

Heather A. Bailey

Chicago, IL

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PARTNER

Overview

Heather credits her experience working full-time in office administration and human resources during law school for her seamless transition into management-side labor and employment law. The skills she developed as a legal secretary and office manager help strengthen her appreciation and understanding of clients' concerns today and gave her the tools to be efficient, respectful and meticulous in her role as an attorney.

For 22 years, Heather has concentrated her practice in employment and labor counseling and litigation, including discrimination and trade secret / non-compete lawsuits, FLSA class actions, labor negotiations and arbitrations, affirmative action, OFCCP/DOL audits, BIPA and FINRA issues. She counsels on day-to-day operations, human resources, and management decisions regarding employees, practices and policies. Heather also works comfortably with FMLA/ADA, sexual harassment, affirmative action, union avoidance and other types of employee and management training. Her clients operate across the U.S. in industries like vending, health care, transportation, parking, automotive repair, construction, staffing, hospitality (restaurants/taverns), banking, nonprofits, IT, and manufacturing to name a few.

As co-chair of the firm's Labor & Employment & Benefits Service Group and as a thought leader in the labor and employment industry, Heather regularly contributes to the firm's Labor & Employment Law Update, the vending industry's National Automatic Merchandising Association, Vending Times and Vending Market Watch quarterly publications, and the Illinois Chamber of Commerce's human resources advisory blog. She co-authored the 2019 Illinois Chamber of Commerce's *Illinois Employment Law Handbook*, and frequently presents at the Illinois Institute for Continuing Legal Education, Clear Law Institute, Chicago Bar Association, Lorman Education Services and NAMA-related conventions across the U.S.

SERVICES

- Affirmative Action
- Cannabis in the Workplace
- Class Action
- COVID-19 Resource Center & Task Force
- Employment Advice & Counsel
- Employment Litigation
- Equal Pay Compliance
- Government Regulation, Audit & Compliance
- Health Care
- Hospitality, Leisure & Tourism
- Labor, Employment, Benefits & Immigration
- Mandatory Training
- Staffing Agency, Independent Contractor & Contingent Workforce
- Traditional Labor & Union Relations
- Unfair Competition Counseling & Litigation
- Vaccine Mandates in the Workplace
- Wage & Hour
- Workplace Investigations

As a prior co-chair of the firm's Committee for Diversity and Inclusion, Heather managed a team charged with not only creating diversity awareness within the firm and its clients, but also executing strategies to recruit, retain and mentor attorneys and staff of all backgrounds. Additionally, Heather provides incomparable leadership to the firm's younger attorneys; taking the time to mentor them and help them to develop into exceptional attorneys.

Experience

Won Summary Judgment in Favor of a Health Care Provider After the Plaintiff Alleged FLSA and ERISA Retaliation Claims

Won Summary Judgment in a Race Discrimination, Defamation Claim Under IHRA and Title VII

Obtained a Motion to Dismiss with Prejudice for Claims of Breach of Employment Contract, Defamation and Infliction of Emotional Distress on Behalf of a Health Care Employer

Won Summary Judgment on a Race Discrimination Complaint for a Hospital had a Legitimate, Nondiscrimination Reason for Termination

Successfully Assisted a Group of Employees from De-certifying their Union Representation with a Grocery Store Chain

Won a Motion to Dismiss in a Common Law Retaliatory Discharge Case Under the Workers' Compensation Act

Retained by a National Consulting Firm to Pursue Claims for Breach of Restrictive Covenants, Trade Secret Statutes and Other Actions

Obtained a Temporary Restraining Order on Behalf of a National Information Technology Solutions Company

Secured a Dismissal for an Employer at the Chicago Commission on Human Relations

Won Summary Judgment in the S.D. of Florida for a Vending Operator that the Motor Carrier Act Exemption of the FLSA Applies to Vending Route Drivers

Filed an Amicus Brief in the Middle District of Tennessee for a Vending Operator on the Motor Carrier Act Exemption

Won a Post-trial Motion Where the Original Verdict was \$1 Million for a Sexual Harassment Retaliation

Defended a Hospital Against an Employee's Claims of Race Discrimination in Cook County Circuit Court

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EDUCATION

The John Marshall Law School, J.D., 2001

Bowling Green State University, B.A., 1992

ADMISSIONS

Illinois

Defended a Hospital Against an Employee's Claims of Retaliation and Sexual Harassment

Defended a Not-for-profit Organization Against a Contractor's Claims of Sex Discrimination at the Chicago Commission on Human Relations

