



## CHARLES E. MCCLELLAN

PARTNER

### WICHITA OFFICE

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## PROFILE

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Charles McClellan provides a wide range of employment and commercial litigation and client counseling services for business, nonprofit, government, and individual clients.

In the employment litigation context, Charles handles pre-litigation disputes, including internal investigations and external agency actions by the KHRC, EEOC, OFCCP, or other government agencies, as well as administrative, grievance, and arbitration proceedings. He regularly defends employers facing large class and collective actions and litigates traditional, single-plaintiff lawsuits in state and federal court. His experience covers a breadth of employment-related claims, including discrimination, wrongful discharge, retaliation, harassment, breach of contract, wage payment violations, non-compete enforcement, labor-management disputes, and ERISA violations.

Charles has broad litigation experience representing parties facing complex commercial disputes. For example, he has litigated commercial disputes over the sale of equipment under the Uniform Commercial Code, the provision of services under a supply agreement, and the enforcement of an asset purchase agreement; corporate governance and other disputes among shareholders or members of a corporation; and real estate zoning disputes involving renewable energy projects. Charles enjoys digging into these complex disputes and zealously advocating for his clients.

Outside of litigation, Charles regularly counsels clients and provides training on a wide range of employment and other business matters. He helps employers draft and revise employee handbooks and advises them on discipline, termination, reduction-in-force, wage and hour, and other employment-related issues. And he advises manufacturing and service clients on the interpretation, application, and enforcement of supply-chain agreements. Charles also has extensive experience preparing affirmative action plans for federal government contractors, advising them on affirmative action compliance, and navigating them through OFCCP audits. With his assistance, the firm has developed its own proprietary software to prepare AAPs and to comply with regulatory reporting requirements.

Prior to his life as a lawyer, Charles managed a department of a nonprofit that provided business training for entrepreneurs in a developing country and also served as the director of an international commodity trading firm. He and his wife are proud parents of four college- and school-age daughters. Charles is an avid college sports fan, cryptocurrency speculator, and (when he's not too busy binging the latest TV

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## ATTORNEYS AT LAW

show) triathlete.

### Education

- University of Iowa (J.D.)  
With Honors; Order of the Coif; Note Editor, Transnational Law & Contemporary Problems
- University of California, Davis (B.A. in Russian and International Relations)  
With Honors

### Admissions

- Kansas
- U.S. District Court for the District of Kansas

### PRACTICE AREAS

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- Employment & Labor
- Litigation & Disputes
- Supply Chain Management

### COMMUNITY INVOLVEMENT

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- Mental Health Association of South Central Kansas, Board of Directors

### PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

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- Named a "Labor & Employment Star" by Benchmark Litigation, 2020-2022
- Kansas Bar Association
- Wichita Bar Association

### PRESENTATIONS

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#### 2023

- Payroll Perils (Foulston Siefkin LLP, Employment Law Institute)

#### 2022

- Are We There Yet? The Latest COVID-Related Legal Developments and the Legacy of COVID (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

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### 2021

- All-New Employment Law Mythbusters (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

### 2020

- Recent Awards and Settlements – and What We Can Learn from Them (Foulston Siefkin LLP, Employment Law Institute Webinar Series)
- 2020 Vision: A Look at the Latest (Non-COVID) Employment Law Cases, Issues, and Trends (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

### 2019

- Pay-Data Collection and Government Contractor Update (Foulston Siefkin LLP, HR Training Series)
- Employment Law Mythbusters (Foulston Siefkin LLP, Kansas Employment Law Institute)

### 2018

- Back to the Basics: HR Topics from A-Z that Every HR Professional Should Know (Foulston Siefkin LLP, HR Training Series)
- Five Things You Can Do to Avoid Wage and Hour Law Headaches (Foulston Siefkin LLP, Employment Law Institute)

## PUBLICATIONS

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### 2022

- New Government Contractor AAP Verification Process in the Works  
- HR Daily Advisor, February 17, 2022

### 2021

- Ban the Box Legislation for Federal Contractors Takes Effect  
- Kansas Employment Law Blog, December 20, 2021
- Task Force Releases Vaccine Guidance for Federal Contractors  
- Midwest Employment Law Letter, Vol.2., No. 11
- How To Protect Info from Employees' Improper Use After SCOTUS Ruling  
- Midwest Employment Law Letter, Vol. 2, No. 10
- Divided 10th Circuit Clarifies Elements of ADA Claim  
- HR Daily Advisor, February 2, 2021

### 2019

- Our Parents Were Correct—Two Wrongs Don't Make a Right  
- Kansas Employment Law Letter, Vol. 26, No. 9

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## ATTORNEYS AT LAW

- Pay Data Reporting is Back (For Now)
  - Kansas Employment Law Letter, Vol. 26, No. 4
- County's Failure to Accommodate *May* Not Be Enough to Prove ADA Claim
  - Kansas Employment Law Letter, Vol. 26, No. 2

### 2008

- America, Land of (Extraterritorial) Discovery: Section 1782 Discovery for Foreign Litigants
  - 17 Transnat'l L. & Contemp. Probs. 809

## ISSUE ALERTS

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### 2019

- Pay Data Reporting Is Back (For Now)

### 2015

- NLRB Joint Employer Ruling
- OFCCP Publishes Final Pay Transparency Regulations for Government Contractors

### 2014

- December 2014 Affirmative Action Update

### 2012

- Healthcare Providers' Affirmative Action Obligations Take Center Stage