



## Allen S. Kinzer

PARTNER

### Columbus

52 East Gay Street  
Columbus, Ohio 43215

t: 614.464.8318  
askinzer@vorys.com

### Practice Areas

Class Actions

Corporate Diversity, Equity and  
Inclusion Programs

Employee Benefits and Executive  
Compensation

Employer Internal Investigations

Employment Counseling

Employment Litigation

Labor and Employment

Labor Relations

Litigation

### Education

University of North Carolina  
School of Law, J.D., 1988, with  
Honors

*University of North Carolina Law  
Review*, 1986–1987

Vanderbilt University, B.A.,  
*summa cum laude*, 1985, Phi  
Beta Kappa

Allen is a partner in the Vorys Columbus office and a member of the labor and employment practice group. Allen has successfully defended employers in wage and hour class actions and counseled employers through collective bargaining, strikes and picketing by unions. He has represented employers across the country, defending discrimination suits and advising employers on union issues. Allen has also successfully represented employers before the National Labor Relations Board and the U.S. Department of Labor concerning wage and hour and Family and Medical Leave Act issues. In addition, he serves as outside general counsel to large multiemployer benefit plans, which involves counseling and litigation under ERISA and the Taft-Hartley Act.

### Career highlights include:

- Defending employers in putative class action lawsuits alleging violations of the Fair Labor Standards Act and various state wage and hour laws
- Advising and counseling large employers targeted for “corporate campaigns” by national unions
- Defending employers in discrimination and ERISA suits in state and federal courts

Allen is a member of the American Bar Association, the Ohio State Bar Association and the Columbus Bar Association.

Allen has lectured on a variety of topics including the Americans with Disabilities Act, the Family and Medical Leave Act, the National Labor Relations Act, decisions of the National Labor Relations Board, Title VII and state discrimination laws and the Fair Labor Standards Act.

Allen received his J.D. with honors from the University of North Carolina School of Law, where he was a member of the *University of North Carolina Law Review*. He received his B.A. *summa cum laude* from Vanderbilt University, where he was Phi Beta Kappa.

### Bar & Court Admissions

Ohio

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Western District of Wisconsin

*Admitted to practice law only in the states listed above.*

### Industries

Colleges and Universities

Construction

Financial Institutions

Health Care

Manufacturing

Restaurants, Food and Beverage

Transportation and Logistics

### Honors & Recognitions

*Columbus CEO*, Best Lawyers, Labor and Employment Law, 2022-2023

*Chambers and Partners*, Leading Lawyer in Labor & Employment, 2018

*Columbus CEO*, Top Lawyers in Columbus, 2010-2021

*Ohio Super Lawyers*, Employment and Labor, 2004-2006, 2009-2020

*The Best Lawyers in America*, Employment Law – Management, 2013-2024; Labor Law – Management, 2013-2024; Litigation – Labor & Employment, 2013-2024

Martindale-Hubbell AV Peer Review Rated Top Rated Lawyer in Labor & Employment, Martindale-Hubbell, 1999-2022

### Professional and Community Activities

The College of Labor & Employment Lawyers, Fellow, 2020 to present

Ohio State Bar Association, Labor and Employment Section Council, 2019 to present

*Employer's Guide to The Fair Labor Standards Act and FLSA Employee Classification*, Editorial Advisory Board, Thompson Publishing Group, 2006-2014

*Fair Labor Standards Act Cumulative Supplement*, Contributing Editor, Bloomberg BNA Books

ABA Labor and Employment Section, Federal Labor Standards Legislation Committee

- Equal Pay Act Subcommittee, Chair, 1996-2003

- Sarbanes-Oxley Act Subcommittee, Member, 2003-2005

- Fair Labor Standards Subcommittee, Member, 2006 to present

*Wage and Hour Laws Cumulative Supplement*, Chapter Author, Bloomberg BNA Books

Ohio Supreme Court Mentor, Lawyer-to-Lawyer Mentoring Program, 2006-2013

Japan-America Society of Central Ohio, Board of Trustees, 2008-2017; Programming Committee Co-Chair, 2008-2012; Vice President, 2011-2013; President, 2014-2015; Immediate Past President, 2016-2017

Fellow of the Columbus Bar Foundation since 1999

Fellow of the American Bar Foundation since 2018

## Publications

*Client alert, 5.19.2020*

*Paying Employees for Temperature Checks*

*Client alert, 9.25.2019*

*Labor and Employment Alert: Department of Labor Unveils New Overtime Threshold*

*Client alert, 3.8.2019*

*Labor and Employment Alert: U.S. Department of Labor Proposes to Raise the Overtime-Exempt Salary Threshold to \$35,000*

*Client alert, 1.17.2018*

*Labor and Employment Alert: No More Tax Deduction for Certain Sexual Harassment Settlement Payments*

