SpencerFane®

David L. (Dave) Wing

Partner

Contact

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Overview

A Fellow with the College of Labor and Employment Lawyers, Dave Wing solves difficult employment problems for employers in the areas of traditional labor, human resource counseling and training, and employment litigation.

Dave advises clients on traditional labor issues such as employees organizing unions, walking off the job, striking, picketing, leafleting, circulating petitions, or using media or social media to harm an employer's reputation. Additionally, Dave help clients deal with unions or employees filing unfair labor practice charges with the National Labor Relations Board (NLRB) or the National Mediation Board (NMB). He also defends employers in hearings and other proceedings before those boards. Additionally, Dave advises employers with unions that are negotiating collective bargaining agreements or filing grievances and arbitrations existing collective bargaining agreements.

In the area of human resource counseling, Dave counsels clients on managing physicians, executives, sales representatives, supervisors, and employees who are disruptive, impaired or have inordinately strong personalities. Dave guides clients on how to handle difficult situations such as employees failing to perform or engaging in misconduct; employees claiming discrimination, harassment, retaliation, wrongful discharge, or whistleblowing; employees challenging wage payment and other employment policies and practices; and employees attempting to use employment laws to excuse poor performance or misconduct.

In employment litigation, Dave represents clients in single and multi-plaintiff lawsuits, arbitrations, and other claims including those under the ADA, ADEA, FMLA, Title VII, Section 1981, Section 1983, the Fair Labor Standards Act, the Genetic Information Nondiscrimination Act, the Worker Adjustment and Retraining Notification Act (WARN), the Missouri Human Rights Act, Kansas Acts Against Discrimination, employment contracts, public policy wrongful discharge, retaliation, and workers' compensation retaliation.

Dave Wing focuses his practice in the construction, financial, health care, manufacturing, railroad, professional services, retail, and telecommunications industries.

Education

- University of Kansas School of Law (J.D.)
- University of Kansas

Bar Admissions

- Kansas, 1978
- Missouri, 1982

Court Admissions

- U.S. District Court for the District of Kansas
- U.S. District Court for the Western District of Missouri
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eighth Circuit

Distinctions

- *Chambers USA*, Labor & Employment, 2015
- *Missouri & Kansas Super Lawyers*, 2007-2019
- *Best Lawyers in America,* Lawyer of the Year, 2014, 2018, 2021
- *Best Lawyers in America,* 2007-2021

Memberships

- American Bar Association, College of Labor and Employment Attorneys, Fellow
- AHLA, Labor, OSHA and, Human Resources Committee, Chair, 1998-2001
- American Bar Association
- American Health Law Association
- Kansas Bar Association
- Kansas Hospital Association Healthcare Attorneys
- Kansas City Metropolitan Bar Association
- Greater Kansas City Society of Healthcare Attorneys
- Missouri Bar Association
- Missouri Society of Hospital Attorneys
- Labor Relations Advisory Committee

Related Experience

- Represented both private and public sector employers in collective bargaining negotiations, grievances, arbitrations, unfair labor practice charges and proceedings, union avoidance training, and union campaigns and elections in the health care, manufacturing, railroad, educational and services industries, among others.
- Represented employers under the National Labor Relations Act, the Railway Labor Act, and state counterparts to these federal laws.

- Advised both private and public sector employers in evaluating disciplinary and termination decisions and documentation. This analysis either leads to the discipline or termination of the employee or to additional steps to reduce the risk of litigation.
- Provided practical advice and legal analysis for employers to avoid or minimize risks of employment claims. These services include ongoing or as-needed counseling, reviewing, or drafting HR policies, handbooks and forms; preparing employment related contracts (e.g. releases, reimbursement, employment, severance, compensation, non-compete, confidentiality, etc.); providing supervisory and employee training; providing guidance on employment law compliance, auditing HR practices and policies; advising on internal investigations; and preparing responses to charges filed with government agencies like the EEOC, DOL, OFCCP, Missouri Human Rights Commission, Kansas Commission on Human Rights, state departments of labor, and others.
- Advise on executive and other employment agreements, employment policies and best human resource practices.
- Defended private and public sector employers in lawsuits, arbitrations and mediations over discrimination, harassment, retaliation, wrongful termination, breach of contract, and other employment related claims. Dave's experience includes both jury trials and trials to the court.

Clerk Experience

- Hon. James K. Logan, U.S. Court of Appeals for the Tenth Circuit
- Hon. Earl E. O'Connor, U.S. District Court for the District of Kansas