



MICHAEL R. GOTZLER

Founding Partner

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OVERVIEW

Mike is a founding partner of Clark & Gotzler, Attorneys at Law, a firm devoted exclusively to representing and advising employers on all employment-related matters. Mike has been providing legal and practical human resources advice to a wide range of employers for over 20 years, including 10 years as General Counsel of an HR firm that provided temporary staffing, executive recruiting, HR consulting and integrated HR services throughout the U.S.

While serving as an attorney at one of the nation's leading labor and employment law firms (Seyfarth Shaw) and later at the world's largest law firm (Baker & McKenzie), he represented clients in a wide range of employment matters, including litigation before courts and administrative agencies. His practice includes employment litigation, ADA/FMLA leave and accommodation issues, wage & hour compliance, non-compete agreements and other restrictive covenants, independent contractor issues, labor relations and NLRB proceedings and preventive HR audits and training. To help his clients minimize claims, he has designed and delivered a wide range of HR training courses, including anti-harassment courses designed with EEOC involvement and approval.

During his career, Mike has partnered with and provided legal counsel to employers of all sizes and industries throughout the U.S., from multi-national Fortune 50 companies to start-up companies looking to hire their first employee.

Mike has developed particular expertise in understanding issues surrounding joint and co-employment, the use of third-party workers, independent contractors, and outsourced HR services. He has presented at national conferences, represented business at White House briefings, participated on expert panels and been regularly interviewed and quoted as a result.

Bar & Court Admissions

- Wisconsin (1997)
- Illinois (1997)
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Central District of Illinois

Education

- University of Wisconsin Law School (J.D., 1997)
 - Honors Graduate
 - International Law Journal
- University of Wisconsin Milwaukee, summa cum laude (B.A., 1993)
 - Phi Beta Kappa
 - Honors Program Graduate

Industry Leadership, Honors & Recognition

- AV Preeminent® rating from Martindale-Hubbell Attorney Peer Review Rating
- “Top Rated Labor & Employment Lawyers” from the American Lawyer and National Law Journal
- National Association of Professional Employer Organizations (NAPEO)
 - Legal Advisory Council
 - Chair – Midwest Leadership Council
- Wisconsin Association of Staffing Services, Board of Directors
- State of Wisconsin, Unemployment Insurance Advisory Council, Appointed Member
- State of Wisconsin, Workers’ Compensation PEO Study Committee
- Greater Madison “40 Under 40”
- Leadership Greater Madison



Michael R. Gotzler



Professional Affiliations

- State Bar of Wisconsin, Labor & Employment Section
- Society of Human Resource Management (SHRM)

Community Involvement

Mike is active in a number of community and civic organizations. He serves or has served at the following organizations:

- Rotary, Downtown Madison Rotary
- Juvenile Diabetes Research Foundation (JDRF), Western Wisconsin, President (2017-2018)
- Wisconsin Historical Foundation, Director (2005-2014)
- Wisconsin Early Childhood Association

Personal

Mike lives with his wife and three daughters. They enjoy being active and exploring all that Wisconsin has to offer.

EXPERIENCE

Mike has guided his client employers to successful dismissal of dozens of claims before various courts and administrative enforcement agencies.

Mike has advised employers on a wide range of employment issues including employee leaves of absence, independent contractor status, reasonable accommodation requests, FLSA and other wage & hour compliance, and employment policies and procedures.

Mike was one of the first individuals selected to deliver sexual harassment training as part of the 1999 conciliation agreement in EEOC v. Ford Motor Co., under which Ford was required to provide EEOC-approved sexual harassment training to its more than 100,000 employees in the U.S. Mike also then trained and certified other facilitators.

Mike played a key role in passage of the Wisconsin laws that regulate PEOs (professional employer organizations) and was recognized by the industry for his efforts. He has also advocated on behalf of the staffing industry on a wide range of legislative and regulatory matters.

Mike has represented employers in NLRB proceedings, collective bargaining negotiations, grievance and arbitration proceedings, organizing campaigns and a wide range of labor disputes.

