SpencerFane®

Michael F. (Mike) Delaney

Partner

Contact

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Overview

In a career with Spencer Fane spanning more than 50 years, Mike Delaney has represented management in traditional labor relations matters, including collective bargaining negotiations, grievances and arbitrations, and union campaigns and matters before the National Labor Relations Board.

Mike has also represented public and private employers in employment litigation and human resources counseling, including matters involving wage and hour; occupational safety and health; age, sex, race, and disability discrimination; and affirmative action before the Equal Employment Opportunity Commission, U.S. Department of Labor, Office of Federal Contract Compliance Programs, Occupational Safety & Health Administration, and similar state and local agencies. He has also represented school districts in personnel and school law matters. As a trial lawyer, he has advocated for employers in courts, before administrative agencies, and in arbitration throughout the U.S.

Mike has been a part of the Labor and Employment Practice Group since he joined the firm and served several terms as practice group leader. He also served two terms on the firm's executive committee.

Mike received his Bachelor of Arts degree from the University of Kansas (KU). After service in the U.S. Army, including a tour of duty in Vietnam, he attended KU Law School, where he received his Juris Doctor. He was an articles editor of the *University of Kansas Law Review,* was named a member of the Honor Society of Phi Kappa Phi and the Order of the Coif, and was the recipient of the C.C. Stewart award as the top student in his graduating class.

Mike has also served as an adjunct faculty member at KU Law School, where he taught courses in labor law, employment law, and collective bargaining and dispute resolution. He has been a frequent author and lecturer on labor relations, employment, and school law topics, including wage and hour compliance, OSHA and employment discrimination issues, and alternative dispute resolution procedures. He was a contributing editor to *The Developing Labor Law* published by the American Bar Association (ABA) Section of Labor & Employment Law. He served as the co-chair of the annual Heartland Labor and Employment Law Program in Kansas City and as a member of the Labor and Employment Law Section and Forum on the Construction Industry of the ABA. He was also an active member of the American Employment Law Council, the Education Law Association, and the National School Board Association Council of School Attorneys, where he served as

president. He also served as a member of the Board of Directors of the Associated Builders & Contractors, Inc., Heart of America Chapter.

Mike is an Emeritus Fellow of the College of Labor and Employment Lawyers, a Senior Fellow of the Litigation Counsel of America, and a Life Fellow of the American Bar Foundation. He formerly served as a member of the Wage & Hour Defense Institute. His biography has appeared in Marquis *Who's Who in America*, *Who's Who in the World, Who's Who in American Law, and Who's Who in Emerging Leaders*. He has been selected by his peers to be listed in *Best Lawyers in America*: Labor Law – Management; Employment Law – Management; Employment Law – Individuals and Litigation: Labor and Employment and has been named a *Missouri & Kansas Super Lawyer* in Labor and Employment and Education Law since 2007. Mike has been recognized by *Chambers USA* as a leading attorney in labor and employment law and as a BTI Client Service All-Star, and has been named several times to the *Human Resource Executive Magazine* list of The Nation's Most Powerful Employment Lawyers – Top 20 Labor Law.

Education

- University of Kansas (B.A.)
- University of Kansas School of Law, 1978 (J.D.), *Order of the Coif, Phi Kappa Phi and C.C. Stewart Award*

Bar Admissions

- Missouri
- Kansas

Court Admissions

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

Distinctions

- College of Labor & Employment Lawyers, Fellow
- Litigation Counsel of America, Fellow
- *HRE Magazine,* "Nation's Most Powerful Employment Attorneys – Labor," 2012
- *HRE Magazine,* "Nation's Most Powerful Employment Attorneys – Top 100," 2011
- *HRE Magazine,* "Nation's Most Powerful Employment Attorneys – Top 10 for Labor Law," 2010
- *Chambers USA*
- BTI Client Service All Star Team, Client Service All Star
- Marquis Who's Who in America; Who's Who in the World; Who's Who in American Law; Who's Who in Emerging Leaders;
- University of Kansas School of Law, James Woods Green Medallion
- University of Kansas School of Law, Board of Governors, Former Member
- Spencer Fane Labor & Employment Group, Former Chair
- Spencer Fane Executive Committee, Former Member
- Kansas City Tomorrow, Year VI

