



Karl W. Butterer

Shareholder

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As a member of the Employer Services practice group, Karl has over 25 years of experience representing employers both in and out of the courtroom. Karl regularly advises governmental entities, manufacturers, small businesses, health care providers, and large corporations. He gives employers practical advice from hiring, to the termination of the employment relationship to help them comply with the law and avoid litigation.

Representative matters include:

- Advising employers regarding wage and overtime policies to comply with Fair Labor Standards Act.
- Counseling human resources directors of small and medium sized businesses regarding disciplinary, termination, and severance issues.
- Negotiating and preparing executive employment agreements.
- Preparing public employer responses to union grievances alleging violations of collective bargaining agreements.
- Investigating allegations of sexual harassment against company executive on behalf of employer.
- Working with employers in a wide variety of industries and sizes to develop employee handbooks and hiring procedures to facilitate human resources operations and avoid litigation.
- Consulting public school district regarding compliance with Family Medical Leave Act.

Karl takes a vigorous and proactive approach in pursuing his clients' interests. Sometimes litigation is a client's best or only option. Karl has litigated a variety of state, federal and administrative matters, including:

PRACTICE AREAS

Commercial Litigation
Discrimination - Unlawful Harassment
Employer Services
Employment Law
Employment Litigation
General & Commercial Litigation
Municipal & Public Entity Law
School Law Services

EDUCATION

Indiana University School of Law,
J.D., 1994
University of Michigan, B.A., 1989

BAR AND COURT ADMISSIONS

State Bar of Michigan
U.S. Supreme Court
U.S. District Court for the Eastern District of Michigan
U.S. District Court for the Western District of Michigan

HONORS & RECOGNITIONS

AV® Preeminent™
Martindale-Hubbell

Best Lawyers in America®
2020-2024 (Commercial Litigation)

Best Lawyers in America®
2021-2024 (Employment Law – Management)



- Defended mid-sized company in National Labor Relations Board administrative proceedings against charge that company terminated worker for engaging in activities protected by National Labor Relations Act.
- Represented small manufacturer in investigation, appeal and dismissal of citation for violation of MIOSHA lockout/tagout safety standards.
- Arbitrated union grievance on behalf of municipal employer regarding wage and benefit issues.
- Litigated religious discrimination and retaliation claims in federal court on behalf of health care provider.
- Defended municipality against charge of unfair labor practices under Michigan Public Employment Relations Act.
- Filed complaint and request for preliminary injunction to enforce non-compete agreement on behalf of employer health care provider.
- Defended government employer against gender discrimination and retaliation charges filed with Michigan Department of Civil Rights.

Karl is a graduate of the University of Michigan and received his Doctor of Jurisprudence from the Indiana University School of Law. He served as a member of the Executive Committee for the Litigation Section of the Grand Rapids Bar Association. He also served on its Board of Trustees and Chaired the Membership Services Committee. Additionally, he represented the 17th Circuit as elected representative to the State Bar of Michigan Representative Assembly.

Karl has been selected by Best Lawyers in America® in the areas of Employment Law and Commercial Litigation. Additionally, Karl has been recognized by Martindale-Hubbell and was given the top AV® Preeminent™ Peer Review Rating.

SPEAKING ENGAGEMENTS

Fall 2023 Labor & Employment Law Update, *Foster Swift Going Forward Webinars*, October 12, 2023

Latest in Noncompete Developments, *Fall 2023 Labor & Employment Law Update Webinar*, October 12, 2023

What Employers Need to Prepare for in 2023, *Foster Swift Going Forward Webinars*, October 12, 2022

Current Status of FLSA, Wage & Hour Laws and Minimum Wage, *Fall 2022 Labor & Employment Law Update Webinar*, September 12, 2022

Employers: Are You Ready for the Changes Coming in 2022?, *Foster Swift Going Forward Webinars*, March 10, 2022

Looking Forward: What Employers Need to Know for 2022, *Foster Swift Going Forward Webinars*, October 19, 2021

Hot Employment Law Topics for HR Teams in 2021, *Foster Swift*, February 25, 2021

