

Jeffrey A. Risch

Chicago, IL

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PARTNER

Overview

Jeff's practice is entirely devoted to management-side labor and employment law. He takes enormous pride in advising and defending the foundation of our economy: employers. Every day he arises with a passion to aggressively and responsibly represent clients in a broad range of industries.

In his practice, Jeff handles both employment and traditional labor matters. Such matters include: countering various union tactics; navigating government audits; defending discrimination, retaliation and wrongful termination claims; avoiding employee wage and hour controversies; complying with prevailing wage and minimum wage laws; litigating employment contract disputes and unfair competition controversies; upholding independent contractor and contingent workforce relationships; and negotiating collective bargaining agreements.

Jeff's legal knowledge is accompanied by his understanding of his clients' industries, which include construction, banking, manufacturing and food processing, health care (particularly long term care), and transportation, among others. Jeff participates in various trade and professional associations devoted to his clients' diverse industries. He is passionately committed to helping employers stay up-to-date with legal developments and trends unique to their industry.

Jeff has many years of both private practice and in-house counsel experience. He represents employers throughout the U.S. and has taken several prominent cases successfully through arbitration, administrative hearing, trial, and, when necessary, appeal. Jeff advises employers with the purpose of providing them the most efficient avenue to effectively manage. A prolific author and presenter, Jeff is often asked to speak on trending topics in the labor and employment arena by clients and educational providers around the country. He literally wrote the book on Labor & Employment Law for Illinois employers through the Illinois Chamber of Commerce. If you have ever been lucky enough to see Jeff present, you know you are in excellent hands in any negotiation or a courtroom!

SERVICES

- Agribusiness
- Banking & Finance
- Cannabis in the Workplace
- Construction
- COVID-19 Resource Center & Task Force
- Employee Benefits & Executive Compensation
- Employment Advice & Counsel
- Equal Pay Compliance
- Government Regulation, Audit and Compliance
- Health Care
- Immigration & Global Mobility
- Labor, Employment, Benefits & Immigration
- Manufacturing & Food Processing
- OSHA
- Prevailing Wage
- Staffing Agency, Independent Contractor & Contingent Workforce
- Traditional Labor & Union Relations

A former manager and current business owner, Jeff understands and relates to the objectives of his clients. He applies his passion for business and employers in his work as chairman of the Illinois Chamber of Commerce Employment Law & Litigation Committee, chapter labor counsel for the Associated Builders and Contractors of Illinois, chapter labor counsel for the Northern Illinois Building Contractors Association, and chapter labor counsel to the Finishing Contractors Association of Illinois.

As co-chair of the firm's expansive management-side Labor and Employment Service Group, Jeff oversees a team providing comprehensive counsel to employers across the country. As a member of the firm's Executive Committee, Jeff helps to set the strategic vision for the firm and ensures that each of the firm's clients receives the best possible experience working with SmithAmundsen.

Experience

Successfully Established a New Business Plan for a General Contractor to Utilize Both Union and Non-Union Subcontractors

Secured a Restraining Order and Injunction against a School District for Unfairly Trying to Sway Construction Work Away From a Non-Union Contractor

Secured a Reversal of the New Jersey Department of Labor's 7-Figure Tax Assessment Against a National Publishing Company's Business Model

Secured a Victory for Multiple Chicago Area Road Contractors Pursuant to the Illinois Prevailing Wage Act

Defeated a Laborer Local Union in its Organizing Efforts Directed at a Nursing Home

Obtained an Arbitration Award Denying a Former Sales Person's Claim of \$500,000 in Unpaid Commissions and Interest

Managed Successive Campaigns to Avert Unionization of Warehouse Employees of a Food Manufacturer

Successfully Represented a Concrete Manufacturer against Laborers' Organizing Petition

Managed a St. Louis Auto Dealer's Campaign Against Union Petition

Successfully Filed Numerous Unfair Labor Practice Charges Against Unions Unlawful Picketing Activities at Construction Sites

Secured Judgment for a Regional Banking Client Accused of Terminating an Employee After She Applied for and Took VESSA Leave

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Unfair Competition
Counseling and Litigation

