



## Jared A. Phalen

Associate  
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Jared's practice is centered on labor and employment law. Throughout his practice, Jared has been able to provide a variety of legal advice and representation for a wide range of clients, including large corporations, small businesses, and municipal corporations. Whether it be the transportation, trucking and distribution, manufacturing, energy, banking, or healthcare industry, Jared has assisted in navigating clients through the day-to-day employment-related challenges they face, as well as defending clients in litigation.

In the compliance context, Jared has guided clients through the always changing administrative and legal requirements facing employers. This includes wage and hour law advice under applicable state laws and the Fair Labor Standards Act, auditing HR policies to ensure that they minimize the risk of future legal exposure, responding to requests for Leave under the FMLA, updating Paid Time Off policies to comply with minimum requirements under law, responding to requests for accommodation under the ADA, responding to and processing claims for Black Lung Benefits, unemployment compensation, and workers' compensation, hiring new employees, reviewing employee benefit programs, and assisting clients in issuing employee discipline and termination. Jared has also helped clients conduct reductions in force, draft and negotiate employment agreements with executives, and draft severance and release agreements.

In the litigation context, Jared has represented clients in Title VII, Fair Housing Act, and West Virginia Human Rights Act claims. This includes claims of discrimination, wrongful termination, harassment, constructive discharge and retaliation as well as claims under the ADA or ADEA. In a similar vein, Jared has also represented clients in complaints filed with the Equal Employment Opportunity Commission and state human rights commissions. Whether it be through the courts, mediation, or arbitration, Jared has used his legal experience to work with human resource managers and in-house counsel to obtain a favorable result.

Additionally, Jared has maintained a traditional labor law practice. This includes assisting clients in complying with the NLRA, collective bargaining agreements, issuing and defending grievances via arbitration or negotiation with union representatives, defending unfair labor practices, assisting clients in bargaining by responding to information requests or preparing economic proposals, and representing clients in union representation cases.

In the community, Jared volunteers with the Greater Kanawha Valley Foundation, a local philanthropic leader which through its scholarship program provided funding to more than 500 students, totaling over \$1.6 million.

Jared is also a Board Member of the Putnam County Young Professionals Group which focuses on community outreach, professional development, and networking activities for young professionals in the area.

In his spare time, Jared focuses on his growing family. Growing up close to Charleston, Jared is passionate about attending every game, recital, and family event possible with his wife. He is also an avid sports fan and stays up to date with the labor law, contract and NIL issues faced by the NFL, MLB, and the NCAA.

## Services

- Labor
- Employment
- Employment Discrimination Litigation
- Labor Arbitrations
- Collective Bargaining Negotiations
- NLRB Issues
- Wage/Hour Law
- Wrongful Discharge
- Audits, Counseling & Training

## Education

- West Virginia University College of Law (J.D., 2022)
  - West Virginia Law Review, Executive Board
  - Federal Bar Association, School Chapter - President
  - Sports and Entertainment Law Society - President
- West Virginia University (B.S.)
  - Chemical Engineering
  - Presidential Scholar

## Bar Admissions

- West Virginia

## Court Admissions

- U.S. District Court for the Southern District of West Virginia
- U.S. District Court for the Northern District of West Virginia

## Distinctions

- Super Lawyers®, Rising Star (2024 - 2025)
  - Labor and Employment, Litigation

## Publications

November 19, 2024

**Federal Judge Strikes Down Overtime Expansion**

September 5, 2024

**Contested DOL Rule on Tip Credit Invalidated by Fifth Circuit**

August 13, 2024

**Navigating the New Federal Workplace Rules**

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April 30, 2024

**EEOC Finalizes New Guidance on Harassment in the Workplace**

February 12, 2024

**No Retaliatory Intent Needed: SCOTUS Eases Requirements for SOX Whistleblower Claims**

October 26, 2023

**NLRB Issues Final Rule Broadening Standard for Joint-Employer Status**

October 2, 2023

**EEOC Proposes New Guidance on Harassment in the Workplace**

August 31, 2023

**Flurry of Recent NLRB Actions Create Easier Road to Union Representation**

August 3, 2023

**NLRB Adopts Stricter Standard for Workplace Rules**

August 3, 2023

**Are Non-Competes on the Ropes?**

BankDirector.com

June 16, 2023

**NLRB Decision Reinstates Obama-Era Independent Contractor Standard**

June 7, 2023

**NLRB General Counsel Aims to Outlaw Broad Non-Compete Provisions in Employment Contracts**

December 29, 2022

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

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December 22, 2022

**NLRB Reinstates Obama-Era Standard Reviving "Micro-Units" for Organizing**