Employer Guidance for a Lawful and Safe Re-Opening, *Foster Swift*, May 27, 2020



Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, May 9, 2018

Employment and labor laws that can affect the dairy industry, *Great Lakes Regional Dairy Conference (GLRDC)*, February 8, 2018

Hiring, Investigating and Discipline/Discharge in the Law, *Foster Swift: Developing Labor Law Update*, February 7, 2018

Employment Practices, Liability Insurance Policies and Claims; A Lawyers Perspective, *Chartered Property Casualty Underwriters Society*, May 23, 2017

Can social media posts be used as evidence in defense of a workers' compensation claim?, *Stop Before You Crash: Workers' Compensation and Employment Law*, March 22, 2017

Employers, Are You Ready for 2017?, *Foster Swift Collins & Smith, P.C.*, October 20, 2016

It's Not Just What You Say, But How You Say It; HR Do's and Don'ts, *Michigan Chamber of Commerce*, August 30, 2016

You're Not the Boss of Me; Employer Rights, Responsibilities and Limitations on Regulating Employee Conduct Outside of the Work Environment, *Michigan Chamber of Commerce*, July 18, 2016

Social Media Policies for Townships, *Michigan Townships Association Annual Educational Conference & Expo*, January 20, 2016

Newest Danger Facing Your Department— Social Media, *Michigan Townships Association Emerging Issues in Emergency Services*, October 14, 2015

How to Discipline and Terminate Employees, June 9, 2015

Employee Discipline, Reduction-in-Force, and Termination, *Michigan Chamber of Commerce*, April 14, 2015

Social Media Litigation Prevention for Public Employers, *Michigan Movers Association Annual Convention*, February 4, 2015

FMLA, ADA and Workers' Compensation: The Bermuda Triangle of Employment Law, *Michigan Chamber of Commerce*, February 3, 2015

Employee Discipline and Termination, *Great Lakes Chapter of the National Society of Accountants for Cooperatives*, June 20, 2014

Pay Attention: The Open and Obvious Defense, *Michigan Adjusters Association Annual Meeting*, May 2, 2014

The Nuts and Bolts of the Open Meetings Act, *Ottawa County Road Commission*, June 2012

Telecommuting, Workers Compensation and Other Liability Issues, *Central Michigan Adjusters Association*, May 2012

Your Individual Legal Powers, Duties and Responsibilities as a Road Commission Officer and Employee, *Michigan County Road Commission Self Insurance Pool Annual Meeting*, July 2011



PUBLICATIONS

Federal Trade Commission Prohibits Noncompete Agreements for Almost All U.S. Workers, Legal Challenges Expected, *Foster Swift Labor & Employment Law News E-blast*, April 24, 2024

Independent Contractor Final Rule Could Have Major Impact on Select Industries, *Labor & Employment Law News E-blast*, January 30, 2024

Whitmer Proposes Universal FMLA: Legislature Likely to Decide by Year-End, *Foster Swift Labor & Employment Law News E-blast*, September 7, 2023

U.S. Supreme Court Sides with USPS Worker on Religious Accommodation, *Foster Swift Labor & Employment Law News E-blast*, July 6, 2023

NLRB General Counsel Targets Non-Compete Agreements, *Labor & Employment Law News E-blast*, June 6, 2023

Court of Appeals Ruling Halts Pending Minimum Wage Increase and New Earned Sick Time Act – For Now, *Labor & Employment Law News E-blast*, January 27, 2023

Don't Forget! Michigan's Minimum Wage Increases on January 1, Additional Hike Expected, *Foster Swift Labor & Employment Law News E-blast*, December 28, 2022

DOL Proposes New Rule Related to Employee Classification, *Foster Swift Labor & Employment Law News E-blast*, October 17, 2022

Michigan Court of Claims Invalidates Paid Medical Leave Act, *Foster Swift Labor & Employment Law News E-blast*, July 25, 2022

Why You Should Care About Federal Labor Law Even If You Have A Non-Unionized "At-Will" Workforce, *Foster Swift Labor & Employment Law News*, April 12, 2022

Consider Employee Arbitration Agreements to Avoid the Pitfalls of the Courtroom, *Foster Swift Labor & Employment Law News*, April 11, 2022

