

## **Ted Boehm**

### ***Partner***

Atlanta/Nashville

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### ***Service Focus***

- Class and Collective Actions
- Employment Discrimination and Harassment
- Litigation and Trials
- Wage and Hour

### ***Industry Focus***

- Hospitality
- Agriculture

### ***Overview***

Ted Boehm is a partner in the firm's Atlanta office and the force behind his clients' labor and employment legal successes. He has litigated hundreds of cases, representing management in state and federal courts as well as before state and federal agencies including the Equal Employment Opportunity Commission and the United States Department of Labor. Ted is a core member of the Firm's Wage & Hour Practice Group and a member of the Compensation Audit and Counseling Services team.

Having significant experience working with restaurant employers, Ted is also a key member of the firm's Hospitality Practice Group, where he regularly advises his clients on compliance matters including the "tip credit." He works closely with a variety of hospitality employers including franchisee associations in the quick service and casual dining space.

Ted dedicates a substantial portion of his practice to providing counsel on "preventive" employee relations including advice on wage and hour compliance, harassment investigations, disciplinary strategies, and many other issues faced date-to-day by today's employers. He also conducts regular employment and wage and hour assessments. Clients call upon Ted regularly to provide training to

attorneys, executives, human resources professionals, managers, and supervisors on these and other subjects.

When litigation cannot be avoided, Ted defends clients in wage hour, discrimination, retaliation, and harassment claims in court. A significant portion of Ted's litigation practice includes the defense of class and collective actions, where he excels at mitigating risks and thereby mitigating costs for his clients.

Ted has been listed in *Georgia Super Lawyers – Rising Stars* and *Georgia Trend's Legal Elite for Labor and Employment Law*. He regularly provides pro bono legal assistance to non-profit organizations and has been named a "Pro Bono All-Star" by the *Georgia Bar Journal*.

## ***Recent Experience***

### **Experience**

- *Powe v. Farmers Insurance Exchange*, 2023 WL 277861 (N.D. Ga. 2023) (obtained summary judgment on plaintiff's discrimination, retaliation, breach of contract, negligent retention and quantum meruit claims)
- *Luna Vegas v. Signet Builders*, 2021 WL 3571494 (W.D. Wis. 2021) (secured dismissal of Plaintiff's collective action complaint by establishing that plaintiffs were exempt under the FLSA's "secondary agriculture" exemption)
- *Cisero v. ADT, LLC*, 2021 WL 4472977 (N.D. Ga. 2021) (obtained summary judgment against plaintiff's Title VII race discrimination and retaliation claims).
- *Whitworth v. SunTrust Banks, Inc.*, 2018 WL 1634301 (N.D. Ga. 2018), *aff'd per curiam* 2020 WL 1846942 11<sup>th</sup> Cir. 2020) (obtained summary judgment on plaintiff's Title VII retaliation claim; affirmed on appeal following oral argument before the Eleventh Circuit)
- *Harris v. Newell Brands*, 2020 WL 3637921 (E.D. Tenn. 2020) (obtained summary judgment on plaintiff's Title VII sexual harassment and retaliation claims)
- *Thompson v. Applied Staff Augmentation Partners, Inc.*, 2019 WL 5680913 (W.D. N.C. 2019) (defeated plaintiff's motion for conditional certification in FLSA collective action)
- *Thompson v. Applied Staff Augmentation Partners, Inc.*, 2019 WL 8441829 (W.D. N.C. 2019) (affirming validity of Defendant's implementation of arbitration program after the filing of FLSA collective action)
- *Pearson v. Wesley Woods Senior Living, Inc.*, 2019 WL 8438497 (N.D. Ga. 2019) (obtained dismissal of Title VII discrimination claim)
- *Duncan v. Wesley Woods Senior Living, Inc.*, 2017 WL 10765309 (N.D. Ga. 2017) (obtained dismissal of Title VII discrimination claim)
- *Murray et al v. The Auto Club Group, Inc.*, 2017 WL 2998857 (Ga. 2017) (obtained summary judgment on a variety of state law torts brought by former employees)

- *Coleman v. Here to Serve Restaurants, Inc., Oasis Outsourcing, Inc.*, 2016 WL 8792243 (N.D. Ga. 2016), *aff'd per curiam* 779 Fed. Appx. 649 (11<sup>th</sup>2019) (obtained sanctions award due to plaintiff's failure to dismiss WARN Act claim; affirmed by the Eleventh Circuit)
- *Baldelamar v. Jefferson Southern Corp.*, 2016 WL 9330869 (N.D. Ga. 2016) (obtained summary judgment on plaintiff's Title VII sexual harassment/hostile work environment claim)
- *Johnson v. Fortune Plastics of Tennessee*, 2016 WL 6249181 (M.D. Tenn. 2016) (obtained summary judgment on plaintiff's Title VII discrimination claim)
- *Hollan v. Web.com*, 2015 WL 11237023 (N.D. Ga. 2015) (obtained summary judgment on plaintiff's breach of contract and discrimination claims)
- *Kennedy v. Norfolk Southern Corp.*, 2012 WL 12985418 (N.D. Ga. 2012) (obtained summary judgment on plaintiff's discrimination claims)
- *Johnson v. Union General Hospital*, 2016 WL 9330713 (N.D. Ga. 2016) (obtained dismissal of plaintiff's Title FMLA claims)
- *Manstra v. Norfolk Southern Corp.*, 2012 WL 1059950 (E.D. Tenn. 2012) (obtained summary judgment on plaintiff's Title VII discrimination claims)