Defended a Hospital Against a Former Employee's Claims of FMLA Interference, FMLA Retaliation, and ADA Discrimination

Defended a Hospital Against a Former Employee's Claims that the Hospital Violated Title VII and ADA

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Membership & Involvement

- Professional Women's Club of Chicago: Immediate Past President, 2016-2017; President, 2015-2016; Vice President, 2014-2015; Communications Committee Co-chair, 2012-2014; Communications Committee Co-Chair Board Member, 2012-2014
- Executive Committee Member: ProVisors, 2017-Present
- Advisory Council: Illinois Restaurant Association, 2020, 2021, 2022
- Member: National Automatic Merchandising Association (NAMA) (Employment/Labor Knowledge Source Partner since 2003)
- Member: Illinois Chamber of Commerce (Employment Legislation Advisor)
- Member: Former Co-chair; Amundsen Davis Committee for Diversity and Inclusion
- Member: Defense Research Institute (DRI); American Bar Association; Chicago Bar Association; Illinois Association of Defense Trial Counsel
- Volunteer/ Co-captain: Special Olympics Chicago, Polar Plunge Fundraiser, 2008-2022
- Volunteer: The Youth Campus, 2004-2011
- Volunteer: Children's Home + Aid, 2012-2014

Honors

- Recognized as one of *Automatic Merchandiser's* Most Influential Women in Convenience Services: 2022
- 2015 Chicago Business Journal Women of Influence Honoree
- Recognized as a Pro to Know by *Automatic Merchandiser* and *VendingMarketWatch*: 2015
- Selected to the Illinois Super Lawyers list: 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023
- Selected to *The Best Lawyers in America*® in Employment Law - Management: 2023

- Received Lawyer Monthly Women in Law Award, USA: 2018

Firm News

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

45 SmithAmundsen Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Heather Bailey Recognized as a Top Author of 2021 by JD Supra for Employer Liability Issues

Firm News, *Automatic Merchandiser*, June 20, 2022

30 SmithAmundsen Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists

January 28, 2022

27 SmithAmundsen Attorneys Included on 2021 Illinois Super Lawyers and Rising Stars Lists

January 29, 2021

24 SmithAmundsen Attorneys Included on 2020 Illinois Super Lawyers and Rising Stars Lists

January 29, 2020

29 SmithAmundsen Attorneys Included on 2019 Illinois Super Lawyers and Rising Stars Lists

January 24, 2019

Lawyer Monthly Recognizes Heather Bailey in "2018 Women in Law Awards"

Lawyer Monthly, June 12, 2018

Heather Bailey and The Center for Values-Driven Leadership Partner for Women in Leadership Book List

Center for Values-Driven Leadership, November 20, 2017

SmithAmundsen Hosts a Celebration of Hispanic Heritage Month

October 5, 2017

Heather Bailey and her Team Raise Nearly \$16,000 for the 2017 Chicago Polar Plunge Benefitting the Special Olympics Chicago

Chicago Tribune; Chicago Sun Times, March 5, 2017

27 SmithAmundsen Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists

SmithAmundsen, January 13, 2017

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Panel Urges Creativity, Caution In Proposing Workplace Cafes - Vending Times
Quotes Heather Bailey
Vending Times, Winter 2017

28 SmithAmundsen Attorneys Included on 2016 Illinois Super Lawyers and 2016
Illinois Rising Stars Lists
SmithAmundsen, January 8, 2016

Heather Bailey Honored As a 2015 "Pro to Know" By Automatic Merchandiser
Automatic Merchandiser, December 24, 2015

Illinois Super Lawyers & Illinois Rising Stars Names 26 SmithAmundsen Attorneys
to 2015 List
January 12, 2015

Heather Bailey Selected to the Chicago Business Journal's 2015 Women of
Influence List
December 11, 2014

In the Media

Heather Bailey Recognized as a Top Author of 2021 by JD Supra for Employer
Liability Issues

3 Wage And Hour Tips For Weathering Natural Emergencies – Law360 Interviews
and Quotes Heather Bailey

"We need to make sure we're doing it right..." Heather Bailey Quoted in
VendingMarketWatch.com on Getting Back to Work as Economy Reopens

VendingMarketWatch.com Highlights Heather Bailey

VendingMarketWatch.com Asks for Heather Bailey's Experience on Managing
Risks

Heather Bailey Provides Consulting Services in Labor & Employment Law in the
Automatic Merchandiser Booth During the NAMA Coffee, Tea & Water Show

