won summary judgment motion on all claims filed by the 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 (ADA). The plaintiff further asserted claims for retaliation and interference with her rights guaranteed under the FMLA.
- Secured numerous "no cause" findings for multiple employers before the 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 a 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.



## Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Labor & Employment Litigation (2018 – 2025)
- Selected to Mid-South Super Lawyers in Labor & Employment (2020 – 2024)
- Selected to Mid-South Rising Stars (2012 – 2019)
- Rule 31 Listed Mediator
- Member – Association for Women Attorneys
- Member – American, Federal, Tennessee and Kentucky Bar Associations
- Board Member – Community Legal Center
- 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

- "It's Time to Revise Your Title IX Policy and Procedures: The Biden Administration Rolls Back Trump-Era Title IX Regulations and Expands Protections " (April 2024)
- "When a Client Relationship Turns into a Lasting Friendship," *Women's Initiative Newsletter* (October 2021)
- 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)
- Co-presenter – "Employment Law: Everything You Need to Know for a Smooth HR Team," Seventh Annual Hospitality and Tourism Law Symposium (July 2018)

- 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)
- "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

- Implementing the Title IX 2024 Final Rule in the Midst of State-Level Legal Challenges (July 2024)



## 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