



## Colleen P. Lewis

Partner  
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Colleen has significant experience representing national and regional employers in state and federal courts on numerous employment and labor issues, having practiced employment and labor law for more than three decades. She leverages her passion for people and her thorough knowledge to help steer clients through a variety of challenges, including “me too” investigations; employment discrimination lawsuits; wage and hour class actions; affirmative action counseling and defense; and collective bargaining. Understanding that a company’s human capital can lead to complicated issues, Colleen works closely with business owners, in-house counsel and human resource managers to tailor an approach to fit the circumstance.

Her clients include public and private sector multi-national corporations and nonprofits. She has extensive experience representing companies before the Office of Federal Contract Compliance Programs - U.S. Department of Labor, handling federal government regulatory audits and related litigation on a national basis. Colleen drafts compliant affirmative action programs for various clients in a number of industries, including construction, transportation, health care, banking, and manufacturing. She also defends various clients against state and federal discrimination claims, non-compete issues, ADA compliance, and FMLA litigation.

Colleen handles various traditional labor matters, appearing across the country before the National Labor Relations Board (NLRB) defending employers against unfair labor practice charges. She also engages in collective bargaining negotiations and has handled numerous strikes. Her experience in this area includes defending companies in matters involving the following unions: Amalgamated Transit Union, Teamsters, Steelworkers, Glass Molders, and Retail Meat Packing.

She is AV-Rated and is very active in the community, sitting on various nonprofit boards.

### Services

- Employment
- Employment Discrimination Litigation
- Labor
- Affirmative Action Plans/OFCCP Compliance

- Collective Bargaining Negotiations
- NLRB Issues
- Strike Preparation/Litigation
- Wage/Hour Law
- Wrongful Discharge
- Workplace Safety
- Audits, Counseling & Training
- RICO Actions
- Labor Arbitrations

## **Education**

- Northern Kentucky University, Chase College of Law (J.D., *cum laude*, 1989)
  - Articles editor
- Northern Kentucky University (B.S., *summa cum laude*, 1985)

## **Bar Admissions**

- Ohio
- Kentucky

## **Court Admissions**

- Supreme Court of Ohio
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

## **Affiliations/Memberships**

- Defense Research Institute
- Salmon P. Chase College of Law, Board of Governors
- Chamber of Commerce We Lead Program, Class of 2007
- Supreme Court of Ohio, Mentor to New Lawyer Program
- Board of Commissioners of Hamilton County, Ohio, Board of Governors
- American Bar Association
- Kentucky Bar Association

- Northern Kentucky Chamber of Commerce
- Cincinnati Bar Association, Labor Law and Civil Rights Committee
- Ohio State Bar Association, Labor and Employment Law Committee
- Freestore/Foodbank, Personnel Committee
- Women of Alabaster Ministries, board member

## **Distinctions**

- Peer Review Rated AV in *Martindale-Hubbell*
- Top 10 Woman Recruiter in Cincinnati from *Women's Business Cincinnati*
- We Lead 100 Wise Women
- Commonwealth Law Scholar
- Kentucky Bar Association CLE Award

## **Experience**

### **Affirmative Action Matters**

We represent one of the nation's largest distributors of fresh produce with respect to affirmative action matters. We have drafted affirmative action plans to the Company during the previous few years. In addition, during the last 12 months we have successfully handled an Office of Federal Contract Compliance Programs ("OFCCP") audit.

### **Anonymous Plaintiff v. Transportation Management Services Company**

The Plaintiff alleges he filed an EEOC charge against our client, a provider of transportation management services, and also alleges he was issued a Notice of Right to Sue. The Company never received either. Plaintiff filed a lawsuit in federal court in California on April 4, 2006. The Company filed a Motion to Dismiss, which was granted on January 24, 2007.

### **Anonymous Plaintiff v. Transportation Management Services Company**

We represented our client, a provider of transportation management services, in multiple discrimination and retaliation lawsuits that have been filed in Atlanta Georgia, Los Angeles California, and Jacksonville Florida. We have filed motions to dismiss or motions for summary judgment which were granted, dismissing all causes of action in our client's favor.

### **Anonymous Plaintiffs v. Tobacco Company**

Our firm represented the Defendant, a tobacco company, in two separate lawsuits brought by employees alleging breach of contract and ERISA claims. Both cases were successfully dismissed in favor of the client.

### **Booker v. Garden Manor**

Complaint filed in Federal District Court alleging claims of race discrimination, retaliation, and spoliation against our client Garden Manor Nursing Home. We were granted summary judgment dismissing all claims.

