

CRAIG J. HOEFER

EDUCATION AND LEGAL SYMPOSIUMS

College of William and Mary, Marshall -Wythe School of Law, Williamsburg, Virginia
J.D., May 1984

Activities: William and Mary Law Review, Board of Editors

St. Olaf College, Northfield, Minnesota

B.A., summa cum laude, Psychology and Political Science, June 1981

Honors: Phi Beta Kappa, Psi Chi (Psychology Honorary)

Oxford University, Lincoln College, Oxford, England

Oxford Round Table Participant March 2002

- One of only 2 management attorneys from the United States selected to participate in an international think tank on employment law.

BAR PASSAGE AND PROFESSIONAL NOTES

State Bar of Texas 1984

State Bar of Missouri 1987

State Bar of Illinois 1988

District of Columbia Bar 1989

Certified Mediator

Rated AV Preeminent (highest rating) by Martindale Hubbell

Listed by *SuperLawyers* Magazine as being among the best labor and employment law attorneys

PROFESSIONAL EXPERIENCE

Academic In-House Practice (2010 – present)

University of Illinois at Urbana-Champaign, Urbana, Illinois

In my current role as a Senior Associate University Counsel, I am the attorney within the Office of the University Counsel principally responsible for handling and advising the University's administration, colleges, departments, programs and units on all labor and employment law related issues relating to the more than thirteen thousand full-time employees (faculty members, academic professionals, civil service employees, postdoctoral fellows, and graduate and undergraduate students) at the University's flagship campus in Urbana-Champaign. In that capacity, I advise the campus on a multitude of labor and employment issues, including issues relating to hiring, immigration, international employment, affirmative action, compensation, employee benefits, safety, discrimination, harassment, retaliation, reasonable accommodation, family and medical leave, unfair labor practices, tenure, academic freedom, shared governance, free speech, discipline, and termination, and ensure compliance with such statutes as Title IX of the Education Amendments, the Clery Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act, the Equal Pay Act, the Family Educational Rights and Privacy Act, the Freedom of Information Act, the Open Meetings Act and the state labor and employment laws. In addition, I represent the University in conjunction with labor and employment litigation before state and federal courts, arbitrations, administrative proceedings before various governmental agencies, and internal hearings. I also draft employment policies, agreements (including individual employment agreements, executive contracts, collective bargaining agreements, subcontractor agreements, and settlement agreements), briefs, position statements, and internal communications. In addition to handling labor and employment law matters on behalf of the University, I also oversee other forms of civil litigation, was actively engaged in the establishment of a new engineering-based College of Medicine with the Carle Foundation Hospital, and offer advice on and handle a litany of other matters involving shared governance, academic freedom, free speech, open meetings and transparency, faculty affairs, student affairs, public and governmental

affairs, research issues, athletics, contracts and procurement, immigration, international law, construction, ethical issues, and risk management.

Prior to assuming my role within the Office of University Counsel, I served as the chief labor negotiator for the campus in my position as Assistant Director of Labor and Employee Relations. In that position, I was responsible for negotiating and administering the campus' collective bargaining agreements with multiple bargaining units that included thousands of civil service employees, as well as handling and advising the administration and human resources personnel of the University's various colleges, departments and programs on a multitude of labor and employment issues relating to civil service employees. I also conducted disciplinary investigations on behalf of the University, served as the hearing officer for and wrote opinions in conjunction with grievance and disciplinary proceedings, and provided training to human resources personnel, administrators and supervisors on various employment subjects.

Private Law Firm Practice (1987 – 2010)

Lathrop & Gage LLP, St. Louis, Missouri
Spencer Fane Britt & Browne LLP, St. Louis, Missouri
Polsinelli Shalton Flanigan Suelthaus, PC, St. Louis, Missouri
Gallop, Johnson & Neuman, LC, St. Louis, Missouri
Greensfelder, Hemker & Gale, PC, St. Louis, Missouri

As an attorney and partner in the labor and employment law departments of large, full-service law firms, I represented employers of all sizes (from international corporations to small, family owned businesses) and types (including universities and colleges, religious based organizations, health care institutions, police departments, construction companies, manufacturing companies, technology companies and other entities) throughout the country in all aspects of labor and employment law. I represented employers in federal and state court litigation and before federal and state administrative agencies in connection with employment discrimination claims, wrongful discharge claims, unfair labor practices, prevailing wage claims, retaliation claims and other employment-related claims. I also was responsible for representing employers in federal and state court litigation to obtain injunctive relief in response to unfair labor practices or violations of covenants not to compete and representing management in connection with the arbitration of union grievances and other employment disputes. I assisted chief executive officers, chief financial officers, chief operations officers, and human resources personnel in addressing labor, employment, employee benefits and immigration law issues arising within their workplaces and in the development and drafting of employment policies, programs and agreements.