6 Tips To Prep For An OSHA Visit - *VendingMarketWatch.com* Highlights Heather
Bailey

Alerts

Federal Contractors' Alert: Your Vaccine Mandate Has Been Halted....Again

Federal Contractors' Alert: What We Know and Still Don't Know About Biden's
Vaccination Mandate

Update: FLSA Overtime Rule Suspended

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The Motor Carrier Exemption: A Unique Alternative for Employers Wanting to Pay Truck Drivers Salaries Instead of Overtime

Avoiding the Pitfalls of New “Ban the Box” Laws when Hiring Drivers and Other Employees

Speaking Engagements

The Importance of Mentoring and Support
Speaking Engagement, Illinois Chamber of Commerce; Naperville, IL, June 21, 2023

Employee Life Cycle of Hiring, Onboarding & Retention
Speaking Engagement, The NAMA Show 2023; Georgia World Congress Center, Atlanta, GA, May 11, 2023

Federal Contractor's Alert: Let's Dust Off Those Affirmative Action Plans!
Speaking Engagement, Illinois Chamber of Commerce, Webcast, April 25, 2023

Building an Inclusive and Diverse Workplace While Avoiding Legal Challenges
Speaking Engagement, Illinois Chamber of Commerce, Webcast, January 12, 2023

How to Build and Manage a Better Workforce
Speaking Engagement, National Automatic Merchandising Association; Las Vegas, NV, November 15, 2022

Building an Inclusive and Diverse Workplace While Avoiding Legal Challenges
Speaking Engagement, Illinois Chamber of Commerce; Webcast, October 19, 2022

Lessons from a Lawyer: Managing Your Security and Workforce
Event, Chicago, IL, April 6, 2022

Diversity, Inclusion and Allyship in the Workplace
Webcast, March 16, 2022

Federal Contractors' Alert: Government Certification of Written Affirmative Action Plans is Here!
Illinois Chamber of Commerce; Webcast, January 26, 2022

Diversity, Inclusion and Allyship in the Workplace
Illinois Chamber of Commerce; Webcast, December 14, 2021

Published Works

Planning for the COVID-19 Vaccination Mandate
InTouch Magazine – NAMA, January 10, 2022

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Tip Payment Landscape Sows Confusion For Hospitality Cos.
Law360, July 7, 2021

Illinois Employment Forms-Online Version
Illinois Chamber of Commerce, March 2021

COVID Fatigue? What You May Have Missed Related to Employment Laws
InTouch Magazine – NAMA, Summer 2020

Coronavirus... Tornadoes... Data Breach... Oh My! Is Your Workplace Prepared for a Pandemic or Other Catastrophe?
InTouch Magazine – NAMA, Spring 2020

Up in Smoke- Legalized Cannabis is Becoming the Norm, Instead of the Exception
InTouch Magazine – NAMA, Winter 2020

Déjà Vu!- US Department of Labor Takes a Second Bite at the Apple to Increase White Collar Salaries
InTouch Magazine – NAMA, Summer 2019

Illinois Employment Law Handbook - 5th Edition
Illinois Chamber of Commerce, 2019

FDA Softening Stance On CBD? What Is In Store For Vending Employers?
VendingMarketWatch.com, May 8, 2019

When Employee Terminations Go Wrong! Are You Prepared?
InTouch Magazine – NAMA, Spring 2019

New Year's Resolution for Operators Should Include an HR Checklist!
InTouch Magazine – NAMA, Winter 2019

Drug Testing Nightmares: The Attack of the Poppy Seed Muffin & Now CBD Infused Beverage!
InTouch Magazine – NAMA, Fall 2018

Employment-Related Class Action Waivers Are Now Enforceable...But What Does That Mean for Operators?
InTouch Magazine – NAMA, Summer 2018

Sexual Harassment In The Workplace Is Happening Every Day - Are You Protecting Your Employees?
InTouch Magazine – NAMA, Spring 2018

Goodbye 2017 & Hello 2018! What All Employers Should Know For the New Year
InTouch Magazine – NAMA, Winter 2018

IMPORTANT DOL UPDATE: The Final Rule on Doubling White Collar Salaries Is Shot Down By Texas Judge
InTouch Magazine – NAMA, Fall 2017

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If You are Considering a Workplace Wellness Program, Be Sure It Complies with Existing Laws

InTouch Magazine – NAMA, Summer 2017

Election 2016 New Year, New President, New Employment Laws

InTouch Magazine – NAMA, Winter 2017

The Department of Labor's Final Rule on Increasing White Collar Salaries Recapped

InTouch Magazine – NAMA, Fall 2016

Do You Have Supervisory or Administrative Employees Whom You Pay A Salary? If So, Please Keep Reading!