*Client alert, 5.24.2017*

*Labor and Employment Alert: Sixth Circuit Expands Cat's Paw to FMLA Cases*

*Client alert, 11.23.2016*

*Labor and Employment Alert: New DOL Overtime Rules Blocked!*

*Client alert, 10.26.2016*

*Labor and Employment Alert: Mandatory Payroll Debit Cards Violate Pennsylvania Law*

*Client alert, 9.21.2016*

*Labor and Employment Alert: It Ain't Over Till It's Over ... States and Business Groups Sue DOL to Stop Overtime Rules*

*Authored article, Ohio State Bar Association's Fine Print Newsletter, 8.3.2016*

*5 Labor Law Developments for Your 'To Review' List*

*Client alert, 6.27.2016*

*Labor and Employment Alert: Federal Court Blocks Enforcement of Department of Labor's 'Persuader Rule'*

*Client alert, 6.16.2016*

*Labor and Employment: Important New Development Regarding DOL Persuader Rule: Agreement Prior to July 1 Could Limit Future Reporting Obligation*

*Client alert, 5.18.2016*

*Labor and Employment Alert: Millions of Workers and Billions in Costs Herald a Brave New World Under the Department Of Labor's Overtime Rule*

Client alert, 3.15.2016

*Labor and Employment Alert:* Court Finds That a Company's Clear Wage-Hour Policy Defeats a Claim For Unpaid Overtime

Client alert, 2.4.2016

*Labor and Employment Alert:* Department of Labor Seeks to Make Most Employers into Joint Employers

Client alert, 6.4.2015

*Labor and Employment Alert:* Sixth Circuit Holds That Plaintiff's Own Testimony is Good Enough to Defeat Summary Judgment Under the FLSA

Authored article, *Law360*, 9.25.2014

Bonus Dispute Makes DOL Seem Like 'Department Of Languor'

Client alert, 3.14.2014

*Labor and Employment Alert:* President Proposes Changes to Overtime Regulations, Now What?

Client alert, 7.8.2013

*Labor and Employment Alert:* U.S. Supreme Court Strikes DOMA's Definition of "Spouse", Expanding FMLA Coverage for Employees in Legally Recognized Same-Sex Marriages

Authored article, *XpertHr*, 2012

Employment Law Manual: Ohio and Kentucky

Authored article, *XpertHr*, 2012

Employment Law How Tos

Authored article, *XpertHR*, 2012

Employment Law Policies and Forms

Authored article, 7.1.2011

"Bonuses and the Fluctuating Workweek Method of Overtime Pay," Employer's Guide to the Fair Labor Standards Act, July 2011

Client alert, 6.23.2011

*Labor and Employment Alert:* Department of Labor Wants Employers to Report Detailed Information Regarding Union Avoidance Activities

Authored article, 9.1.2010

"Should I Call a Lawyer? The FLSA's Good-Faith Defense Can Create an Absolute Defense for Employers," by Allen S. Kinzer

Client alert, 6.23.2010

*Labor and Employment Alert:* Supreme Court Ruling Offers Employers Hints for Searching Employee Electronic Communications

Client alert, 4.23.2010

*Labor and Employment Alert:* New Whistleblower Protections Added to the Fair Labor Standards Act

Client alert, 4.6.2010

*Labor and Employment Alert:* New Federal Rights for Nursing Mothers in the Workplace

Authored article, *Ohio Matters*, 12.1.2009

What employers need to know about GINA

Client alert, 8.11.2009

*Client Alert:* Proposed Federal Legislation Would Prohibit Employment Discrimination Based on Sexual Orientation and Gender Identity

Authored article, *Employer's Guide to the Fair Labor Standards Act*, 8.2009

"Juries and the Executive Exemption"

Client alert, 7.10.2009

*Labor and Employment Alert:* Employer Violates The National Labor Relations Act By Selectively Targeting Union Related E-Mails

Client alert, 6.24.2009

*Client Alert:* Mandatory Paid Leave: The Healthy Families Act Introduced in Congress

Client alert, 6.19.2009

*Client Alert:* Supreme Court of Ohio Limits Scope of State's Prevailing Wage Law

Client alert, 3.13.2009

*Labor and Employment Alert:* If passed, EFCA would Represent the Most Significant Labor Law Legislation in More than a Generation

Client alert, 2.27.2009

*Client Alert:* Ohio AG Search For Misclassified Independent Contractors

Client alert, 2.2.2009

*Client Alert:* New Employment Law Lowers the Bar for Wage Discrimination Claims

Client alert, 1.29.2009

*Client Alert:* Supreme Court: Employees Questioned During Discrimination/Harassment Investigations May Be Protected Under Title VII's Anti-Retaliation Provisions.

