

Michael R. Gotzler

Shareholder

Co-Chair, Contractors, Staffing and
Contingent Workers Practice Group

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Focus Areas

Discrimination and Harassment

Contractors, Staffing and Contingent Workers

Labor Management Relations

Leaves of Absence and Disability Accommodation

Litigation and Trials

Workplace Policy Institute

Home Health and Home Care

Overview

Michael R. Gotzler represents employers in all aspects of labor and employment matters, including labor management relations.

Mike's practice includes employment litigation, employee leave and accommodation issues, wage and hour compliance, noncompete agreements and other restrictive covenants, independent contractor issues, and labor relations. He handles claims and issues under:

- Title VII of the Civil Rights Act of 1964
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Family and Medical Leave Act
- The Fair Labor Standards Act
- Wisconsin and Illinois state fair employment laws
- The National Labor Relations Act

- Collective bargaining
- Labor arbitration
- Union organizing campaigns

Mike has particular skill in responding to claims and issues surrounding joint and coemployment, the use of third party workers, independent contractors, and outsourced HR services. He has presented at national conferences, represented businesses at White House briefings, participated on expert panels and has been regularly interviewed and quoted as a result.

Mike has also represented the staffing industry on a wide range of legal issues and legislative and regulatory matters. He played a key role in passage of the Wisconsin laws that regulate PEOs (professional employer organizations) and was recognized by the industry for his efforts.

To help his clients minimize claims, Mike has designed and delivered a wide range of preventive HR training courses, including anti-harassment courses designed with EEOC involvement and approval. Mike was one of the first individuals selected to deliver sexual harassment training as part of a 1999 conciliation agreement, under which the employer was required to provide EEOC-approved anti-harassment training to more than 100,000 employees.

Mike has partnered with and provided legal counsel to employers of all sizes and industries throughout the U.S., from multinational Fortune 50 companies to startup companies looking to hire their first employee. Mike's clients include employers in the following industries:

- Manufacturing
- Staffing
- Trade associations
- Healthcare
- Utilities
- Hospitality
- Retail

Mike also serves as the Wisconsin coordinator and liaison for Littler's Workplace Policy Institute (WPI). Mike focuses on Wisconsin state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. He assists the employer community in understanding and impacting Wisconsin legislation before it becomes law.

Mike was Littler's first attorney in the Madison, Wisconsin, office. Prior to joining Littler, Mike was general counsel of an organization that provided temporary staffing, executive recruiting, HR consulting and integrated HR (PEO) services throughout the U.S. He was also shareholder at another firm that focused exclusively on labor and employment matters on behalf of employers.

Professional and Community Affiliations

- Appointed Member, State of Wisconsin, Unemployment Insurance Advisory Council, 2011-present
- Member, Labor and Employment Section, State Bar of Wisconsin, 2012-present
- Director, Wisconsin Association of Staffing Services, 2008-present
- Member, Rotary, Chair, Annual Ethics Symposium, Downtown Madison Rotary, 2009-present
- Trustee, Madison Rotary Foundation, 2020-present
- Member, Legal Advisory Council, National Association of Professional Employer Organizations (NAPEO), 2006-2019
- Director, Juvenile Diabetes Research Foundation (JDRF), Western Wisconsin, 2014-2020; Board President, 2017-2018
- Director, Wisconsin Historical Foundation, 2005-2014

Recognition

- Awarded, AV[®] Peer Review Rating, *Martindale-Hubbell*
- Named, Top Rated Labor & Employment Lawyers, *American Lawyer*
- Named, Greater Madison “40 Under 40”
- Named, Leadership Greater Madison

Education

J.D., University of Wisconsin Law School, 1997, *with honors*

B.A., University of Wisconsin-Milwaukee, 1993, *summa cum laude, Honors College, Phi Beta Kappa*

Bar Admissions

Wisconsin

Illinois

Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Wisconsin

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

Publications & Press

5 Things to Know About the Independent Contractor Rule

XpertHR

January 25, 2024

NLRB Case Modifies Independent Contractor Standard

SHRM Online

June 14, 2023

Wisconsin Supreme Court Eases the Burden for Employers Defending Arrest and Conviction Record Discrimination Claims Under State Law

