



Faith C. Whittaker

Partner

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Faith has experience guiding clients through issues that arise in the workplace. She serves as chair of the firm's employment practice group and handles employment-related litigation for her clients, who range from local businesses to Fortune 500 companies.

Understanding each client has different tolerances and objectives in dealing with employment matters, Faith is passionate about learning her clients' industries and gaining insight into their operations. While prepared to vigorously proceed through litigation, she teams with her clients to conduct a thorough evaluation of the case, examining the risks and options, before crafting a unique strategy that meets their needs. She works with in-house counsel and legal departments, as well as human resources officials and company executives, to analyze each matter and chart the best course toward a resolution. Faith handles litigation relating to all facets of employment law, including, but not limited to, discrimination claims, retaliation claims, wrongful discharge claims, class and collective actions, claims relating to background checks, wage and hour claims, noncompetition issues, and common law tort claims. She also has extensive experience in negotiating settlements.

Faith understands labor and employment law is constantly evolving, and she teams with clients to offer proactive counsel, including conducting training programs and drafting employee policies and procedures to ensure compliance. Her experience with companies and organizations enables her to provide counsel that mitigates her clients' risk, while also allowing their business to effectively operate. She conducts training for her clients related to a variety of issues, including Title VII, the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, The Fair Credit Reporting Act, and other state and federal employment statutes and regulations. Faith has experience litigating in several different jurisdictions, which helps strengthen her ability to guide clients in compliance with the law.

A respected leader within the firm, Faith serves on Dinsmore's Board of Directors, as Dinsmore's engagement committee chair, as a member of the business professionals committee, is former chair of the firm's United Way campaign, leader of the firm's COVID L&E task force, and the founder and chair of the Cincinnati Women's Initiative.

Services

- Labor
- Employment
- Employment Discrimination Litigation
- NLRB Issues
- Wage/Hour Law
- Wrongful Discharge
- Audits, Counseling & Training
- Class Action

Education

- Northern Kentucky University, Chase College of Law (J.D., 2007)
 - Northern Kentucky Law Review, symposium editor
- University of Dayton (B.A., *cum laude*, 2004)
 - History

Bar Admissions

- Ohio
- Kentucky

Court Admissions

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth 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
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the District of Colorado
- U.S. District Court for the Southern District of Indiana

Affiliations/Memberships

- Cincinnati Ballet
 - Board of Trustees, Vice-President
 - Executive Committee
 - Artistic Director Search Committee Co-Chair
- Cincinnati Bar Association
 - Board of Trustees, President
 - Executive Committee
- Cincinnati/Northern Kentucky Chapter of the Federal Bar Association
 - Former Board Member
- American Heart Association, Go Red for Women, Executive Leadership Team (2022)
- Family Promise through St. Maximilian Kolbe Parish, volunteer
- Cincinnati Academy of Leadership for Lawyers (CALL) (2016 graduate)
- WE Lead Cincinnati Chamber Leadership Program, graduate
- Cincinnati Chamber C-Change, graduate
- YWCA Development Committee, member
- Cincinnati Chamber Leadership Cincinnati Program, graduate
- Chase College of Law Board of Visitors

Distinctions

- YWCA Rising Star (2014)
- Outstanding Alumna of the Past Decade Award from Northern Kentucky University Chase College of Law (2016)
- Cincy Leading Lawyer, *Cincinnati Magazine* (2021)
- Leading Lawyers Power 100, *Cincy Magazine* (2021)
- Ohio Business Magazine Leading Lawyer (2024)

Experience

Full Defense Verdict in Age Discrimination Allegations

We represented Cengage Learning, an educational content, technology, and services company for in an age discrimination suit. Janet Kerekes, who had been a long-time employee, filed a claim against Cengage for age discrimination after she was terminated for performance issues. After unsuccessful attempts at mediation and

denial of summary judgment, the parties went through a seven day jury trial in Franklin County Court of Common Pleas. We successfully obtained a fully defense verdict for Cengage.