Vaccine Mandates in the
Workplace

Wage & Hour

Workers' Compensation

EDUCATION

University of Tulsa College of
Law, J.D., 1998, *highest honors*

Illinois State University, B.S.,
1994

ADMISSIONS

Illinois

Oklahoma

Defended a Civil Engineering Firm Against Qui Tam False Claims Act Suit

Defended an Engineering and Manufacturing Industry Client Accused of Terminating an Employee Because of Her Race

Represented a Contractor in an Ownership Dispute over Equipment the Client Purchased

Helps a National Multi-Line Insurance Company With Multiple Areas of Representation and Business Operations

Successfully Defended a Construction Contractor under the Illinois Prevailing Wage Act

Won a Motion to Dismiss in a Common Law Retaliatory Discharge Case Under the Workers' Compensation Act

Obtained a Temporary Restraining Order and Favorable Settlement for a Sales Company in Claims Based on Improper Solicitation of Clients

Defended Family-Owned Automotive Group Against Attempt to Unionize

Represented an International Direct Sales Business in a Suit for Breach of Restrictive Covenant and Nondisclosure Agreements

Successfully Obtained a Denial of Motion for Class Certification in a Contentious Wage and Hour Class Action Lawsuit for Major Health Care Group

Obtained a Preliminary Injunction on Behalf of a School Photography Company Against a Competitor in Violation of Restrictive Covenant Agreement

Represented a National Food Processing Company in a Key Union Contract Negotiation

Represents Construction Clients in Defense of Petitions for Enforcement Administrative Subpoenas Under Prevailing Wage Act

Obtained Summary Judgment Dismissal for Manufacturer on Racial Bias Claims under Title VII and Section 1981

Defended the Interests of Temporary Staffing Agencies in a Case Brought by the Illinois Attorney General's Antitrust Division

Successfully Represented Two Separate Franchise Owners against Union Organizing Petitions

Obtained a Summary Judgment Dismissal in Favor of High Profile Clients Accused of Tortiously Causing a New Business to Suffer \$25M in Alleged "Lost Profits" and an Additional \$75M in Other Damages

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Secured Dismissal for Construction Contractor in a Contentious False Claims Act Claim

Obtained Denial of Motion for Class Certification in a Wage and Hour Class Action Lawsuit Brought By Home Health Care Workers

Defended Manufacturer Against Attempt to Unionize Laborers

Handled Labor Negotiations for Food Processing Client in a Successor Collective Bargaining Agreement

Membership & Involvement

- Member: SmithAmundsen Executive Committee
- Illinois Chamber of Commerce: Chair, Employment Law Council; Chair, Employment Litigation Committee; Chair, Employment Law Committee; Lead Attorney, HR Audit Task Force; Board Member
- Chapter Labor Attorney, National Labor Advisory Board: Associated Builders & Contractors of Illinois
- Chapter Labor Counsel, Member: Northern Illinois Building Contractors Association
- Chapter Labor Counsel, Member: Finishing Contractors Association of Illinois
- Board of Directors: Marklund
- Member: Illinois State Bar Association; Oklahoma Bar Association; HR Illinois Advisory Board; Valley Industrial Human Resource Association
- Labor Law Advisor: Midwest Truckers Association; Illinois Lumber and Material Dealers Association

Honors

- Selected to *The Best Lawyers in America*® in Employment Law - Management: 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022
- Recognized as "40 Illinois Attorney Under 40 to Watch" by the Law Bulletin: 2010
- Selected to the Illinois Super Lawyers list: 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022
- Selected to the "Top 100: Illinois Super Lawyers" list: 2017, 2018
- Selected to the Illinois Super Lawyers "Rising Stars" list: 2012
- Selected by the Leading Lawyers Network as a "Leading Lawyer" in management side employment law

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Firm News

35 SmithAmundsen Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists
January 28, 2022

41 SmithAmundsen Attorneys Recognized by *Best Lawyers in America*© 2022
August 19, 2021

35 SmithAmundsen Attorneys Included on 2021 Illinois Super Lawyers and Rising Stars Lists
January 29, 2021

34 SmithAmundsen Attorneys Recognized in *Best Lawyers in America*© 2021
August 20, 2020

33 SmithAmundsen Attorneys Included on 2020 Illinois Super Lawyers and Rising Stars Lists
January 29, 2020

Jeff Risch Quoted in *Cook County Record*: Comptroller's order on prevailing wage a political move
Cook County Record, August 29, 2019

