

Michael Kelsheimer

Partner

Michael Kelsheimer focuses his practice on the employment law needs of Texas businesses and executives across several industries, including healthcare, oil and gas, construction and real estate. With more than 160 laws that impact the employment relationship, clients count on Michael to find effective solutions for every workplace problem they may encounter, both in and out of the courtroom. He has achieved favorable results in litigation before state and federal courts and in arbitration involving many issues, including non-compete and non-solicitation agreements, trade secret theft, all types of discrimination claims, executive employment agreements and FLSA wage and hour claims.

Michael is always on call to guide employers through day-to-day and emergency decisions regarding the hiring, compensation, investigation, discipline and termination of employees. He also prepares strategic documents, including employment agreements, non-competition and non-solicitation agreements, separation agreements and comprehensive personnel policies. Outside the employment setting, Michael helps clients solve a variety of other challenging problems, including complex commercial disputes involving breach of contract, collections, fraud and DTPA claims.

After many years of practice, Michael knows that employers can be overwhelmed by technical jargon and long-winded explanations, and they often receive information or advice that's flat out wrong. Amazed at how many books and online sources provide unreliable, impractical guidance on key employment issues, Michael created the [Texas Employer Handbook](#), an online resource focused on giving business owners plain-English explanations of complex employment issues and helping them spot concerns before they become real problems.

Before joining the firm, Michael worked as a briefing attorney for the Honorable Sam R. Cummings of the U.S. District Court for the Northern District of Texas, which gave him a unique opportunity to see how a variety of employment and business disputes are evaluated from behind



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Industries

Healthcare
Construction

Practices

Labor & Employment
Commercial Litigation

Education

J.D., Baylor University School of Law
(2000)
B.A., Economics and Political Science,
Texas Tech University (1996)

Bar Admissions

Texas

Court Admissions

United States Tax Court
United States Court of Appeals, Fifth
Circuit
United States District Court, Northern
District of Texas
United States District Court, Southern
District of Texas
United States District Court, Eastern
District of Texas
United States District Court, Western

the bench. Fascinated by the factual scenarios and complicated issues he worked on every day, Michael decided to focus on solving employment problems for business owners and executives in his private practice.

District of Texas

Experience

Employment

- **Non-Competition Agreements:** Michael has successfully represented employers and employees in post-employment disputes regarding non-competition issues. Michael has both obtained and precluded injunctions for clients in this area and has significant experience representing physician groups and physician-owned hospitals in this area.
- **Discrimination Claims:** Michael has successfully defended dozens of discrimination allegations against employers both before governmental agencies and in court cases.
- **Employment Audits:** Michael has represented and defended numerous employers and physician groups in overtime and misclassification audits before the Internal Revenue Service, Department of Labor, and Texas Workforce Commission.
- **Proactive Planning:** Michael is a big proponent of proactive planning to avoid issues with audits and claims later. He has conducted innumerable preventative employment practice audits for employers and healthcare providers.
- **Employment Agreements:** Michael regularly prepares and reviews employment agreements for executives and employers in the medical field and all other areas of business.

Commercial Litigation

- Michael has recovered monies for clients in contract disputes, real estate, construction, collection, deceptive trade practices, and other

areas.

- Michael has successfully defended multi-million dollar clients in breach of contract, deceptive trade, foreclosure, and personal injury litigation.
- Successfully defended appeals to the Texas Supreme Court on matters of real estate and arbitration.

Press Releases

- “Gray Reed Announces Shareholder’s Appointment to Chair of Lexwork Committee” (July 24, 2013)
- “Kelsheimer Elected to Children’s Advocacy Centers of Texas Board of Directors” (September 28, 2012)
- “New Blog Focuses on Texas Employment Law” (January 3, 2012)
- “Adroque, Crabtree and Kelsheimer Published in The Advocate” (October 4, 2011)
- “Gray Reed Expands Employment Practice Group with Three New Hires” (March 2, 2011)
- “Gray Reed & McGraw Announces New Members of Board” (August 25, 2010)

Thought Leadership

- “Ok Boomer”, *Dallas Business Journal* (January 10, 2020)
- “Long-Awaited Overtime Change Arrives”, Gray Reed Legal Alert (September 27, 2019)
- “E-Verify is Down ... What do I do?”, Gray Reed Legal Alert (January 14, 2019)
- “Practice Pitfalls in Drafting Physician Employment Agreements and How to Avoid Them”, *AHHA Physician Organizations*

Newsletter (December 2018)