Littler Insight

March 11, 2022

Noncompete Agreements Under Fire

InBusiness

November 1, 2021

Nothing But Cons in the PRO Act for Employers

InBusiness

May 3, 2021

Top 10 Employment Risks for 2021

Credit Union National Association (CUNA)

February 17, 2021

Littler Announces New Shareholders and Principals Elevating 26 Attorneys

Littler Press Release

January 4, 2021

New Separation Notice Requirement for Wisconsin Employers

Littler ASAP

October 14, 2020

Legal, HR Headaches of COVID-19

In Business

September 3, 2020

New Wisconsin Unemployment Insurance Charging Process Requires Immediate Employer Action

Littler ASAP

August 5, 2020

Federal law now protects LGBTQ workers from discrimination; what does it mean for Madison employers?

InBusiness

June 22, 2020

Temporary Worker FFCRA Leave Rights and Joint Employer Challenges

Littler Insight

June 3, 2020

Work-share takes off with federal COVID-19 changes

Wisconsin Examiner

May 26, 2020

Wisconsin Supreme Court Strikes Down COVID-19 Safer-at-Home Order: Considerations for Wisconsin Employers

Littler Insight

May 14, 2020

Wisconsin Employers Making the Best of the Worst: Implementing a Work-Share Program

Littler Insight

April 29, 2020

New Wisconsin COVID-19 law includes critical employment provisions

In Business

April 22, 2020

New Wisconsin COVID-19 Law Includes Critical Employment Provisions

Littler ASAP

April 16, 2020

New Wisconsin Governor Launches Worker Misclassification Enforcement Effort

Littler ASAP

April 24, 2019

NLRB's New Test Largely Upheld, But Questions Persist

PEO Insider

April 1, 2019

Up in smoke? New Wisconsin governor proposes marijuana legalization and host of new employment laws

InBusiness

March 19, 2019

Up in Smoke? New Wisconsin Governor Proposes Marijuana Legalization and Host of New Employment Laws

Littler ASAP

March 11, 2019

Littler Launches Madison Office with Addition of Special Counsel Michael Gotzler

Littler Press Release

December 3, 2018

When a Bedrock Principle Gets Shaken

PEO Insider

May 2018

Law Fix for Wisconsin Workers' Compensation

American Staffing Association's Staffing Success

April 2018

Impact of Wisconsin Employment Law Preemption Bill

InBusiness

March 28, 2018

DOL's Final Rule on Overtime Exemptions

PEO Insider

October 2016

Persuader Reporting – Worse Than ACA Reporting?

PEO Insider

May 2016

Hiring with Conviction

InBusiness

June 2015

Achievements and Pitfalls of Obamacare

Wisconsin State Journal

March 29, 2015

Supreme Court Ruling on Obamacare Could Cause Chaos, Experts Say

The Capital Times

March 24, 2015

Experts Divided on Fallout from Potential Supreme Court ACA Ruling

WisBusiness

March 24, 2015

Speaking Engagements

Navigating the New Normal: Understanding Union Activity in the Contingent Workforce

SIA North America Summit, Dallas, TX

September 17, 2024

12th Annual Brewers Briefing

Milwaukee, WI

July 31, 2024

What's New on the Employment Law Front for In-House Leaders

Madison, WI

June 27, 2024

Best Practices for Leveraging Staffing Firms, Contractors, and Platform Solutions

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

Hot Topics in Labor & Employment Law for Wisconsin Employers

Wisconsin Manufacturers & Commerce Annual Workforce & HR Conference, Madison, WI

May 2, 2024

National Labor Relations Board Update

Wisconsin Manufacturers & Commerce

October 12, 2023

From the Provider Perspective: Updates on Contingent Workforce Laws

September 19, 2023

Littler Summer Kickoff and Employment Law Update

Madison, WI

May 31, 2023

Annual Case Law Update

NAPEO Legal & Legislative PEO Capitol Summit, Washington D.C.
May 25, 2023

Surveys Says – Emerging Trends and Gotchas Every Staffing Agency Should Know

ASA Annual Staffing Law Conference, Washington D.C.
May 19, 2023

2023 Hot HR Topics

Wisconsin Manufacturers & Commerce Annual Workforce & HR Conference, Madison, WI
May 17, 2023