Szmaj v. AT&T, Inc., 2001 U.S. Dist. LEXIS 22601 (C.D. Ill, Aug. 7, 2001) *aff'd* 291 F.3d 955 (7th Cir. 2002) (granting summary judgment to employer on failure to accommodate claims)

Long v. Illinois Municipal Electric Agency, 90 F.Supp.2d 181 (C.D. Ill 2000) (granting summary judgment to employer on claims of wrongful termination, § 1983 due process violations, and breach of contract)

SPEAKING ENGAGEMENTS

"Is the Gig Up? Compliance and the Independent Contractor," May 23, 2018, Wisconsin State Bar Association Seminar

"Responding to Sexual Harassment in the #MeToo Era," May 10, 2018, Tri-State Human Resources Association, Dubuque, IA

"Employment Law & HR Best Practices for Non-Profits," February 13, 2018, Milwaukee, WI

"Employment Law & HR Best Practices for Non-Profits," January 16, 2018, Madison, WI

"Where Did Your Employees Go? Leaves of Absence and Independent Contractors," December 12, 2017, Risk Management Conference, Madison, WI

"Staffing Industry Challenges and Opportunities," November 16, 2017, Wisconsin Association of Staffing Services, Annual Legal & Legislative Conference "Employment Law Update," September 27, 2017, NAPEO (National Association of Professional Employer Organizations), Chicago, IL

"OSHA's Temporary Worker Initiative," September 20, 2017, Wausau Employer Safety Council, Wausau, WI

"Unemployment Insurance Law Update," August 16, 2017, WMC Policy Day, Madison, WI

"Investigations in the Staffing Industry," June 14, 2017, Wisconsin Association of Staffing Services Webinar

"Compensation Analysis and Wage & Hour Risk Management," May 10, 2017, Dodge County SHRM

"Employment Law Challenges in the Staffing Industry," April 6, 2017, Midwest Staffing Conference, Chicago, IL

"The New FLSA Exemption Rule – Impact on the Staffing Industry," June 23, 2016, Wisconsin Association of Staffing Services Webinar

"The New FLSA Exemption Rule – Impact on Non-Profit Employers," June 8, 2016 Madison, WI

"Legal Aspects of Workplace Investigations," May 26, 2016, Metro Milwaukee SHRM and ASIS Investigations Conference, Milwaukee, WI

"FLSA Exemption Overhaul – What HR Executives Need to Know," May 13, 2016, Madison HR Executives Roundtable, Madison, WI

"Independent Contractors - Growing Challenges," May 17-18, 2016, National Association of Professional Employer Organizations (NAPEO), Annual Legal Conference, Washington, D.C.

"Most Pressing Legal Issues for HR Professionals," September 21, 2016, University of Wisconsin Business School

"The Most Pressing Employment Law Issues for 2016," January 20, 2016, Wisconsin Association of Staffing Services – Annual Legal Conference, Madison, WI

"Assessing the ACA," March 23, 2015, WisBusiness Expert Panel, Madison, WI

"Legal Issues in the Staffing and Recruiting Industries," February 2, 2015, University of Wisconsin Business School, Madison, WI

"Healthcare Reform Update," May 14, 2014, Affiliated Staffing Group (ASG) National Conference, Madison, Wisconsin

"Midwest Regional HR / Legal – 2013 Update," February 11, 2014, National Association of Professional Employer Organizations (NAPEO), National Teleconference

"Will The ACA Work?," December 13, 2013 broadcast, WTMJ 620 AM, Milwaukee, Wisconsin

"Legal Issues in the Staffing and Recruiting Industries," December 4, 2013, University of Wisconsin, Madison, WI

"ACA – Key Information for Employers to Know," December 3, 2013 broadcast, WTMJ 620 AM, Milwaukee, Wisconsin

"Health Care Reform: What HR Leaders Need to Know," October 16, 2013, Tri-County HR Association, Southwestern Wisconsin

"ACA – Why October 1 is Important Date," September 27, 2013 broadcast, WTMJ 620 AM, Milwaukee, Wisconsin

"Health Care Reform," September 18, 2013, Greater Madison Chamber of Commerce, Madison, Wisconsin

"Health Care Reform: Strategic Considerations a Leader Should Consider," July 30, 2013, Milwaukee, Wisconsin

"Health Care Reform: Strategic Considerations a Leader Should Consider," July 16, 2013, Madison, Wisconsin

"The Affordable Care Act – What Manufacturers Need to Know," May 30, 2013, Wisconsin Manufacturing Extension Partnership, Milwaukee, Wisconsin

"The Affordable Care Act – What Manufacturers Need to Know," May 28, 2013, Wisconsin Manufacturing Extension Partnership, Madison, Wisconsin

"Ethics – Conflicts, Privilege and The PEO Attorney," May 20, 2013, National Association of PEOs – Annual Legal & Legislative Conference, Washington D.C.