- *Missouri & Kansas Super Lawyers*, 2007-2022
- *Best Lawyers in America*, Labor Law – Management; Employment Law & Management; Employment Law: Individuals; Litigation: Labor & Employment, 2012-2021

Memberships

- American Bar Association
- College of Labor and Employment Lawyers (former member 10th Circuit Credentials Committee)
- Litigation Counsel of America
- Trial Law Institute
- Wage & Hour Defense Institute
- American Employment Law Council
- Missouri Council of School Attorney, President, 2011
- Education Law Association
- Kansas City Metropolitan Bar Association
- Associated Builders & Contractors, Inc., Heart of America Chapter, Former Board of Directors Member

Presentations and Publications

- "Section 13c Labor Updates," Southwest Transit Association, Transit Law Seminar
- "NLRB Developments," Kansas SHRM Employment and Labor Law Conference
- "An Overview of Federal Contracting Requirements for HR and Davis-Bacon Compliance," AGC of American Federal Contractors Compliance Construction HR Workshop
- "Wage and Hour Compliance and Litigation from the Management Point of View," Kansas City Metropolitan Bar Association, FLSA Seminar
- "Drug & Alcohol Testing of School Employees," Missouri School Boards Association Personnel Law Update
- "Construction Jobsite Labor Disputes," American Bar Association, Forum on the Construction Industry Annual Meeting
- "Compensation Practices: Change in Direction," Spencer Fane Britt & Browne, Annual Labor & Employment Law Seminar
- "Retaliation Claims: Preventing & Defending Them," Spencer Fane Britt & Browne, Annual Labor & Employment Law Seminar
- "Construction Industry Under The NLRA," American Bar Association, Labor & Employment Law Section NLRB Basics Program
- "Public Sector Labor Relations," Missouri Council of School Attorneys Annual Conference
- "Public Sector Bargaining," Missouri School Boards Association Annual Meeting
- "Jury Trials, Juror's Perceptions and Their Impact on Employer Harassment Policies," Spencer Fane Britt & Browne, Annual Labor & Employment Law Seminar
- "FLSA Compliance," UMKC School of Law, CLE Heartland Labor & Employment Law Conference
- "Class & Collective Actions," Kansas Bar Association Employment Law Institute
- "Lecturer in Law," University of Kansas School of Law, Employment Law, 2012; Labor Law, 2015, 1992; Collective Bargaining & Dispute Resolution, 2016, 2014
- "Wage & Hour Developments," Kansas City Compensation and Benefits Associations

Related Experience

- Successful negotiation of dozens of collective bargaining agreements on behalf of management.

- Lead labor counsel on numerous corporate acquisitions and divestitures, including acquisition by client of extensive manufacturing operations in Kansas and Oklahoma, in complex transaction involving negotiations with multiple unions.
- Lead counsel in successful defense of state and university officials in a lawsuit challenging the constitutionality of a Kansas statute authorizing certain non-resident students including undocumented aliens to pay in-state tuition.
- Lead counsel on team that successfully represented a large metropolitan school district in its long running desegregation lawsuit, obtained approval of settlement with the State of Missouri, obtained and defended on appeal a declaration of "unitary status" on key aspects of the district's operations, and oversaw preparation and authored key sections of the district's transition plan to full unitary status.
- Lead counsel defending two of the largest FLSA lawsuits brought by the U.S. Department of Labor claiming back wages, liquidated damages and injunctive relief in cases involving cash shortage deductions in the retail gasoline business and payment for "donning and doffing" time in the meat packing industry.
- Lead counsel in successful challenge to the Missouri school finance formula.