



Penelope J. Phillips

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Minnesota State Bar Association

Certified ▲ Specialist

Labor and Employment Law

After serving as Labor & Employment counsel for SUPERVALU INC., a national grocery and distribution chain, Penny Phillips rejoined Felhaber, Larson, Fenlon & Vogt in September 2008, where she had formerly been a shareholder.

Since 1990, Ms. Phillips has focused exclusively on counseling and representation of employers in all areas of employment law, including FMLA, wage and hour, employment discrimination claims (including gender, age, religion, disability, national origin, and race), defamation, whistleblower, breach of contract and wrongful discharge. Ms. Phillips also investigates complaints of employee misconduct (including harassment and offensive behavior). She has worked with and practiced before the state and federal courts, various state and federal agencies, including the Department of Labor, the Equal Employment Opportunity Commission, and state and local fair employment practices agencies.

Ms. Phillips has a particular emphasis on wage and hour/FLSA matters. While in-house at SUPERVALU INC., she defended wage and hour cases throughout the country. She frequently conducts FLSA audits for companies, and is the author of the *2007 Wage & Hour Answer Book, A Guide for Human Resource Professionals*, published by Aspen Publishers (a leading information provider for attorneys, business professionals and law students).

Ms. Phillips is also a frequent teacher and trainer on employment issues. She provides ongoing training to employers, managers, human resource personnel and other lawyers on matters such as the FMLA, ADA, wage and hour laws, hiring and firing, sexual and unlawful harassment, discrimination, conducting investigations, alcohol and drug testing, and reductions-in-force. Ms. Phillips has spoken to companies and organizations throughout Minnesota, the Midwest, and the United States.

Practice Areas

■ [Employment Law](#)

- Counseling and Representation of Employers
- Employment Litigation
- Employment-Related Administrative Law
- FMLA Matters
- Wage and Hour/FLSA Disputes
- FLSA Audits
- Defamation
- Whistleblower
- Breach of Contract
- Wrongful Discharge
- Employee Misconduct Complaints

Related Experience

- Labor & Employment Counsel, SUPERVALU INC., 2006-2008
- Law Clerk to the Honorable Rosalie E. Wahl, Associate Justice, Minnesota Supreme Court, 1989-1990
- Staff Writer, William Mitchell Law Review, 1987-1988, Editor, 1988-1989

Education

- J.D., William Mitchell College of Law, *magna cum laude*, 1989
- B.A., St. John's College, Santa Fe, New Mexico, 1985

Bar Admission

- Minnesota State Bar, 1989
- North Dakota State Bar, 2004
- United States District Court, District of Minnesota, 1990
- United States Court of Appeals for the Eighth Circuit, 1991
- United States District Court, District of North Dakota, 1997
- United States Court of Appeals for the Sixth Circuit, 1999

Professional Certifications, Awards and Designations

- Appointed as a Leader in her Field by the *Chambers USA Guide*, 2005, 2006, 2009 & 2010
- Certified Labor and Employment Specialist in Minnesota by the MSBA
- Named "Super Lawyer®" by *Minnesota Law & Politics*, 2004-2010
- Named Top 40 Employment Lawyers by *Minnesota Law & Politics*, 2007-2009
- Named to Top 100 Woman Lawyers by *Minnesota Law & Politics*, 2006-2009
- Named "Rising Star of Minnesota Law" by *Minnesota Law & Politics*, 1998
- Included in "Best Lawyers In America" for 2006-2007
- Included on Who's Who In Legal: USA Management Labour & Employment 2006
- Rated "AV" (highest rating) by Martindale Hubbell Legal Directory

Professional Activities and Memberships

- Governing Council of the Labor & Employment Law Section, Member 1999-2006; Chair 2005-2006
- Hennepin County Bar Association, Member 1989-present
- Labor & Employment Accreditation Committee, Minnesota State Bar Association, Chair 2007-2009
- Labor & Employment Certification Board, Chair 2010-present
- Legal Services Advisory Council, Member 2008-present
- Minnesota State Bar Association, Member 1989-present
- Wolters Kluwer Law and Business Labor and Employment Law Advisory Board, 2008-present

Teaching

- Legal Writing, William Mitchell College of Law, 1991-1994, Compass Program, 2008
- Employers Education Service, Carlson School of Management, University of Minnesota, 1991-2006

Legal Publications

- An Editor of the *Discipline and Discharge Handbook*, (Minnesota CLE, 2010)
- Author of "Drafting Disciplinary Memos", *Discipline and Discharge Handbook*, (Minnesota CLE, 2010)
- Author of the *2007 Wage & Hour Answer Book*, A Guide for Human Resource Professionals, published by Aspen Publishers

Speaking Engagements

- "2008 FMLA Amendments"
- "A Practical Guide to Drafting Employee Disciplinary Memos"
- "Appearance and Grooming at Work"
- "Background and Reference Checks"
- "Discipline, Documentation, and Discharge"
- "Discrimination in the Workplace"
- "Discrimination Issues: Application, Interview, Hiring"

- “Employment and Technology: Computers, Internet, and Privacy”
 - “English Proficiency at Work”
 - “FMLA in a Nutshell”
 - “Getting the Wage and Hour Issues Right — Auditing FLSA Practices”
 - “Handling the Problem Employee”
 - “Hiring in the Current Legal Environment”
 - “How to Conduct an Investigation”
 - “How to Discipline and Discharge Without Litigation”
 - “Illegal Harassment: How to Recognize It and How to Respond to It”
 - “Introduction to the ADA & the ADAA”
 - “Navigating the Leave Laws”
 - “Reduction-in-Force and Severance Agreements”
 - “The New FLSA Regulations”
 - “The Workplace and Chemical Abuse”
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