22 SmithAmundsen Attorneys Named to *Best Lawyers in America*© 2020
August 15, 2019

30 SmithAmundsen Attorneys Included on 2019 Illinois Super Lawyers and Rising Stars Lists
January 24, 2019

18 SmithAmundsen Attorneys Included in *Best Lawyers in America*© 2019
August 15, 2018

U.S. News & World Report – *Best Lawyers*® “Best Law Firms” 2018
November 1, 2017

14 SmithAmundsen Attorneys Included in *Best Lawyers in America*© 2018
August 15, 2017

28 SmithAmundsen Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists
SmithAmundsen, January 13, 2017

U.S. News – *Best Lawyers*® “Best Law Firms” 2017

Seven SmithAmundsen Attorneys Included in *Best Lawyers in America*© 2017
August 15, 2016

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Mid-West Truckers Association Honors Jeff Risch as an Outstanding Member of the Year

Mid-West Truckers Association, Inc., February 9, 2016

28 SmithAmundsen Attorneys Included on 2016 Illinois Super Lawyers and 2016 Illinois Rising Stars Lists

SmithAmundsen, January 8, 2016

U.S. News – Best Lawyers® “Best Law Firms” 2016

Why Medical Marijuana Can Still Get You Fired in Illinois - The Chicago Tribune Mentions Jeff Risch

Chicago Tribune, August 21, 2015

Five SmithAmundsen Attorneys Included in *Best Lawyers in America*© 2016 August 17, 2015

Illinois Super Lawyers & Illinois Rising Stars Names 26 SmithAmundsen Attorneys to 2015 List

January 12, 2015

Five SmithAmundsen Attorneys Included in Best Lawyers in America© 2015 August 2014

Illinois Super Lawyers & Illinois Rising Stars Names 19 SmithAmundsen Attorneys to 2013 List

January 3, 2013

In the Media

Union Attys See NLRB Partnerships As Boon For Workers – *Law360* Article Quotes Jeff Risch

Prevailing Wage Order Leaves Questions for Businesses -- Jeff Risch Quoted in *The Center Square*

Prevailing Wage Law -- *Cook County Record* Quotes Jeff Risch

Jeff Risch Quoted in *Los Angeles Times* Article, “How Will The Workplace Change Under Trump? Here Are Some Clues”

Jeff Risch Quoted in *Chicago Tribune* Article, “How Will the Workplace Change Under Trump? Here Are a Few Clues, Issues”

Jeff Risch Quoted in Chicago Tribune Article about Job Issues to Look Out for in 2016

Banning ‘the box’ to give ex-convicts a better chance at finding a job - PBS NewsHour Interviews Jeff Risch

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Employers Under the Gun - Daily Herald Business Ledger Features Jeff Risch
Have Gun, Will Carry – Jeff Risch Quoted in Illinois CPA Society's *Insight Magazine*
Concealed Carry Or Not, Business Owners Seek Guidance On What To Do Now
Concealed Carry: Businesses Face a Loaded Issue Over Concealed Carry Law -
Chicago Tribune Quotes Jeff Risch

Alerts

OSHA'S COVID-19 Vaccine Mandate is Back on!
Federal Contractors' Alert: What We Know and Still Don't Know About Biden's
Vaccination Mandate
NEW Illinois Law Limiting the Use of Criminal Convictions: How it Impacts Hiring
in the Transportation Industry
Illinois Department of Labor Launches Prevailing Wage Electronic Database –
April 1, 2020
Families First Coronavirus Response Act: What It Means For Employers
New Illinois Law Requiring Vehicle Expense Reimbursement Impacts All
Transportation Employers
Strike4Democracy's National Day of Action and the Impact on the Workplace
Urgent Update Re DOL's Persuader Rule
Urgent Alert: U.S. DOL Publishes Final Overtime Rule