Successful Defense of Client in Age Discrimination Suit and Appeal

We represented AMPAC Plastics Inc., a plastics manufacturer, in the United States Court of Appeals for the 6th Circuit in a case regarding an age discrimination filing. The plaintiff filed an age discrimination suit after he was terminated for performance issues. The plaintiff, who was consistently top salesman at the company, failed to generate new business as opposed to fostering the growth of old business. He and a younger salesman were put on the same performance improvement plans, whereby they were both required to generate two new clients of a defined value each month.

While neither salesman technically generated two new clients a month, the younger salesman generated an extremely substantial client in one month. The plaintiff was terminated for non-performance while the younger employee was retained. As a result of his termination, the plaintiff filed an age discrimination suit.

After taking the plaintiff's deposition and defending four witness depositions, we filed a Motion for Summary Judgment providing a multi-faceted argument. Our client was granted Summary Judgment on the plaintiff's discrimination claims with the court agreeing with all facets of our defense.

After the plaintiff appealed the district court's decision, the 6th Circuit affirmed the Southern District of Ohio's decision to grant summary judgment in favor of our client on the plaintiff's claims for age discrimination.

Sheri Blaney v. Cengage Learning, Inc.

Won summary judgment in the United States District Court for the Southern District of Ohio for age discrimination and retaliation.

Beverly Coda v. Thorntons, Inc.

Won summary judgment in the Butler County Court of Common Pleas for promissory estoppel, breach of contract, and gender discrimination.

Huber v. S&S Healthcare, et al

Obtained favorable settlement in the Southern district of Ohio on plaintiff's claims for ERISA violations, breach of contract, promissory estoppel, sex discrimination, good faith and fair dealing, and unjust enrichment.

Baldwin v. General Electric Co.

Obtained summary judgment in Hamilton County Court of Common Pleas in Ohio on two plaintiffs' claims for sexual harassment, assault, intentional infliction of emotional distress and obtained favorable settlement through private mediation on plaintiffs' claims for negligent retention and failure to provide unsafe workplace.

Mellon v. AseraCare

We defended AseraCare against a whistleblower claim from a former employee, who had worked as a home health aid and was terminated for her inappropriate behavior. The plaintiff brought claims under the Minnesota Fair Labor Standards Act (FLSA), the Minnesota Whistleblower Act (MWA) and a common law claim for defamation. We filed a motion for summary judgment on the plaintiff's FLSA and MWA claims. We argued that the court should dismiss the plaintiff's MWA claim because she did not present any evidence that she was actually

aware of any illegal activity, which is a requirement under the MWA. Regarding the plaintiff's FLSA claim, we argued that AseraCare did not have any knowledge of any of the hours the plaintiff supposedly worked off of the clock. We won summary judgment on the plaintiff's MWA and FLSA claims. We later negotiated a favorable settlement on the defamation claims, enabling our client to move forward with their business with minimal damages.

Serednyj v. Beverly Healthcare LLC

Won in the United States Court of Appeals for the Seventh Circuit. The 7th Circuit upheld summary judgment in Defendant's favor against claims for sex, disability, and retaliation under the Pregnancy discrimination Act, Title VII, and Americans with Disabilities Act

Xi v. Procter & Gamble Co.

Won summary judgment in the Hamilton County Court of Common Pleas against claims for wrongful termination against public policy and under the Ohio Whistleblower Act.

Sarvak v. Urban Retail Properties, LLC

Won summary judgment in the United States District Court for the District of Minnesota for whistleblower claims, wage and hour claims.

Publications

December 23, 2024

I Am Not a Tax Lawyer and I Don't Play One on TV

Ohio State Bar Association Labor and Employment Law Section Newsletter

August 21, 2024

FTC Rule Prohibiting Non-Compete Agreements Set Aside by Texas Court

July 24, 2024

Split in the Courts: Federal Court in Pennsylvania Rules in Favor of FTC's Non-Compete Rule

July 8, 2024

Texas Court Decision Limits FTC's Non-Compete Ban, Casting Doubt on Future Enforcement