The Rise and Risks of Leveraging Contingent Workers

Littler Executive Employer Conference, Phoenix, AZ
May 12, 2023

The Rise and Risks of Leveraging Contingent Workers

Littler Executive Employer Conference, Phoenix, AZ
May 11, 2023

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
April 27, 2023

The Risks and Rise of Contingent Workers

April 25, 2023

Employment Law Update and a Peek Ahead

Madison, WI
October 5, 2022

10th Annual Brewers Briefing Labor & Employment Law Conference

Milwaukee, WI
July 27, 2022

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
July 19, 2022

Littler Summer Kickoff and Employment Law Update

Madison, WI
June 8, 2022

NLRB Update

Wisconsin Manufacturers and Commerce, Madison, WI
June 1, 2022

Top-10 Predictions for the Future of Nontraditional Work Relationships

Littler Executive Employer Conference
May 6, 2022

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
April 19, 2022

COVID-19 Has Reshuffled the HR Deck: Remote Work, Vaccination, Testing & More

WMC Workforce and HR Conference, Madison, WI
March 2, 2022

Future of Work and The Wandering Worker

WASS Legal & Legislative Conference
November 11, 2021

OSHA Publishes Emergency Rule on Vaccine and Testing Mandates for Large Employers

Wisconsin Manufacturers and Commerce Webinar
November 8, 2021

An Overview of PCA: A New Day for Employers at the NLRB

Annual ACC-Wisconsin Legal Conference, Elkhart Lake, WI
November 5, 2021

Employment Law Update

CUNA Annual Attorneys' Conference
October 26, 2021

2021 Upper Midwest Virtual Regional Employer Conference

Minneapolis, MN
October 20, 2021

Clearing the Haze: Understanding Marijuana in the Workplace

Wisconsin State SHRM Conference, Wisconsin Dells, WI
October 14, 2021

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
July 20, 2021

Legal Considerations for a Remote or Wandering Workforce

Future of Work Conference, University of Wisconsin Business Consortium
June 15, 2021

Returning to Work from COVID-19 Plus Other Challenges for Wisconsin Employers

WMC Annual Human Resources Conference
May 4, 2021

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
April 13, 2021

What to Expect Under the Biden Administration

WASS Legal & Legislative Update
March 9, 2021

The COVID-19 Vaccine – Legal and Practical Implications

QPS Employment Forum, Milwaukee WI
February 23, 2021

The COVID-19 Vaccine – Legal and Practical Implications in Wisconsin and Beyond

February 8, 2021

The COVID-19 Vaccine – Legal and Practical Implications

Wisconsin Manufacturers & Commerce COVID-19 Update
January 20, 2021

Wisconsin State Law Update

Metro Milwaukee SHRM Legislative Update Conference
December 2, 2020

Employment Law Year in Review – Sneak Peek at 2021

GMA-SHRM Legal & Legislative 2020

November 17, 2020

Employee Handbooks: The COVID Edition!

WASS Legal & Legislative Conference

November 12, 2020

2020 Hot Topics in Minnesota and Wisconsin Employment Law

Littler's Upper Midwest Employer Conference

November 11, 2020

Employment Law Update

CUNA Annual Attorneys' Conference

October 26, 2020

Ethical Issues Arising in Workplace Investigations

ACC Wisconsin Annual Conference, Milwaukee, WI

August 28, 2020

COVID-19 Litigation Trends and Recent Employment Law Changes

Wisconsin Manufacturers & Commerce COVID-19 Update, Madison, WI

August 12, 2020

Getting Back to Work in Wisconsin – Lawfully

May 29, 2020

Back to Work? Assessing Whether, When and How to Reopen for Business?

WASS Power 20 Series, Milwaukee WI

April 28, 2020

Practical Advice for Employers Facing the COVID-19 Pandemic

QPS Employment Forum, Milwaukee WI

April 13, 2020

Clearing the Weeds: Making Sense of Marijuana Legalization Laws

MRA Annual Employment Law Conference, Milwaukee WI

February 20, 2020

Ethics in Action

Annual Rotary Ethics Symposium, Madison, WI
February 14, 2020

Marijuana and the Workplace: What Employers Need to Know

Wisconsin Manufacturers and Commerce, Madison, WI
January 21, 2020

Clearing the Weeds: Making Sense of Marijuana Legalization Laws

Wisconsin Association of Staffing Services Annual Legal & Legislative Conference, Madison, WI
November 14, 2019