Supreme Court Blocks Mandate, Upholds for Health Care Workers, *Foster Swift Labor & Employment Law News E-blast*, January 13, 2022

Stay on Vaccine Mandate Dissolved by Sixth Circuit, *Foster Swift Labor & Employment Law News E-blast*, December 21, 2021

Fifth Circuit Court Blocks Vaccine Mandate for Employers, *Labor & Employment Law E-blast*, November 15, 2021

Update MIOSHA Emergency Rules in the Workplace, *Foster Swift Labor & Employment Law News E-blast*, May 25, 2021

Michigan Employers Permitted to Resume In-Person Work May 24, *Foster Swift Labor & Employment Law News E-blast*, May 11, 2021

MIOSHA COVID-19 Emergency Rules for Employers Extended for Six Months, *Foster Swift Labor & Employment Law News E-blast*, April 14, 2021

An Eye on the Future of COVID and the Workplace, *Foster Swift Labor & Employment Law News E-blast*, March 25, 2021



MIOSHA to Increase Inspections of Manufacturers' COVID Preparedness and Response Plans and Remote Work Policies, *Foster Swift Labor & Employment Law News*, November 23, 2020

Governor Whitmer Signs Extension of Unemployment Benefits into Law and Other COVID-19-Related Legislation, *Foster Swift Labor & Employment Law News E-blast*, October 23, 2020

How Do Recent Michigan Supreme Court and MDHHS Orders Regarding COVID-19 Impact Employers?, *Foster Swift Legal Update E-blast*, October 6, 2020

Employers Remember to Take These Steps by April 1, 2020, *Foster Swift Legal Update E-blast*, March 31, 2020

New DOL Guidance Excludes Workers from Federal Emergency Paid Sick Leave, *Foster Swift Legal Update E-blast*, March 29, 2020

Update to the Families First Coronavirus Response Act, *Foster Swift Legal Update E-blast*, March 20, 2020

Michigan Employers-FAQs on Coronavirus and Your Employees, *Foster Swift Labor & Employment Law News E-blast*, March 16, 2020

DOL Issues New Rule Regarding Minimum Salary Level for White Collar and HCE Overtime Exemptions, *Foster Swift Employment Labor & Benefits Law News E-Blast*, September 25, 2019

Best Practices Agricultural Businesses Should Follow When Creating or Revising an Employee Handbook, *Foster Swift Agricultural Law News*, July 26, 2019

Michigan's Paid Medical Leave Act, *Foster Swift Employment, Labor & Benefits Law News E-blast*, March 1, 2019

Do Employees Have the Right to Electronically Monitor Their Employers?, *Foster Swift Employment, Labor & Benefits News*, May 1, 2017

The Agricultural Exemption from Federal Wage and Hour Laws, *Foster Swift Agricultural Law News*, January 30, 2017

Monitoring Employee Conduct Outside of the Workplace, *Foster Swift Employment, Labor & Benefits News*, November 17, 2016

Can (or Should) Employers Regulate Employee Conduct Outside of Work?, *Foster Swift Employment, Labor & Benefits News*, August 16, 2016

Fair Labor Standards Act Corner – Paying for Employee Commuting, *Foster Swift Employment, Labor & Benefits News*, August 16, 2016

Social Media Use By Municipalities: Maximize Reward but Minimize Risk, *Foster Swift Municipal Law News*, January 26, 2016

Newest Danger Facing Your Department— Social Media, *Michigan Townships Association*, October 29, 2015

COBRA for Military Service, *Employment, Labor & Benefits News*, May 19, 2015

Military Family Leave Under the FMLA, *Employment, Labor & Benefits News*, May 19, 2015

What Employers Need to Know About Reemploying Military Service Members, *Employment, Labor & Benefits News*, May 19, 2015



Transgender Employees in the Workplace: What are an Employer's Rights and Responsibilities?, *Foster Swift Employment, Labor & Benefits E-News*, March 18, 2015

Employee vs. Independent Contractor: The Stakes are High so Make Sure You Do it Right, *Foster Swift Employment, Labor & Benefits E-News*, December 4, 2014

