



Brian A. Niemeyer

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Bryan is a shareholder who primarily focuses on Labor and Employment law.

Professional Experience

Bryan is one of approximately 120 attorneys in the State of Ohio who has earned the distinction of Certified Labor and Employment Law Specialist. He focuses his efforts on working collaboratively with employers of all sizes – from international corporations to small family-owned businesses – by helping them effectively navigate the constantly evolving laws governing the management of their workforce. Bryan values the relationships he has with his clients and believes it is

important to understand each of his client's individual business operations and culture in order to effectively counsel them with regard to employment law matters. As a result, Bryan has become a trusted advisor to the firm's clients on complicated employee issues such as the FMLA, ADA, FLSA, OSHA, and Title VII discrimination and harassment matters, among many others.

In addition to counseling employers on litigation avoidance strategies, Bryan has successfully defended many employers in state and federal court actions involving employment law matters, as well as in various administrative agencies such as the Ohio Bureau of Workers' Compensation, the Ohio Industrial Commission, OSHA, the Ohio Civil Rights Commission, the Equal Employment Opportunities Commission, and the Ohio Unemployment Review Commission.

Bryan also counsels clients with regard to their various personnel policies and practices, and regularly reviews and drafts employee handbooks and counsels clients regarding the proper use of non-compete and confidentiality agreements.

Bryan is a regular speaker on employment law matters to local chambers and human resources organizations. He has also provided training to employees and supervisors on various litigation avoidance issues, including safety, discrimination and harassment matters.

Prior to beginning his career as an attorney, Bryan played minor league baseball in the Boston Red Sox organization and was a member of the football team at The Ohio State University. Today, Bryan and his wife, Tonya, reside in Minster, Ohio, and have five children, Adam, Jonathan, Jacob, Alyssa, and James, a daughter-in-law, Bridget, and a granddaughter, Riley. When Bryan isn't working, you can usually find him coaching baseball in the summer or attending a sporting event somewhere watching one of his kids compete.

Notable Topics on which Bryan has Presented to Various Organizations:

- Gender Identity and Sexual Orientation
- Medical Marijuana in the Workplace
- Wage and Hour Update/How to Properly Calculate Overtime
- Interplay between the FMLA, ADA and Workers' Compensation Laws
- OSHA Unannounced Visits and Effectively Contesting OSHA citations
- Proper Policies to Include in Employee Handbooks
- Reasonable Accommodations under the ADA
- Investigating Safety Violations

- Proper use of Job Descriptions
- COBRA Updates and Procedures
- Sexual Harassment Investigations and Compliance Issues
- How to Properly Use Restrictive Covenants

Cases Argued Before the Ohio Supreme Court

- Meyer vs. Minster Farmers Coop. Exchange Co., Inc. (2008), 117 Ohio St.3d 459
- Community First Bank & Trust vs. Dafoe (2006), 108 Ohio St.3d 472

Notable Cases Argued in Ohio Courts of Appeals

- In re Vaughn (1999), Eighth District Court of Appeals, 1999 WL 980647
- Williams Trucking, Inc. v. Gable (2000), Eighth District Court of Appeals, 2000 WL 639541
- Schnippel Construction, Inc. v. Kreps (2002), Third District Court of Appeals, 2002 WL 235443
- Mabry- Wright v. Zlotnik (2005), Third District Court of Appeals, 165 Ohio App.3d 1
- Winner Trucking, Inc. v. Victor L. Dowers & Assoc. (2007), Second District Court of Appeals, 2007 WL 1933980
- Western Ohio Colt Racing Assn. v. Fast (2009), Third District Court of Appeals, 2009 WL 737776