Speaking Engagements

NEW IL Laws that Target Non-Union Contractors: What You need to Know
Speaking Engagement, Associated Builders and Contractors of Illinois, Webcast,
June 30, 2022
Complying with Illinois' Jobs Works Act
Speaking Engagement, Associated Builders and Contractors of Illinois, Webcast,
June 1, 2022
NEW U.S. DOL Davis-Bacon Rule – What the Construction Industry Needs to
Know!
Event, SmithAmundsen; Webcast, May 12, 2022
How to Apply for Illinois' New Equal Pay Certificate
Event, Webcast; Illinois Chamber of Commerce, March 29, 2022

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New Employment Law Update for Illinois Employers of All Sizes
Event, Springfield, IL, March 18, 2022

2022 Prevailing Wage 101 and More: Recent Changes for Illinois Employers
Naperville, IL, March 16, 2022

Prevailing Wage Law: An Understanding of the Davis-Bacon Act
Webcast, March 9, 2022

New Equal Pay Reporting Requirements for Illinois: Are You in Compliance?
SmithAmundsen, Webcast, March 8, 2022

Illinois' Right to Work Law Ban and What it Means
Webcast, March 8, 2022

Dealing with the Illinois Department of Labor in 2022
Associated Builders and Contractors Illinois Legal Series 2022, Webcast, March 3,
2022

Published Works

Politicians Aim To Force Unionization In The Private Sector
The Illinois Manufacturer Magazine, August 2, 2021

New HR Laws Impacting Illinois Manufacturers
The Illinois Manufacturer Magazine, April 30, 2021

Illinois Employment Forms-Online Version
Illinois Chamber of Commerce, March 2021

Model Employee Policies for Illinois Employees – 3rd Edition
Illinois Chamber of Commerce, 2021

Conducting the Employment Practices Audit 2020 Edition
Illinois Institute for Continuing Legal Education, 2020

Illinois Employment Law Handbook - 5th Edition
Illinois Chamber of Commerce, 2019

Illinois Employment Law Handbook, 4th Edition
Illinois Chamber of Commerce, 2016

Blog Posts

Illinois Department of Labor Posts Equal Pay Act Registration Certificate
Compliance Statement Sample and FAQ's
Labor & Employment Law Update, April 27, 2022

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“Treat Employees Like Mushrooms?” – NLRB’s Attack on Employer “Captive Audience Meetings” is Officially On!

Labor & Employment Law Update, April 11, 2022

Big Labor is Targeting Banks and Credit Unions??

Labor & Employment Law Update, March 21, 2022

Federal Judge Finds Periodic Inspection and Testing of Fire or Security Systems Does Not Fall Under the Illinois Prevailing Wage Act

Labor & Employment Law Update, February 24, 2022

OSHA’S COVID-19 Vaccine Mandate is Back on!

Labor & Employment Law Update, December 20, 2021

Illinois Prevailing Wage Pay Data Now Online for Anyone to View and “Complain”

Labor & Employment Law Update, December 13, 2021

EMPLOYERS BEWARE: PRO-UNION PRIORITIES ADVANCE AT THE NLRB

Labor & Employment Law Update, October 25, 2021

Federal Contractors’ Alert: What We Know and Still Don’t Know About Biden’s Vaccination Mandate

Labor & Employment Law Update, September 27, 2021

NEED AN HR AUDIT CHECKLIST? HERE YOU GO!

Labor & Employment Law Update, June 16, 2021

IDOL on the PROWL: Looking At Non-Union Contractors to Debar for Technical Violations of the Illinois Prevailing Wage Act

Labor & Employment Law Update, May 7, 2021

Construction Contractors Beware: Think Twice Before Paying Prevailing Wage Assessments!

