



Rachel E. Burke

Rachel practices in Porter Wright's Labor and Employment Department, providing advice and counseling to employers in a wide array of human resources matters and defending employers in employment litigation. Her areas of experience include discrimination and retaliation, discipline, discharges, overtime pay and Fair Labor Standards Act exemptions, wage payment and compensation, leaves of absence, employee handbooks, employment policies, job descriptions, performance appraisals, drug and alcohol testing, employment applications, employment and non-compete agreements, severance agreements and reductions in force, including Older Worker Benefit Protection Act and Worker Adjustment and Retraining Notification Act compliance, unemployment compensation, workplace violence, and the requirements of the Family and Medical Leave Act, Americans with Disabilities Act, Uniformed Services Employment and Re-employment Rights Act, and other federal and state employment laws.

In addition to defending employers in state and federal court, she has represented clients before the Equal Employment Opportunity Commission, state discrimination agencies, and the U.S. Department of Labor, Office of Federal Contract Compliance.

Bar Admissions

Ohio

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

Presentations

- "FMLA Chronicles: Challenging Leave Issues," Porter Wright Employment Relations Seminar, May 15, 2019
- "There's a New Sheriff in Town: Developments in Sexual Harassment Law in the #metoo Era," Porter Wright Employment Relations Seminar, May 21, 2018
- "Do or Do Not – There is No Try: Evolving Gender Protections Under Title VII," Porter Wright Employment Relations Seminar, June 2, 2017
- "Navigating Rough Waters: The IRS, DOL and State Governments are Pirates on the Hunt to Reclassify Your Independent Contractors"

Of Counsel

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SOCIAL MEDIA

Blogs

employerlawreport.com

EDUCATION

William and Mary Law School, J.D.,
1996

Miami University, B.S., 1993

SERVICES

Labor & Employment

- Employment law compliance counseling
- Employment litigation
- Leave, FMLA and ADA reasonable accommodation counseling
- Reductions-in-force and restructuring
- Whistleblowing and retaliation
- Executive compensation
- Workplace privacy and technology
- Recruiting, hiring and training
- Wage and hour compliance



and Temps as Employees and Steal Your Loot,” Porter Wright Employment Relations Seminar, May 16, 2016

- “Renovating Your Workplace: Employment Relations Best Practices for HR Professionals,” Ohio Chamber of Commerce, Sept. 18, 2014
- “No More FMLA Intermittent Leave Faux Pas,” Porter Wright Employment Relations Seminar, May 7, 2014
- “FMLA: Effective Playcalling and Analysis,” Porter Wright Employment Relations Seminar, Oct. 27, 2011
- “Tackling Common FMLA Challenges and Problems,” Human Resource Association of Central Ohio (HRACO) Conference, Oct. 12, 2010
- “Navigating the FMLA and ADA Effectively: Best Practices for Employers,” Porter Wright Employment Relations Seminar, May 4, 2010
- “FMLA Master Class,” Feb. 17, 2009, Nov. 18, 2010, Nov. 30, 2011, Oct. 24, 2012

Honors | Awards

- Human Resources Certification Institute, Senior Professional of Human Resources (SPHR)
- Society of Human Resources Management, Senior Certified Professional (SHRM-SCP)
- *Ohio Super Lawyers*[®], Rising Stars Edition, 2006-2007, 2009, 2011
- Order of the Coif

Community

- Children’s Meeting House Montessori School, former Board President

PROFESSIONAL ASSOCIATIONS

- Society of Human Resources Management (SHRM)
- Greater Cincinnati Human Resources Association