Should Same-Sex Marriage Be an Issue for the Ballot Box or the Courtroom? Sixth Circuit Decision Tees Up Issue for Supreme Court Review, *Foster Swift Employment, Labor & Benefits E-News*, December 4, 2014

Going To Pot: How Medical Marijuana Impacts Employer Drug Policies, *Foster Swift Municipal Law News*, November 24, 2014

Steer Clear of Employment Law Issues During Harvest Season, *Foster Swift Agricultural Law Update*, October 15, 2014

Beyond DOMA; More Changes Coming For Employers?, *Foster Swift Employment, Labor & Benefits E-News*, February 20, 2014

Court Limits Road Commission Authority to Resolve Inter-Township Roadway Disputes, *Foster Swift Municipal Law News*, August 30, 2013

Motor Vehicle Exception to Governmental Immunity, *Foster Swift Municipal Law News*, May 2013

Has Your Business Adapted Its Internet and Social Media Policies to New Changes?, *Foster Swift Business & Corporate Law Report*, May 2013

2012 Year in Review: Changes Impacting Michigan County Road Commissions

Michigan Supreme Court Clears Way for Employee Whistleblower Claims, *Foster Swift Employment, Labor & Benefits E-News*, February 20, 2013

United States Supreme Court Poised To Rule on Significant Employment Case Affecting Civil Rights Law in Michigan, *Foster Swift Employment, Labor & Benefits E-News*, February 20, 2013

Legislation Alert: New House Bill Proposes to Change Bidding Procedure on Township Funded Roads, *Foster Swift Road Commission Law News*, February 19, 2013

New State Legislation Regarding Road Commission Weigh Masters Takes Effect in 2013, *Foster Swift Road Commission Law News*, February 19, 2013

Court of Appeals: *Dunn* Controls Unless Michigan Supreme Court Rules Otherwise, *Foster Swift No-Fault E-News*, November 1, 2012

Road Commission Authority Under Attack, *The Pool Cue, Michigan County Road Commission Self-Insurance Pool*, February 2012

Limitations on Government Agencies in Cyberspace, January 2012

Use of Global Position Satellite Technology by Local Governmental Agencies, January 14, 2012

Road Commissions Have the Final Say, October 2011

Super Immunity, July 14, 2011



Michigan Supreme Court Straightens Up 'Disarray' of Governmental Immunity Law for Lower Level Governmental Officials and Employees, *The Pool Cue, Michigan County Road Commission Self-Insurance Pool*, February 2009

MEMBERSHIPS & AFFILIATIONS

Legal Affiliations:

- American Bar Association
- State Bar of Michigan
 - State Bar Representative Assembly for 17th Circuit
- Michigan State Bar Foundation, Fellow

Industry & Professional Associations:

- Grand Rapids Bar Association, Executive Committee for Litigation Section
- Grand Rapids Bar Association, Former Board of Trustee Member and Chair of Membership Services
- Michigan Association of Municipal Attorneys
- County Road Association of Michigan, Associate Member
- Edelweiss Club of Grand Rapids
- University of Michigan Club of Grand Rapids
- The Employers' Association

Community Service

- City of Grand Rapids
 - Income Tax Board of Review
 - Housing Appeals Board

RECENT BLOG POSTS

Health Care Law Blog

FTC Prohibits Most Noncompete Agreements Between Employers and Workers

Michigan Labor & Employment Law Blog

Time to Revisit Your "Standard" Employment and Separation Agreements

Employer Q & A About New Pregnant Workers Fairness Act

NLRB Puts Employment Handbooks Under More Scrutiny

An HR Audit to Position You for a Great Start to 2022

Biden Administration Executive Orders Impacting Employment Law Issues

EEOC Issues New Guidance on Religious Discrimination and Accommodation of Religious Beliefs

The Pro-Union PRO Act passes the U.S. House of Representatives



Remote Work in the Pandemic Age: Employer Obligations and Best Practices

Supreme Court Upholds Right of Employers to Opt Out of ACA Contraceptive Mandate on Religious or Moral Grounds