InTouch Magazine – NAMA, Summer 2016

Heather Bailey's Article Featured in NAMA's *InTouch Magazine*

InTouch Magazine – NAMA, Spring 2016

5,4,3,2,1... Happy New Year! A Look Ahead to 2016 and Employment Laws

InTouch Magazine – NAMA, Winter 2016

Top 10 CTW Takeaways

VendingMarketWatch.com, November 3, 2015

Blog Posts

Top Five Data Privacy Considerations Before Using Online Hiring Platforms

Labor & Employment Law Update, June 9, 2022

Federal Contractors' Alert: Your Vaccine Mandate Has Been Halted....Again

Labor & Employment Law Update, January 24, 2022

Federal Contractors' Alert: COVID-19 Vaccination Mandate Is Halted — For Now

Labor & Employment Law Update, December 7, 2021

Federal Contractors' Alert: Minimum Wage for Workers Is Going Up January 30, 2022

Labor & Employment Law Update, November 30, 2021

Here We Go Again: DOL Announces Final Rule Regarding Tipped Employees With Dual Jobs

Labor & Employment Law Update, November 1, 2021

DOL Releases Final Rule Regarding Tips, Expanding Penalties for Short-Changing Tipped Workers

Labor & Employment Law Update, September 28, 2021

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Federal Contractors' Alert: What We Know and Still Don't Know About Biden's Vaccination Mandate

Labor & Employment Law Update, September 27, 2021

Can I Ask My Employees If They Have Been Vaccinated?

Labor & Employment Law Update, April 6, 2021

Don't Let Your Lattes Go Cold When Employees Complain About Customer Harassment

Labor & Employment Law Update, April 23, 2019

IMPORTANT DOL UPDATE: The Final Rule on Doubling White Collar Salaries Is Shot Down By Texas Judge

Labor & Employment Law Update, September 6, 2017

DOL FLSA Overtime Rule May Be Suspended

Labor & Employment Law Update, November 17, 2016

Federal Contractors: Paid Sick Leave Is Now A Reality

Labor & Employment Law Update, October 21, 2016

New Employment Posters That Should Have Been Hanging Since August 1!

Labor & Employment Law Update, August 17, 2016

City of Chicago Is Teeing Up For Mandated Paid Sick Leave

Labor & Employment Law Update, June 21, 2016

Doing Business in Los Angeles Just Got More Expensive for Employers

Labor & Employment Law Update, April 25, 2016

Too Hot in the Kitchen for Restaurant With Prior Notice from the DOL of Wage Violations

Labor & Employment Law Update, March 10, 2016

Federal Contractors and Subcontractors Top 10 Affirmative Action Checklist

Labor & Employment Law Update, January 25, 2016

5, 4, 3, 2, 1... Happy New Year! A Look Ahead to 2016 and Employment Laws

Labor & Employment Law Update, December 30, 2015

Hospital's Second Bite at the Apple Violated Unionized Employees' Rights for Open Positions Between Facilities

Labor & Employment Law Update, September 29, 2015

California Law Update: New Family Rights Act Regulations Starting July 1, 2015

Labor & Employment Law Update, May 12, 2015

OFCCP: Affirmative Action Contractors Update on Compliance with Sexual Orientation and Gender Identity Obligations

Labor & Employment Law Update, March 27, 2015

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Federal Contractors – Protected Veterans and Disabled Individuals Need Love Too....

Labor & Employment Law Update, February 6, 2015

With A New Year Comes New Rules! Here's Your State Employment Law Update

Labor & Employment Law Update, January 16, 2015

Paid Sick Leave? Ban The Box? Pregnancy? Equal Pay? Smoker Retaliation Poster? Here's Your State Employment Law Update

Labor & Employment Law Update, September 24, 2014

LGBT Workplace Equality is Now!

Labor & Employment Law Update, July 24, 2014

Pregnancy? Parental Leave? Social Media? Data Breaches? Your State Employment Law Update

Labor & Employment Law Update, June 5, 2014

April Showers: Update For Your State and Federal Employment Laws

Labor & Employment Law Update, April 4, 2014

State Employment Law Update

Labor & Employment Law Update, February 7, 2014

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