



## **James H. Kizziar Jr.**

Of Counsel

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### **About Jim**

Jim Kizziar has devoted his law practice to the representation of management for labor and employment law issues for 43 years. Jim advises all levels of management, including boards of directors, executives and Human Resources, regarding compliance with federal and state employment laws and local ordinances. His practice encompasses all aspects of employment law, including executive employment agreements, separation agreements, confidentiality, non-competition and non-solicitation agreements, developing and implementing voluntary exit programs and reduction in force plans and drafting employment policies, reviewing employee handbooks and conducting employment training for executives, managers and supervisors. Jim has also represented employers for over three decades regarding union organizing campaigns and representation elections, proceedings before the National Labor Relations Board, collective bargaining negotiations, contract administration and unfair labor practice charges.

In addition to advising clients, Jim advocates on their behalf in contested proceedings before federal and state courts and administrative agencies such as the Equal Employment Opportunity Commission, U.S. Department of Labor, the National Labor Relations Board and various state and local agencies. Jim's litigation practice encompasses discrimination actions, wrongful discharge claims, employment class actions, FLSA actions, employment tort claims and constitutional law issues for church organizations. He also represents clients in union-related and employment arbitrations. As part of Jim's litigation practice, he regularly mediates employment claims to settlement. Jim represents corporate entities, institutions and not-for-profit organizations in diverse industries.

### **Recent Notable Matters**

***Southeastern Conference of Seventh-Day Adventists*** — employment fraud and conversion lawsuit against employees and volunteers; received \$2.4 million trial verdict. *Southeastern Conference of Seventh-Day Adventists v. Ronald Jean-Baptise, et al.*

***REXAM Beverage Can Americas*** — mediation and arbitration of over 100 union grievances

***Enterprise Rent-A-Car Company*** — multiple EEOC-directed charge investigations and class action lawsuits filed by EEOC alleging age discrimination in hiring; successful negotiations of claims

**Clarke American** — administrative claims and lawsuits alleging discrimination, sexual harassment and FCRA violations; obtained dismissal of claims through summary judgment

## **Publications and Speeches**

"Employment Law Retaliation in the Digital Age," *Corporate Compliance Insights*, July 14, 2017

"OSHA Obligations in Crisis Situations: Is Your Facility Prepared?," *Westlaw Journal*, October 2016.

"Legal Review of Labor & Employment and Immigration Developments," *North America Division of Seventh Day Adventist Church*, April 2016.

"Getting Along: The Difficult Intersection Between Mental Health, Intellectual Disabilities, and Accommodation in Employment" *Texas Apartment Association*, 2015.

"Ten Employer New Year's Resolutions: Implementing Lessons Learned from 2014," *Bloomberg BNA*, 2015.

"Conducting Internal Investigations: It's More Than You Think," *Texas Apartment Association*, 2015.

"Department of Labor Proposed Changes to Employee Exemption Standards: Which of Your Employees Would Be Affected?," *Texas Apartment Association*, 2015.

"Strategic Perspectives — Making Room for Fido at Work: Animals in the Workplace as Reasonable Accommodations," *Wolters Kluwer Employment Law Daily*, February 5, 2015.

## **Education**

Duke University School of Law, J.D.  
1976

Ohio Wesleyan University, Bachelor of Arts  
1973 – *magna cum laude*

## **Certifications**

Board Certified, Labor and Employment Law, Texas Board of Legal Specialization

## **Noteworthy**

Fellow of the College of Labor and Employment Lawyers, 2016

*Chambers USA*, Labor & Employment, 2011 - 2013

*The Legal 500 United States*, Labor-Management Relations, 2018

BL Rankings, *Best Lawyers*, Employment Law - Management, 2011 - 2024; Labor Law - Management, 2003 - 2024; Litigation - Labor and Employment, 2018 - 2024; San Antonio Lawyer of the Year, Litigation - Labor and Employment, 2021

BL Rankings, *Best Lawyers*, San Antonio Lawyer of the Year, Employment Law, 2013; Labor Law - Management, 2019

Thomson Reuters, *Texas Super Lawyers*, 2003 - 2011, 2013 - 2023

Scene Monthly LLC, *Scene in SA*, San Antonio's Best Lawyers, Labor and Employment Law, 2005 - 2007; San Antonio's Best Lawyers, Labor and Employment Law, 2014

Internet Brands, Inc., *Martindale-Hubbell® AV® Preeminent™ Rating*

## **Affiliations**

UT Law Labor and Employment Law Conference, Chairman, 1992, 2010, 2018

State Bar of Texas

Texas Bar Foundation, Life Fellow

Federal Bar Association, National Council, Past Member

Federal Bar Association, San Antonio Chapter, Past President

San Antonio Human Resources Management Association, Past Officer; Board Member

YMCA of San Antonio, Past Board of Directors

American Heart Association, San Antonio Division, Chairman; San Antonio Division, Board of Directors

Canyon Lake Sailing Foundation, Board of Directors; Past Secretary

## **Bar Admissions**

Texas

District of Columbia