STEARNS WEAVER MILLER

Susan J. Toepfer



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PRACTICE AREAS

Labor & Employment

OVERVIEW

Susan Toepfer represents employers in all legal issues relating to the employer-employee relationship. Susan's practice is focused on litigation of employment disputes in federal and state court, and before administrative agencies. Susan's litigation experience includes representing employers in claims of discrimination, harassment, retaliation, wage-hour violation, whistleblower violation, FMLA violations, tortious conduct, denial of ERISA benefits, breach of contract or non-compete agreements, and theft of trade secrets.

Susan also counsels employers in connection with developing and maintaining affirmative action programs, and responding to audits by the Office of Federal Contract Compliance Programs. She also counsels clients in connection with designing and implementing a wide range of personnel policies and procedures, creating and reviewing employee handbooks, processing family and medical leave requests or addressing other leave-related situations, making and implementing disciplinary decisions, and managing employee terminations and reductions in force.

REPRESENTATIVE EXPERIENCE

Represented a federal contractor in a compliance review of its headquarters location by the Office of Federal Contract Compliance Programs (OFCCP), part of the U.S. Department of Labor. During the compliance review, the OFCCP requested extensive documentation on the contractor's affirmative action plan, outreach efforts, workplace policies and compensation for all 400 plus employees for a one year period, and also interviewed the compensation manager about the company's compensation policies and practices. After many months, the OFCCP closed the compliance review, stating that it found "no apparent violations" of the applicable regulations, laws and Executive Order 11246.

Representation of employers, third-party administrators and insurers in ERISA litigation, including breach of fiduciary duty claims and claims seeking recovery of severance benefits, disability benefits, health insurance benefits, and other employee benefits.

Representation of employers, third-party administrators and insurers in ERISA and non-ERISA litigation by health care providers regarding coverage for alleged services and counterclaims of fraud and abuse by the providers.

Extensive representation of large health care providers and health care provider systems in employment disputes, including, complex whistleblower litigation relating to alleged Medicare fraud, and claims of discrimination and harassment.

Obtained summary judgment victories for employers in sexual harassment claims, race, gender, disability, national origin and pregnancy discrimination claims, retaliation claims, and FMLA interference and retaliation claims.

Representation of large federal contractors in connection with their affirmative action programs and OFCCP audits of same.

Representation of employers in connection with claims for breach of employment agreements, breach of non-competition provisions, tortious interference with business relations and other tort liability.

Daily counseling of clients in a variety of industries regarding development of employment policies and employee handbooks, and addressing issues including employee discipline, termination and leaves of absence.

PROFESSIONAL & COMMUNITY INVOLVEMENT

Greater Miami Society for Human Resource Management

President, 2008

President-Elect, 2007

Treasurer, 2006

Director of Legislative Affairs, 2003-2005

South Florida Industry/OFCCP Liaison Group

Board of Directors, 2006-2009

Chair, 2010-2016

Dade County Bar Association, Board Member and Officer, Young Lawyers Section, 1996-2001

Florida Bar Association

PUBLICATIONS & PRESENTATIONS

Events: Enforcement Update - The Latest News From The OFCCP, EEOC and Wage & Hour
South Florida Industry Liaison Group | | October 2017

Events: Diversity & Inclusion Programs and Affirmative Action - How They Work Together
South Florida Industry Liaison Group | | July 2016

Publications: **Gender Identity/Transgender Discrimination: A New Federal Enforcement Priority**
BeLabor the Point Blog | November 2014

Publications: **Religious Discrimination: The Balance Between Protecting Customer Relations and Making Employee Accommodations**
BeLabor the Point Blog | July 2014

Events: **Whiners or Winners? Whistleblowers Who "Tee Off" on Employers**
Stearns Weaver Miller's 24th Annual Labor and Employment Law Seminar | | May 2014

Events: **New Focus, New People, New Investigations**
Stearns Weaver Miller's 23rd Annual Labor and Employment Law Seminar | | May 2013

Publications: **Florida Employment Law Manual**
Florida Chamber of Commerce | January 2013

Events: **Referees Aren't the Only Whistleblowers**
Stearns Weaver Miller's 22nd Annual Labor and Employment Law Seminar | | May 2012

Events: **For (Led)Better Or For Worse**
Stearns Weaver Miller's 19th Annual Labor and Employment Law Seminar | | May 2009

NEWSROOM

Firm Announcements: **Stearns Weaver Miller Presents 24th Annual Labor and Employment Law Seminar**
| April 2014

EDUCATION

J.D., *cum laude*, University of Michigan, 1993
Journal of Gender & Law

Henry Campbell Moot Court Competition, 2nd Place and Best Brief

S. Anthony Benton Memorial Award

B.S., *magna cum laude*, Vanderbilt University, 1991
Phi Beta Kappa Honor Society

ADMISSIONS

Florida

United States District Courts for the Middle and Southern Districts of Florida

United States Court of Appeals for the Eleventh Circuit