

Kelly M. Peña

Of Counsel

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Focus Areas

Discrimination and Harassment
Litigation and Trials
Investigations
Whistleblowing, Compliance and Investigations
Wage and Hour
ERISA and Benefit Plan Litigation

Overview

Kelly M. Peña is an experienced employment lawyer who aggressively advocates for her clients and provides guidance on a range of issues.

Kelly has extensive experience representing employers in connection with a range of claims, including the following:

- Title VII of the Civil Rights Act of 1964
- Equal Pay Act of 1963 (EPA)
- 42 U.S.C § 1981 (Section 1981)
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Family and Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- State whistleblower laws
- State and local human rights and anti-discrimination claims

She regularly represents employers in state, local, and federal administrative proceedings throughout the United States. She conducts related investigations, prepares position statements, and negotiates favorable resolutions with a variety of

human rights agencies. She has obtained numerous “no reasonable cause” determinations, all of which were affirmed on appeal. She also has handled disability, health and life litigation matters for carriers and employers.

Kelly also counsels employers of all sizes, ranging from Fortune 50 companies to family-owned operations. She regularly advises clients on litigation strategy and offers best practice guidance on a number of employment law topics, ranging from job terminations, discipline and suspensions, position eliminations, alleged harassment, failure-to-promote/hire claims, and pay equity issues. Kelly drafts and provides guidance on various employment contracts and restrictive covenants.

Kelly is frequently retained to conduct workplace investigations, stemming from alleged employee misconduct, harassment, and alleged sexual assault. She prepares detailed findings and recommendations for clients spanning various industries, such as healthcare, construction, professional services, and hospitality.

Professional and Community Affiliations

- Member, The Florida Bar, Labor and Employment Law Section
- Committee Chair, The Florida Association for Women Lawyers, Miami-Dade Chapter
- President, The MDFAWL Foundation
- Board Member, The Rich Coast Project

Recognition

- Named, Rising Star, Florida, *Super Lawyers*, 2017-present
- Named, Ones to Watch, *Best Lawyers*, 2022-present
- Named, 40 Under 40 Outstanding Lawyers of South Florida, *Cystic Fibrosis Foundation*, 2016
- Named, Rising Star, *Florida Association for Women Lawyers, Miami-Dade Chapter*, 2016
- Named, Leader in the Law, *Florida Association for Women Lawyers*, 2016
- Recipient, John Edward Smith Child Advocacy Award, 2015
- Named, PHRGE Fellow, *Oxfam America*

Education

J.D., Northeastern University School of Law, 2013

B.A., University of California, Berkeley, 2009

Bar Admissions

Florida

Courts

U.S. Court of Appeals, 11th Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Northern District of Florida

Publications & Press

Escaping the "Upside Down" – Halting Florida's Stop WOKE Act

Westlaw Today
August 7, 2024

Escaping the "Upside Down" – Halting Florida's Stop WOKE Act

Littler ASAP
August 6, 2024

Pay Transparency: A Remedy for the Gender Pay Gap?

Florida Bar Journal
February 29, 2024

Littler Expands Miami Office with Addition of Four Attorneys

Littler Press Release
July 11, 2023

Gil v. Winn-Dixie Will the Wave of ADA Website Cases Subside?

The Checkoff, Labor & Employment Law Section, Vol. LXI, No. 1
September 1, 2021

Written Consent is Enough in the Eleventh Circuit to be a Party Plaintiff

The Florida Bar, Labor & Employment Law Section
April 25, 2018

LGBT Discrimination in the Workplace: What Will the Future Hold?

The Florida Bar Journal, Volume 92, No. 1
January 1, 2018

Speaking Engagements

Aftermath of Dobbs v. Jackson Women's Health Organization: Effects of the Decision on Employment Law (Panelist)

American Constitution Society
October 25, 2022

Moderator: Taking on Workplace Sexual Harassment in the #MeToo Era

Florida Association for Women Lawyers, Miami-Dade Chapter, Miami, FL
March 8, 2018

Panelist: Addressing LGBTQ Issues in the U.S. Workplace and Abroad

Association of Corporate Counsel Webcast
January 30, 2018