



Ben A. McMillen

PARTNER

THE LINK VIRTUAL

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OVERVIEW

Litigating employment disputes, Ben also counsels on labor and employment issues for private and public employers.

Ben defends and guides employers on a wide array of workplace matters. An experienced litigator, Ben successfully represents clients in state and federal courtrooms and in arbitration hearings involving complex issues such as:

- Discrimination
- Harassment
- Retaliation
- Termination
- Compensation
- Non-compete agreements
- Safety

He also helps management navigate the requirements of collective bargaining agreements. Ben represents management at the bargaining table, at arbitration and before the National Labor Relations Board (NLRB).

Clients rely on Ben's advice on day-to-day employment issues as they arise. He provides presentations and training for companies on discrimination, harassment and other labor-related topics. In

Industries

Manufacturing
Technology
Transportation

Services

Labor & Employment
Non-Competes & Restrictive
Covenants
Traditional Labor Relations

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addition, Ben offers consultation on company policies and assists with the preparation, revision and updating of employee handbooks.

Ben also advises clients on record retention policies, ensuring that legally significant documents are preserved in the event of future litigation.

Experience

LITIGATION

- Obtained a rare, complete summary judgment in a Missouri state court lawsuit in which the plaintiff alleged age discrimination and retaliation under the Missouri Human Rights Act.
- Obtained defense verdict for downstream energy distributor client when employee sought significant monetary damages on alleged sexual harassment.
- Successfully negotiated dozens of client-friendly settlements.

ARBITRATION & MEDIATION

- Represents private and public employers across industries in arbitrations involving lockout/tagout, seniority-based decisions, for-cause discharges, and other contract interpretations, including American Arbitration Association (AAA) proceedings, private arbitrators, and before numerous agencies.
- Successfully arbitrated seniority-based grievance for healthcare technology manufacturer when employee was not granted posted job over alternate candidate with fewer service years, and alleged seniority as sole factor in hiring.
- Successfully arbitrated seniority-based grievance related to job bidding process.
- Successfully arbitrated several for-cause discharge grievances for national Fortune 500 food sector client.
- Successfully arbitrated multiple-employee grievance brought against public water treatment plant.

Experience

COLLECTIVE BARGAINING

- Negotiated favorable three-year contract between steel manufacturer and employees that established wage goals and other key collaborative points of agreement.
- Guided public entity through sophisticated annual collective bargaining agreement, reaching agreement on critical economic and operational points.

COMPLIANCE, TRAINING & INVESTIGATION

- In response to investigation, reviewed compliance policies of tank and water storage manufacturer, guided corrective actions and implemented training.
- Proactively reviewed compliance policies for physician offices, ensuring broad variety of local, state and federal statutes were met or exceeded for day-to-day operations and business growth.
- Provided due diligence analysis of compliance with international regulations for clients prior to divestitures and acquisitions in order to streamline transactions.

Recognition

- Missouri & Kansas Super Lawyers, Employee Litigation: Defense, Rising Star, 2014-2020

Education

- J.D., University of Missouri-Kansas City School of Law
 - *summa cum laude*
- B.A., Northwest Missouri State University
 - Dean's list
 - Baseball team

Admissions

- Missouri
- U.S. District Court, District of Kansas
- U.S. District Court, Western District of Missouri

Community Leadership

- Youth baseball and basketball coach
- Liberty Christian Fellowship

*Contact Ben to set up an in-person consultation by appointment in the Kansas City office.