## ***Credentials***

### **Education**

- J.D., 2006, Tulane Law School
- B.A., 1998, University of the South

### **Bar Admissions**

- Georgia
- Tennessee

### **Court Admissions**

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Western District of Tennessee

## ***Recognitions***

- Named to *Georgia Trend* magazine's "Legal Elite" list (2017-2018)
- Listed in *Georgia Super Lawyers – Rising Stars (2015-2016)*

- Winner of the Georgia employment and benefits category of the Client Choice Awards 2019

## ***Affiliations***

### **Professional Activities**

- Member, State Bar of Georgia
- Member, Tennessee Bar Association
- Member, American Bar Association

### **Community Activities**

- Member - Gwinnett Chamber of Commerce Chairman's Club
- Advocate and Fundraiser - Dystrophic Epidermolysis Bullosa Research Association of America (DEBRA)
- Volunteer and Donor - Pro Bono Partnership of Atlanta
- Member – Board of Directors First Presbyterian Preschool

## ***Insights***

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EVENT

04/10/24

### **Wage and Hour Wednesdays: The Heat is on! How to Plan For the DOL Turning Up the Heat on Child Labor Enforcement Efforts**

Ted Boehm, Courtney Leyes, Emily N. Litzinger

[Read more →](#)

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EVENT

09/20/23

### **Overtime Rule Released: What You Need to Know Before The Salary Increases Hit Your Books**

Marty Heller, Ted Boehm

[Read more →](#)

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INSIGHTS

09/13/23

### **Are You Properly Paying Your Bell Staff? 5 Top Questions for Hotels that Take a Tip Credit**

Ted Boehm, Marty Heller, Courtney Leyes, Emily N. Litzinger

[Read more →](#)

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INSIGHTS

09/05/23

# The Little-Known Reason Why An Employee's Job Performance Could Tank Their Exempt Status – and What Employers Can Do About It

Ted Boehm, Courtney Leyes

[Read more →](#)

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INSIGHTS

08/04/23

## Workplace Law Update: 22 Essential Items on Your August To-Do List

Emily Alvarez, David E. Amaya, Michelle I. Anderson, Amanda M. Blair, Ted Boehm, Suzanne K. Bogdan, Jennifer B. Carroll, J. Micah Dickie, Anet Drapalski, Benjamin M. Ebbink, Jason A. Fischbein, Ilanit Fischler, Lonnie D. Giamela, Rosemary S. Gousman, Darcey M. Groden, Marty Heller, Melissa Huether, Jang Hyuk Im, Megan L. Janes, Usama Kahf, Nicole Kamm, Anne Yarovoy Khan, Sarah Leon, Courtney Leyes, Emily N. Litzinger, Todd A. Lyon, Richard R. Meneghello, R. Henry Moore, Joshua D. Nadreau, Alden J. Parker, Christopher G. Peterson, Erin Price, Monica Snyder Perl, Nan Sato, Landon R. Schwob, Evan Shenkman, Shanon R. Stevenson, Sharon Suh, Hannah Sweiss, Spencer W. Waldron, David J. Walton, Sheila M. Abron, Arthur M. Wolfson, Annie Ziesing

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INSIGHTS

07/12/23

## Labor Department's "New" Tip Credit Rule is Here to Stay...For Now: A 10-Step Plan for Hospitality Employers

Ted Boehm, Marty Heller, Courtney Leyes, Emily N. Litzinger

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NEWS

06/30/23

## Republished Insight: Federal Appeals Court Confirms the Obvious: "Salary" Does Not Include Fringe Benefits

Ted Boehm

[Read more →](#)

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INSIGHTS

06/02/23

## Top Workplace Law Stories You May Have Missed from May 2023

Emily Alvarez, Alba V. Aviles, Steven M. Bernstein, Amanda M. Blair, Ted Boehm, Risa B. Boerner, Suzanne K. Bogdan, Melissa [Osipoff] Camire, Jennifer B. Carroll, Charles S. Caulkins, J. Micah Dickie, Benjamin M. Ebbink, Michael P. Elkon, Michael R. Greco, Rick Grimaldi, Rebecca Hause-Schultz, Megan L. Janes, David S. Jones, Sean Kingston, David Klass, Matthew R. Korn, Edwina C. Kye, Courtney Leyes, Jeffrey E. Mandel, John A. Mavros, Mary Grace Miller, Catharine Morisset, Joshua D. Nadreau, Karen L. Odash, Brett P. Owens, Alden J. Parker, Dean L. Petitta, Arthur L. Ramirez, Robin Repass, Christopher P. Stief, Connie Yang, Travis Vance, Alexander A. Wheatley, Kristin R.B. White

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INSIGHTS

05/24/23

## Appeals Court Sets New Standard in Federal Wage and Hour Collective Actions: 4 Biggest Takeaways for Employers

Ted Boehm, Courtney Leyes

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INSIGHTS

04/27/23

## Can You Include Sushi Chefs — and Other Unique Positions — in Your Tip Pool? 5 Key Questions for Restaurateurs to Review

Ted Boehm, Marty Heller, Courtney Leyes, Emily N. Litzinger

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