Ethical Considerations in Employment Arbitration

Association of Corporate Counsel – Wisconsin Annual Ethics Seminar, Milwaukee, WI
November 5, 2019

The Good, the Bad, and the Ugly: Recent Developments on Independent Contractors

Wisconsin State SHRM Conference, Wisconsin Dells, WI
October 17, 2019

Marijuana Legalization Workplace Challenges

Manufacturing Business Alliance, Beaver Dam, WI
August 6, 2019

Marijuana Legalization Workplace Challenges

Littler Brewer Briefing, Milwaukee, WI
July 17, 2019

Contingent Workforce Risk Management Workshop

Staffing Industry Analysts Conference, Atlanta, GA
April 24, 2019

#MeToo - Navigating the New Era of Workplace Harassment

MRA Annual Iowa Employment Law Conference, Bettendorf, IA
February 7, 2019

Managing Risks of Using External Workers

Sheboygan Area SHRM Monthly Meeting, Sheboygan, WI
January 17, 2019

Background Checks: Industry Trends and Legal Issues

Wisconsin Association of Staffing Services Legal & Legislative Conference, Madison, WI
November 15, 2018

Independent Contractor Challenges

American Payroll Association, Madison, WI
August 9, 2018

Responding to Sexual Harassment Complaints in the #MeToo Era

Middleton Chamber of Commerce, Middleton, WI
July 11, 2018

Is the Gig Up? Compliance and the Independent Contractor

Wisconsin State Bar Association, Madison, WI
May 23, 2018

Responding to Sexual Harassment in the #MeToo Era

Tri-State Human Resources Association, Dubuque, IA
May 10, 2018

Employment Law & HR Best Practices for Non-Profits

Wegner Leadership Series, Milwaukee, WI
February 13, 2018

Employment Law & HR Best Practices for Non-Profits

Wegner Leadership Series, Madison, WI
January 16, 2018

Where Did Your Employees Go? Leaves of Absence and Independent Contractors

Risk Management Conference, Madison, WI
December 12, 2017

Staffing Industry Challenges and Opportunities

Wisconsin Association of Staffing Services, Annual Legal & Legislative Conference, Madison, WI
November 16, 2017

Employment Law Update

NAPEO (National Association of Professional Employer Organizations) Midwest Conference, Chicago, IL
September 27, 2017

OSHA's Temporary Worker Initiative

Wausau Employer Safety Council, Wausau, WI
September 20, 2017

Unemployment Insurance Law Update

Wisconsin Manufacturers & Commerce (WMC) Policy Day, Madison, WI
August 16, 2017

Investigations in the Staffing Industry

Wisconsin Association of Staffing Services Webinar, Milwaukee, WI
June 14, 2017

Compensation Analysis and Wage & Hour Risk Management

Dodge County SHRM, Beaver Dam, WI
May 10, 2017

Employment Law Challenges in the Staffing Industry

Midwest Staffing Conference, Chicago, IL
April 6, 2017

Most Pressing Legal Issues for HR Professionals

University of Wisconsin Business School, Madison, WI
September 21, 2016

The New FLSA Exemption Rule – Impact on the Staffing Industry

Wisconsin Association of Staffing Services Webinar, Milwaukee, WI
June 23, 2016

The New FLSA Exemption Rule – Impact on Non-Profit Employers

Madison, WI
June 8, 2016

Legal Aspects of Workplace Investigations

Metro Milwaukee SHRM and ASIS Investigations Conference, Milwaukee, WI
May 26, 2016

Independent Contractors - Growing Challenges

National Association of Professional Employer Organizations (NAPEO) Annual Legal Conference, Washington, D.C.
May 17-18, 2016

FLSA Exemption Overhaul – What HR Executives Need to Know

Madison HR Executives Roundtable, Madison, WI

May 13, 2016

The Most Pressing Employment Law Issues for 2016

Wisconsin Association of Staffing Services – Annual Legal Conference, Madison, WI

January 20, 2016

Assessing the ACA

WisBusiness Expert Panel, Madison, WI

March 23, 2015

Legal Issues in the Staffing and Recruiting Industries

University of Wisconsin Business School, Madison, WI

February 2, 2015