- Served as lead counsel in hundreds of employment discrimination, wrongful discharge, unfair labor practice, retaliation, or other employment-related lawsuits (including class-action lawsuits) that resulted in a grant of summary judgment or an otherwise favorable resolution for the employer. A number of these cases have resulted in the development of new case law.
- Handled administrative matters before, and represented employers in conjunction with audits performed by, the Equal Employment Opportunity Commission, the National Labor Relations Board, the Department of Labor (including the Wage and Hour Division, Occupational Safety and Health Administration, and the Office of Federal Contract Compliance), and various state labor and employment administrative agencies.
- Assisted management in the negotiation of collective bargaining agreements and in the handling of labor disputes, union grievances and arbitrations.
- Advised an internationally recognized teaching and research hospital on the labor and employment law implications of its merger with two other hospitals, the merger of which resulted in the largest health care organization in Missouri.
- Advised one of the largest regional grocery store chains on the labor and employment law aspects of its merger with another leading grocery store chain.

- Advised corporations on the labor and employment law aspects of various plant closings, mass layoffs, and relocations across the country.
- Counseled and trained employers in the development and implementation of handbooks, programs and policies (including policies on hiring, benefits, compensation, discipline and discharge, equal opportunity, harassment, safety, drug and alcohol testing, employee privacy, internet use, and so forth) designed to reduce the risks of litigation.
- Drafted various types of employment agreements, non-competition agreements, and collective bargaining agreements.
- Advised employers on a wide variety of labor and employment law issues, including issues arising under the following statutes:

Title VII of the Civil Rights Act (Title VII)
 Title IX of the Education Amendments (Title IX)
 Americans with Disabilities Act (ADA)
 Age Discrimination in Employment Act (ADEA)
 Family and Medical Leave Act (FMLA)
 National Labor Relations Act (NLRA)
 Occupational Safety and Health Act (OSHA)
 Fair Labor Standards Act (FLSA)
 Employee Retirement Income Security Act (ERISA)
 Worker Adjustment and Retraining Notification Act (WARN)
 Freedom of Information Act (FOIA)
 State labor, employment and workers' compensation statutes

- Presented seminars and training to clients, managers, employer groups and other attorneys on a variety of labor and employment law issues, including the interplay between the ADA, the FMLA, and the states' workers' compensation statutes; reasonable accommodation under the ADA; sexual harassment training; employee privacy issues; employee discipline and termination; the drafting of employee handbooks and policies; and techniques to avoid unionization.
- Responsible for advising the law firms on many of their own human resources issues (e.g., hiring, discharge, medical leave, benefits, policies, training and ethical issues). I also served as an ombudsmen for a law firm, as well a member of the firm's ethics committee, hiring committee, associate training committee and mentor program.
- Certified mediator in labor and employment law disputes pending before the state and federal courts of Missouri.

Corporate In-House Practice (1984 – 1987)

Texaco, Inc., Houston, Texas
 Legal Department, Labor and Employment Law Section

I represented the corporation in various employment discrimination, wrongful discharge and other employment-related lawsuits and administrative claims, including a series of lawsuits brought by former employees pursuant to the Employee Retirement Income Security Act. I also assisted the corporation in the handling of labor disputes, union grievances, arbitrations and proceedings before the National Labor Relations Board and the federal courts. I supervised and monitored litigation being conducted by outside counsel on behalf of the corporation. At the request of a federal district court judge, I drafted the court's opinion in a case in which two former employees alleged that Texaco, Inc. had discriminated against them on the basis of their age and that their union had breached its duty of fair representation to them.

REPRESENTATIVE CASES

Brannon v. Luco Mop, 521 F.3d 843 (8th Cir.) (affirming grant of summary judgment in a disability discrimination case), *cert. denied*, 2008 U.S. LEXIS 9002 (U.S. Dec. 8, 2008)

Katoch v. Mediq/PRN Life Support Systems, 223 Fed. Appx. 532 (8th Cir. 2007) (affirming grant of summary judgment in case alleging claims of race, religion, color, national origin, age, and disability discrimination, as well as various tort and contract claims)

Cody v. CIGNA Healthcare, 139 F.3d 595 (8th Cir. 1998) (affirming grant of summary judgment in disability discrimination case)

Schnuck Markets, Inc. v. NLRB, 961 F.2d 700 (8th Cir. 1992) (dismissing unfair labor practice charge based upon a finding that the affected employee was a statutory supervisor)

Martin v. Discount Smoke Shop, Inc., 443 F. Supp. 2d 981 (C.D. Ill. 2006) (granting summary judgment in a disability discrimination case)

Whelan Security Co. v. Allen, 26 S.W.3d 592 (Mo. Ct. App. 2000) (enforcing a forum selection clause in a non-solicitation and non-competition agreement against an out-of-state resident)

James Cochran v. St. Louis Preparatory Seminary, 717 F. Supp. 1413 (E.D. Mo. 1989) (finding that application of the Age Discrimination in Employment Act to a preparatory seminary would violate the establishment and free exercise clauses of the First Amendment)