

Elizabeth A. Voss

Member

Dallas

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Areas Of Practice

Employment Litigation
Employment Counseling
Wage & Hour
Non-Compete, Unfair Competition
and Trade Secrets
Labor & Employment
Litigation
Dykema Delivers HR Innovation

Industries

Dental Service Organizations
Industry Group
Energy Industry Group

Bar Admissions

Texas, 2010

Court Admissions

U.S. District Court, Eastern District
of Texas
U.S. District Court, Northern
District of Texas
U.S. District Court, Western
District of Texas
U.S. District Court, Southern
District of Texas

Education

Baylor University School of Law,
J.D., *magna cum laude*, 2010
New York University, College of
Arts and Sciences, B.A., History,
cum laude, 2002

Language

Spanish

Elizabeth Voss counsels clients in a wide range of industries on all aspects of employment and labor relations. Elizabeth has represented employers in multiple state and federal courts, as well as in administrative proceedings with the Texas Workforce Commission (TWC) and the U.S. Equal Employment Opportunity Commission (EEOC).

Experience

Elizabeth navigates clients through the challenging employment and labor legal arena, advising on discrimination statutes, including:

- Title VII of the Civil Rights Act (Title VII)
- The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA)
- The Uniformed Services Employment and Reemployment Rights Act (USERRA)
- The Texas Commission on Human Rights Act (TCHRA)
- The Genetic Information Nondiscrimination Act (GINA)

Elizabeth also represents employers in wage and hour issues, including the Fair Labor Standards Act (FLSA), the Texas Payday Law and regulations issued by Department of Labor (DOL). She counsels employers regarding compliance with other state and federal employment laws, including the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act, and assists with OFCCP compliance reviews. She also provides assistance with employment policies and agreements, including employment agreements, separation agreements, covenants not to compete and non-solicitation agreements.

Her experience also includes the following engagements:

Discrimination and Retaliation Claims

- **Residential care facility.** Obtained summary judgment in the Western District of Texas in a case involving claims of national origin and religious discrimination and retaliation in violation of the Texas Commission on Human Rights Act (TCHRA) and interference, discrimination and retaliation claims under the Family and Medical Leave Act (FMLA).

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- **Transportation industry.** Obtained summary judgment in the Western District of Texas on plaintiff's sole remaining claim that she had been discriminated against in violation of the Americans with Disabilities Act because her employer regarded her as disabled after obtaining dismissal of plaintiff's other claims.
- **Transportation industry.** Represented company before an Administrative Law Judge in a case involving a whistleblower retaliation claim under the Federal Railroad Safety Act. Following the first two days of hearing, obtained favorable resolution for client before resumption of proceeding.

Wage and Hour Class/Collective Action Litigation

- **Vocational school.** Obtained summary judgment in the Southern District of Texas against plaintiffs, former instructors of the school, who asserted claims that they had been misclassified as exempt from overtime under the Fair Labor Standards Act (FLSA).
- **Restaurants.** Obtained favorable resolution for clients through mediation before Federal Magistrate Judges in two collective action matters brought under the FLSA involving the potential loss of the tip credit.
- **Commercial laundry.** Represented company in a FLSA collective action filed in the Western District of Texas by former employee alleging unpaid overtime and seeking conditional certification of a class of current and former employees. Following pre-certification resolution with many potential class members, Plaintiff initiated settlement discussions that resulted in court-approved settlement.
- **Commercial laundry.** Represented company in a FLSA collective action filed in U.S. District Court by former employee alleging unpaid overtime and seeking conditional certification of a class of current and former employees. Following deposition of named Plaintiff and filing of Motion for Summary Judgment, case was dismissed following court-approved settlement.
- **Oilfield services company.** Represented company in a FLSA collective action filed in U.S. District Court by former employee alleging unpaid overtime as a result of an alleged failure to include per diem payments in calculation of regular rate. Following considerable briefing and several hearings related to communications with potential class members, a class of approximately 2,500 current and former employees was conditionally certified, less than 300 of whom ultimately opted in. Following limited discovery, the matter was resolved with court approval.

Non-Compete, Non-Solicitation, and Trade Secret Litigation

- **Oilfield services company.** Represented company and employees in litigation involving claims of trade secret misappropriation and breach of restrictive covenants in parallel proceedings in state and federal courts. Following considerable briefing, favorable resolution was obtained for clients.
- **Oilfield services company.** Represented company in initiating litigation against former employees and new employer in litigation involving claims of trade secret misappropriation and breach of restrictive covenants in state court and in arbitration. Following considerable briefing, favorable resolution was obtained for clients.
- **Technology company.** Defended provider of computer hardware, software and related services and new employee in litigation against competitor relating to alleged improper use of confidential information.

Seminars & Speeches

Dykema's 2020 Employer Update, Session 1: What's Next? Preparing for Workplace Challenges in the "New Normal"
September 30, 2020

What's on the Horizon for Employers in 2019? A Review of Developments in 2018 and Emerging Issues in 2019
April 16, 2019

Trade Secret Protection in Texas: TUSTSA and DTSA, Texas Advanced Paralegal Seminar
October 5, 2017

Employment Law Overview, Good Samaritan Community Services
November 11, 2016

Legal Implications of Social Media, Irving Chamber of Commerce Contact Center for Excellence Forum
November 13, 2014

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How to Grow Up in the Digital Age Without Leaving a Dangerous Digital "Footprint . . .", National Charity League
January 14, 2014

Publications

"Marijuana in the Texas Workplace"

March 1, 2019

ACC Docket (South/Central Texas Edition)

"Marijuana in the Texas Workplace," Co-Author

1Q 2019

Focus, Association of Corporate Counsel of South/Central Texas

"Legal Implications of Social Media," Co-Author

August 2014

State Bar of Texas 13th Annual Advanced In-House Counsel Course

News

Elizabeth Voss Speaks About USERRA Leave in *SHRM*

October 27, 2020

Dykema Launches 2020 Employer Update Webinar Series To Help HR Departments Handle Turbulent Legal and Business Landscape

September 10, 2020

Memberships & Involvement

- Federal Bar Association
- Dallas Bar Association
- Dallas Association of Young Lawyers
- Dallas Women Lawyers Association

Awards & Recognition

- Named to the 2021 *Best Lawyers* "Ones to Watch" list for Labor and Employment Law - Management and Labor and Employment Litigation
- Recognized as a Texas Rising Star in Labor & Employment by *Super Lawyers*®, 2018-2020