April 23, 2024

Federal Trade Commission Votes to Ban Non-Compete Agreements

April 17, 2024

The EEOC Issues its Final Rule on the Pregnant Workers Fairness Act

November 10, 2023

Issue 2: What Legalized Recreational Marijuana Use Means for Ohio Employers

October 26, 2023

SEC Enforcement Orders Issued for Employment & Separation Agreement Terms

April 19, 2023

CFPB Releases New Required Form for Use in Employee Background Check Process

December 29, 2022

New Law Ends Pre-Dispute NDA's for Workspace Sexual Harassment, Assault Disputes

Bankdirector.com

July 5, 2022

SCOTUS Rules Discrimination Suits under USERRA against Public Employers Not Barred by Sovereign Immunity

March 1, 2022

Employers Can Reconsider Mask Policies After CDC Relaxes Most Mask Recommendations

November 4, 2021

OSHA Publishes COVID-19 Vaccine Mandate for Companies with 100 or More Employees

November 2, 2021

DOL's Wage and Hour Division Issues Final Rule Regarding Tip Credits and Dual Jobs

October 26, 2021

EEOC Updates Guidance on Religious Objections to COVID-19 Vaccine

September 9, 2021

President Biden Announces OSHA Standards Requiring COVID-19 Vaccinations or Weekly Tests for Companies with 100+ Employees

August 16, 2021

COVID-19: OSHA Updates Mask Guidance for Vaccinated Employees and In Schools

June 22, 2021

DOL Proposes 30-Minute Cap for Tipped-Wage Side Work, Seeks to Reinstate 80/20 Rule

May 28, 2021

EEOC Issues Guidance on COVID-19 Vaccinations, Incentives and Confidentiality

May 14, 2021

CDC: Masks Are No Longer Required in Most Settings for Vaccinated People

April 30, 2021

DOL Announces Essential Workers, Essential Protections Initiative

March 17, 2021

American Rescue Plan Act Provides Additional Sick and Family Leave Credits for Employers

December 22, 2020

FFCRA Paid Leave Requirements Not Extended; Tax Credits and Employer Aid is Extended

December 17, 2020

EEOC Gives Vital Guidance for Employers on COVID-19 Vaccinations

November 16, 2020

Ohio's Revised Mask Order: What Businesses Need to Know

October 23, 2020

CDC Expands the Definition of Close Contact for COVID-19

October 6, 2020

What Employers Need to Know about Coronavirus, Paid Leave

Bank Director

September 18, 2020

Ohio Passes Law Providing COVID-19 Liability Shield for Individuals, Businesses, and Health Care Providers

September 16, 2020

DOL Issues Revised FFCRA Regulations in Response to Court Ruling

September 8, 2020

OSHA Whistleblower Complaints on the Rise: Employers be aware

August 14, 2020

What Employers Need to Know about Paid Leave during COVID-19 Pandemic

UC Goering Center News

July 24, 2020

The Department of Labor and Center for Disease Control Issue New Guidance Related to COVID-19

June 11, 2020

OSHA Guidance Instructs Employers Regarding Masks in Workplace

June 3, 2020

Return-to-Work Checklist for Health Care Employers Reopening Their Businesses

May 11, 2020

Families First Coronavirus Response Act: Need to Knows

CBA Report

April 27, 2020

Return-to-Work Checklist for Employers Reopening Their Businesses

April 24, 2020

EEOC Guidance Permits Employers to Test Employees for COVID-19

April 16, 2020

The EEOC Provides Further Guidance During COVID-19

April 6, 2020

Highlights of DOL Temporary Rule on Expanded FMLA and Paid Sick Leave

March 31, 2020

COVID-19: Do Your Employees Qualify for Emergency Paid Sick Leave or Emergency FMLA Extension?

March 18, 2020

The Equal Employment Opportunity Commission Weighs in on COVID-19

March 16, 2020

Families First Coronavirus Response Act: What Businesses & Employers Need to Know

January 21, 2020

DOL Increases FLSA Exemption Thresholds in 2020

April 24, 2019

Kentucky Expands Protections for Pregnant Workers

April 18, 2019

NLRB Shifts Position on Successor Employers

November 12, 2018

DOL Cancels 80/20 Rule for Tipped Employees

November 1, 2018

#NotHere: 5 Steps to Prevent Harassment in the Workplace in Wake of the #MeToo Movement

October 24, 2018

Cincinnati experts: How to prevent workplace harassment

Cincinnati Business Courier

October 5, 2018

Employers Should be Aware of New Forms for Background Check Compliance