Labor & Employment Law Update, April 2, 2021

NEW ILLINOIS LAW PROHIBITS USE OF CRIMINAL CONVICTIONS: Guide for Employers and Sample Forms

Labor & Employment Law Update, March 24, 2021

Will Employers Have to Give 1% of their Total Gross Profits to the State of Illinois? Gov. Pritzker Signs into Law Unprecedented Changes to IL Equal Pay and Corporate Laws

Labor & Employment Law Update, March 23, 2021

PREVAILING WAGE REMINDER: Local, State and Federal Prevailing Wage Obligations Vary Greatly

Labor & Employment Law Update, February 25, 2021

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Illinois Set to Enact New Law Limiting Criminal Convictions in Employment Decisions

Labor & Employment Law Update, February 15, 2021

SAMPLE Questionnaire and HR Checklist for Confirmed COVID-19 Cases

Labor & Employment Law Update, November 6, 2020

Illinois Department of Labor Launches Prevailing Wage Electronic Database – April 1, 2020

Labor & Employment Law Update, April 13, 2020

UPDATE – Does a “Shelter-in-Place” or “Stay-at-Home” Order Trigger Paid Sick Leave under the FFCRA?

Labor & Employment Law Update, April 6, 2020

Families First Coronavirus Response Act: What It Means For Employers

Labor & Employment Law Update, March 15, 2020

AFL-CIO Sues NLRB Seeking to Block 2019 Final Election Rule

Labor & Employment Law Update, March 9, 2020

NLRB Gives Gift To Employers: Modifies Obama Board’s “Quickie Election” Rule

Labor & Employment Law Update, December 16, 2019

BREAKING NEWS: Illinois Recreational Cannabis Law Protections for Employers & the Workplace Clarified!

Labor & Employment Law Update, November 15, 2019

State Comptroller Wants to Enforce the Illinois Prevailing Wage Act???

Labor & Employment Law Update, August 16, 2019

SB 75: NEW Anti-Harassment Law – A Serious Game Changer for Illinois Employers

Labor & Employment Law Update, August 9, 2019

In Case it was Ever in Doubt, the Illinois Prevailing Wage Act Now Expressly Adopts UNION SCALE to Establish Prevailing Wage in the “Construction” Industry

Labor & Employment Law Update, June 18, 2019

Up in Smoke: Recreational Marijuana and its Impact on the Illinois Workplace

Labor & Employment Law Update, May 31, 2019

Prevailing Wage Law: An Effective Sword of Labor Unions to Hurt their Enemies in the Public Bid Process

Labor & Employment Law Update, April 25, 2019

Critical Illinois Prevailing Wage Law Change Impacting Contractors

Labor & Employment Law Update, February 26, 2019

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Conducting an HR Audit for 2019

Labor & Employment Law Update, December 17, 2018

2017 Ending With A Bang: Obama Era NLRB "Micro Unit" Ruling Reversed

Labor & Employment Law Update, December 22, 2017

Strike4Democracy's National Day of Action and the Impact on the Workplace

Labor & Employment Law Update, February 16, 2017

URGENT UPDATE RE DOL'S PERSUADER RULE

Labor & Employment Law Update, June 24, 2016

URGENT ALERT: U.S. DOL PUBLISHES FINAL OVERTIME RULE

Labor & Employment Law Update, May 18, 2016

Temporary Staffing Agencies & User Companies Deemed "Joint Employers" By the NLRB

Labor & Employment Law Update, August 28, 2015

Urgent Alert: U.S. DOL Proposes Major Changes to Exempt Salary Status

Labor & Employment Law Update, June 30, 2015

How Can Employers Reconcile the Federal Motor Carrier Safety Regulations with Growing "Ban the Box" Laws?

Labor & Employment Law Update, April 8, 2015

The 'Big Mac' is Under Attack: Radical NLRB Labeling the Franchisor as "Joint Employer" of Franchisee Employees

Labor & Employment Law Update, August 8, 2014

"Ban the Box" Comes to Illinois: Employers Must Now Revise Hiring Practices and Employment Applications

Labor & Employment Law Update, July 15, 2014

New Pregnancy Protections Impacting ALL Illinois Employers!!

Labor & Employment Law Update, June 19, 2014

President Obama Directs United States Department of Labor to Revise Wage & Hour Law

Labor & Employment Law Update, March 13, 2014

NLRB Reissues Proposed "Quickie Election" Rule: Non-Union Employers Must Be Prepared

Labor & Employment Law Update, February 5, 2014

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