"What the ACA Means for Employers," Milwaukee, WI, September 18, 2012

"What the ACA Means for Employers," Appleton, WI, September 13, 2012

"What the ACA Means for Employers," Madison, WI, September 11, 2012

Radio Show – *InBusiness with Jody & Joan*, June 24, 2011 (WTDY 1670, Madison)

"Outsourced Human Resources for Emerging Companies," University of Wisconsin Graduate Business School, March 2, 2011

National Legal Teleconference: "Midwest Regional Update: Top Legal & HR Trends," National Association of Professional Employer Organizations (NAPEO), February 15, 2011

"Health Care Reform: Understanding the Big Picture," Madison, Wisconsin, November 11, 2010

"Health Care Reform: Digging Through the Details," Annual National Conference, National Association of Professional Employer Organizations (NAPEO), San Antonio, Texas, September 29, 2010

"Ethical Considerations for Internal Counsel," Annual Legal & Legislative Conference, National Association of Professional Employer Organizations (NAPEO), Washington D.C., May 20, 2010

"Career Options in Human Resources," University of Wisconsin Business School, March 11, 2010

"Outsourced Human Resources for Emerging Companies," University of Wisconsin Graduate Business School, February 16, 2010

NAPEO Legal Teleconference: "GINA – Are You Compliant?" National Association of Professional Employer Organizations (NAPEO), November 24, 2009 (Panelist)

"The Human Resources Function for Growing Companies," University of Wisconsin Graduate Business School, February 11, 2009

"Outsourcing HR Functions," Greater Madison Chamber of Commerce, April 2007

PUBLICATIONS

PEO Insider, May 2018, "When a Bedrock Principle Gets Shaken"

American Staffing Association's Staffing Success, April 2018, "Law Fix for Wisconsin Workers' Compensation" (quoted in)

InBusiness, March 28, 2018, "Impact of Wisconsin Employment Law Preemption Bill"

PEO Insider, October 2016, "DOL's Final Rule on Overtime Exemptions"

PEO Insider, May 2016, "Persuader Reporting – Worse Than ACA Reporting?"

InBusiness, June 2015, "Hiring with Conviction" (quoted)

Wisconsin State Journal, March 29, 2015, "Achievements and Pitfalls of Obamacare" (quoted)

The Capital Times, March 24, 2015, "Supreme Court Ruling on Obamacare Could Cause Chaos, Experts Say" (quoted)

WisBusiness, March 24, 2015, "Experts Divided on Fallout from Potential Supreme Court ACA Ruling" (quoted)

Business Forward, "Business Forward Convenes Business Leaders to Brief White House on Healthcare Innovation and Entrepreneurship," March 24, 2014 (quoted)

Wisconsin State Journal, March 12, 2014, "Madison Business Leaders Take Part in White House Briefing" (quoted)

InBusiness, August 2012, "Supreme Court Validation: The Affordable Care Act" (quoted)

InBusiness, July 2012, "Federal Health Care Reform for Employers" (quoted)

InBusiness, September 2011, "HR Trends" (quoted)

PEO Insider, April 2011, "Top HR Legal & Regulatory Trends in the Midwest"

PEO Insider, October 2010, "Big Picture Steps to Minimize Exposure to Client Risk"

NAPEO National Press Release, March 22, 2010, "Wisconsin Strengthens PEO Legislation" (quoted)

InBusiness, September 29, 2009, "H1N1: Coming Soon to a Business Near You," (quoted)

PEO Insider, October 2008, "Selling Job Descriptions and Performance Reviews"

Wisconsin Law Journal, July 31, 2008, "Small Firms Can Seek Professional Help with HR Duties" (quoted)

NAPEO National Press Release, March 13, 2008, "Wisconsin Legislature Passes Progressive Bill to Regulate Professional Employer Organizations" (quoted)

PEO Insider, May 2008, "How to Use Job Descriptions and Performance Appraisals to Protect the PEO from Liability"

Business Watch, May 2007, "Wage and Hour Challenges" (quoted in)

PEO Insider, February 2007, "Non-Competes and Your Sales Staff"

Corporate Report Wisconsin, January 2007, "Don't Put More Than Needed in Personnel Files" (quoted)

MICHAEL R. GOTZLER, FOUNDING PARTNER

PEO Insider, August 2006, "The Employment Law That Gives Employers the Biggest Headache"

Wisconsin State Journal, December 4, 2005, "Sick Leave: Needed or More Meddling?" (quoted)

PEO Insider, June 2005, "Big Expense to Fix a Small HR Problem"

Small Business Times, January 21, 2005, "Ignorance Isn't Bliss: Is Your Business Compliant with New Employment Laws?"