## **Collective Bargaining Agreement Negotiations**

Colleen Lewis assisted the Cincinnati Ballet Company with its negotiations for a collective bargaining agreement with the Theatrical Wardrobe Union. Colleen also represented the Ballet in an unfair labor practice charge filed by the Union in Region 9, wherein the Union alleged that the Ballet engaged in bargaining to impasse over a permissive subject of bargaining. Colleen represented the Ballet, maintaining that the Ballet was engaging in proper and good faith bargaining. Colleen was able to negotiate a resolution of the charge, which resulted in the parties returning to the bargaining table, and a withdrawal of the unfair labor practice charge.

## **Collective Bargaining Agreement Negotiations**

Our firm worked with the bargaining team from OPW Engineered Systems, a Dover Company, negotiating a 5-year collective bargaining agreement with the Glass, Molders, Pottery, Plastics and Allied Workers' International Union and its Local No. 45-B. The members voted to approve the company's final and best offer the eve before the contract expired, avoiding a strike.

## **Defense against allegation of FMLA retaliation and wrongful discharge**

Successfully defended Psychiatric Professional Services, Inc. in Federal District Court in the Southern District of Ohio against allegations of age discrimination, gender discrimination, FMLA retaliation and wrongful discharge. The plaintiff alleged she was terminated for violating public policy by consulting a lawyer, as well in retaliation for taking leave under FMLA. We conducted thorough discovery and a multitude of depositions, including the Chair of the Department of Psychiatry and the Dean of the University of Cincinnati Medical School, as well as handling responses to a variety of motions filed by the plaintiff in pretrial. We argued that the plaintiff's termination was for legitimate business reasons, and filed a motion for summary judgment, which was granted by the judge. The plaintiff then filed an appeal with the United States Court of Appeals in the Sixth Circuit, and we filed briefs and made oral arguments before a three-judge panel, who affirmed the decision of the lower court and dismissed the claims against our client.

## **Karen Brown v. OPW Fueling Components and Dover Corporation**

Plaintiff brought suit against our client, a manufacturer of fueling components, alleging discrimination and retaliation. The Company's Motion for Summary Judgment was granted.

## **Maynard v. Ashland Oil**

Federal District Court, Southern District of Ohio, granted summary judgment motion in favor of Ashland, dismissing all of Plaintiff's claims.

## **Patrick v. Ferguson, Inc.**

Federal District Court, Southern District of Ohio, granted summary judgment motion in favor of Ferguson, dismissing Plaintiff's age discrimination claims.

## **Representation Before National Labor Relations Board (NLRB)**

Colleen represented a transportation management services company in a charge filed by a former

employee, bargaining unit member and union steward, who asserted that he was terminated as a result of his union activities. Colleen successfully defended the company before the NLRB, Region 13, resulting in a dismissal of the charge. The employee appealed the decision to the NLRB in Washington, D.C. The Board denied the appeal, upholding the Regional Director's decision.

### **Representation Before the EEOC and State Fair Employment Practices Agencies**

We have represented our client, a provider of transportation management services, in a number of matters before the EEOC and State Fair Employment Practice agencies across the country. The issues involved race discrimination, sex discrimination, national origin discrimination and retaliation charges. We received no probable cause dismissals in 18 charges during the previous two years.

### **Sandra Hodges v. Psychiatric Professional Services, Inc.**

Received summary judgment on plaintiff's age discrimination, gender discrimination, FMLA retaliation, promissory estoppel, and violation of public policy claims. Granted summary judgement on all claims by S.D. Ohio, affirmed by Sixth Circuit Court of Appeals.

### **Teamsters Local 179 v. Local 707 and Transportation Management Services Company, NLRB Region 13**

This matter involved a petition for election by rival union Teamsters Local 179. Several hearings were held before the NLRB and two elections were conducted. The rival union lost the election, and the incumbent union was certified as the representative.

### **Unfair Labor Practice Charges and Section 9(c) Petition of National Labor Relations Act**

We represented our client, a provider of transportation management services, in connection with unfair labor practice charges filed by individuals as well as a competing union. Both charges were dismissed in the client's favor. In addition, we represented the client in connection with a Section 9(c) petition of the National Labor Relations Act, petitioning for investigation and determination of representative. This petition also was dismissed in the client's favor.

## **Publications**

November 11, 2024

**Deadline Approaching to File Objections to Federal Disclosure of Contractor Demographic Data**

September 19, 2022

**Deadline Extended for Federal Contractors to File Objections to the Government's Disclosure of their Demographic Data**

May 1, 2019

**New Wage and Hour Data to be Collected by the Federal Government as Part of the EEO-1 Reporting Process**

April 2, 2019

## **March Comes in Like a Lion: New Verification Process and Focused Reviews for Government Contractors and Subcontractors**