Client alert, 11.18.2008

*Labor and Employment Alert:* Department of Labor Issues New FMLA Regulations

Client alert, 11.7.2008

*Client Alert:* Election of Obama Heralds Potentially Major Changes in Employment Law

Client alert, 10.24.2008

*Labor and Employment E-Alert: Time Off for Voting: State-by-State*

Client alert, 10.2008

*Labor and Employment E-Alert: Ohio Sets New Minimum Wage for 2009*

Client alert, 9.2008

*Labor and Employment E-Alert: The Americans with Disabilities Act Expanded: More Medical Conditions and More People to be Covered*

Client alert, 6.2008

*Labor and Employment E-Alert: Immediate Action Necessary to Comply with Section 409A of the Internal Revenue Code*

Client alert, 6.17.2008

*Labor and Employment E-Alert: Age Discrimination Releases: The Devil Is In The Details*

Client alert, 5.2008

*Labor and Employment E-Alert: A New Discrimination Law: The Genetic Information Non-Discrimination Act*

Client alert, 3.2008

*Labor and Employment E-Alert: Ohio Civil Rights Act Expanded To Prohibit Discrimination On The Basis of Military Status*

Client alert, 3.2008

*Labor and Employment E-Alert: Mandatory Paid Leave: The Healthy Families Act*

Client alert, 1.2008

*Labor and Employment Law E-Alert: FMLA Expanded to Cover Family Military Leave*

Client alert, 12.2007

*Labor and Employment Law E-Alert: Ohio Civil Rights Commission's Proposed Pregnancy Rules on Hold*

Client alert, 12.2007

*Labor and Employment Law E-Alert: New Ohio Supreme Court Decision Sharply Limits Coolidge Case - Workers' Compensation Claimants Not Immune from Absenteeism Policies*

Authored article, *Business First*, 11.16.2007

"Troops have reemployment rights when they return from Iraq war"

Client alert, 11.2007

*Labor and Employment Law E-Alert: New Form I-9 is Imminent*

Authored article, *Ohio Matters*, 11.2007

"When They Come Marching Home Again: Veterans' Reemployment Rights"

Client alert, 10.2007

*Labor and Employment Law E-Alert: Ohio Sets New Minimum Wage for 2008*

Authored article, 10.10.2007

Wage and Hour Law Cumulative Supplement 2007-2010 (BNA Books)

Authored article, 10.10.2007

“Whether You Call Them Whistleblowers or Tattletales, They are Protected” Employer’s Guide to the Fair Labor Standards Act, May 2007 (Vol. 13 No. 10, Thompson Publishing Group)

Client alert, 8.2007

*Labor and Employment Law E-Alert: Ohio Civil Rights Commission Proposes Significant Changes to Ohio's Pregnancy Discrimination Regulations*

Client alert, 7.2007

*Labor and Employment Law E-Alert: Agency-Employed Companionship Workers Are Exempt From FLSA, Supreme Court Holds*

Client alert, 5.2007

*Labor and Employment Law E-Alert: The Federal Minimum Wage Is Increasing*

Client alert, 5.2007

*Labor and Employment Law E-Alert: Ohio's Smoking Ban Finalized*

Client alert, 4.2007

*Labor and Employment Law E-Alert: Unanimous California Supreme Court HOLds a Three-Year Statute of Limitations Applies to Meal and Rest Claims*

Client alert, 3.2007

*Labor and Employment Law E-Alert: Case Managers Must Be Paid Overtime, DOL Says*

Authored article, *Employment Law Bulletin*, 2.2007

*Employment Law Bulletin*

Client alert, 1.2.2007

*Labor and Employment Law E-Alert: New Minimum Wage and Wage-Hour Recordkeeping Obligations in Ohio*

Authored article, 10.10.2006

The Fair Labor Standards Act Cumulative Supplement 2006-2010 (BNA Books)

Authored article, 6.10.2006

“How the FLSA Treats the ‘Other’ Professionals in Health Care,” Employer’s Guide to the Fair Labor Standards Act, June 2006 (Vol. 13 No. 10, Thompson Publishing Group)

Authored article, 11.10.2005

"Put it in the Handbook: Avoid Common Mistakes in Administering the FMLA," Smart Business Cleveland, November 2005

Authored article, 10.10.2005

"Avoid Common Mistakes in Administering the FMLA," The Daily Reporter Personnel Issues, October 2005

Authored article, 10.10.2004

American Bar Association's Labor and Employment Section Annual Sarbanes-Oxley Act Report, 2004 (BNA Books and the American Bar Association)

Authored article, 10.10.1999

The Fair Labor Standards Act, 1999 (BNA Books)

Authored article, 1.10.1995

American Bar Association's Labor and Employment Section Annual Equal Pay Act Report, 1995-2003 (BNA Books and the American Bar Association)