- “Fighting the Four Horsemen of the Workforce Apocalypse”, *TEXO’s InFocus Magazine* (Summer 2018)
- “Is Your Construction Business Prepared and Protected for ICE Undocumented Worker Audits?”, *ForConstructionPros.com* (May 29, 2018)
- “Supreme Court Taps Brakes on Overtime Claims, Helps Employers Against Department of Labor”, *Gray Reed Legal Alert* (April 9, 2018)
- “Paid Sick Leave Required By Law? Austin is “Keeping It Weird””, *Gray Reed Legal Alert* (March 14, 2018)
- “Game Changer? New Sex Discrimination Case Regarding Sexual Orientation”, *Gray Reed Legal Alert* (February 28, 2018)
- “ICE Is Coming For Undocumented Workers - How To Prevent Corporate Frostbite”, *Build Houston* (August 1, 2017)
- “ICE Is Coming For Undocumented Workers: How To Prevent Corporate Frostbite”, *TEXO Magazine* (Summer 2017)
- “ICE Is Coming For Undocumented Workers: How To Prevent Corporate Frostbite”, *Texas Nursery & Landscape Association Green Magazine* (May 30, 2017)
- “ICE Is Coming For Undocumented Workers: How To Prevent Corporate Frostbite”, *Construction Executive* (May 9, 2017)
- “ICE is Coming for Undocumented Workers, How to Protect Your Business”, *Landscape Management* (April 19, 2017)
- “Landmen as Independent Contractors: Is the Government’s Voluntary Settlement Program Too Good to Pass Up?”, *TIPRO Target Newsletter* (February 2, 2017)
- “Landmen as Independent Contractors: Is the Government’s

Voluntary Settlement Program Too Good to Pass Up?”, *Dallas Association of Petroleum Landmen (DAPL) February Newsletter* (February 2, 2017)

- “Landmen as Independent Contractors: Is the Government’s Voluntary Settlement Program Too Good to Pass Up?”, *Houston Association of Professional Landmen (HAPL) February Newsletter* (February 1, 2017)
- “Landmen as Independent Contractors: Is the Government’s Voluntary Settlement Program Too Good to Pass Up?”, *Landman Magazine* (January 3, 2017)
- “New Overtime Regulations Frozen – to Death? What You Need to Know About the Overtime Rule Injunction Issued Nov. 22, 2016”, *Gray Reed & McGraw Legal Alert* (November 23, 2016)
- “Federal Changes to Overtime Exemptions”, *New Regulation Decreases Number of Exempt Employees* (May 18, 2016)
- “The Defend Trade Secrets Act of 2016”, *What You Need to Know Right Now* (May 5, 2016)
- “National Origin, Citizenship & Immigration Status Discrimination”, *Gray Reed’s Employer Handbook* (February 17, 2016)
- “Race Discrimination”, *Gray Reed’s Employer Handbook* (December 10, 2015)
- “Voting Rights”, *Gray Reed’s Employer Handbook* (October 19, 2015)
- “Religious Discrimination”, *Gray Reed’s Employer Handbook* (August 11, 2015)
- “Jury Duty”, *Gray Reed’s Employer Handbook* (June 22, 2015)
- “Sex Discrimination”, *Gray Reed’s Employer Handbook* (April 21,

2015)

- “Americans with Disabilities Act”, *Gray Reed’s Employer Handbook* (December 3, 2014)
- “Employee Handbooks”, *Gray Reed’s Employer Handbook* (October 30, 2014)
- “Pregnancy Discrimination ”, *Gray Reed’s Employer Handbook* (July 29, 2014)
- “Travel Time”, *Gray Reed’s Employer Handbook* (May 30, 2014)
- “Child and Spousal Support”, *Gray Reed’s Employer Handbook* (April 30, 2014)
- “Bonuses”, *Gray Reed’s Employer Handbook* (March 27, 2014)
- “Age Discrimination”, *Gray Reed’s Employer Handbook* (February 27, 2014)
- “I-9 Forms”, *Gray Reed’s Employer Handbook* (January 31, 2014)
- “Holiday Parties”, *Gray Reed’s Employer Handbook* (November 22, 2013)
- “Employee Terminations”, *Gray Reed’s Employer Handbook* (October 30, 2013)
- “Background Checks”, *Gray Reed’s Employer Handbook* (October 1, 2013)
- “Equal Pay Act”, *Gray Reed’s Employer Handbook* (August 28, 2013)
- “Workplace Investigations”, *Gray Reed’s Employer Handbook* (August 2, 2013)
- “Tips”, *Gray Reed’s Employer Handbook* (May 28, 2013)
- “At-Will Employment”, *Gray Reed’s Employer Handbook* (April 29,

2013)

- “Recordkeeping - Part 2”, *Gray Reed’s Employer Handbook* (March 27, 2013)
- “Recordkeeping - Part 1”, *Gray Reed’s Employer Handbook* (February 27, 2013)
- “Smoking Discrimination”, *Gray Reed’s Employer Handbook* (January 25, 2013)
- “Unpaid Interns, Volunteers and Trainees”, *Gray Reed’s Employer Handbook* (December 19, 2012)
- “Workers’ Compensation Retaliation”, *Gray Reed’s Employer Handbook* (November 6, 2012)
- “Discriminatory Use of Criminal Background Checks”, *Gray Reed’s Employer Handbook* (September 26, 2012)
- “The WARN Act”, *Gray Reed’s Employer Handbook* (August 27, 2012)
- “The Dangers of Misclassifying Landmen: Is the Government’s New Settlement Program Too Good to Pass Up?”, *Gray Reed & McGraw Legal Alert* (July 5, 2012)
- “Hiring Children”, *Gray Reed’s Employer Handbook* (June 25, 2012)
- “Hiring”, *Gray Reed’s Employer Handbook* (May 30, 2012)
- “Deductions from Pay”, *Gray Reed’s Employer Handbook* (April 30, 2012)
- “Job Descriptions”, *Gray Reed’s Employer Handbook* (March 29, 2012)
- “Genetic Information Nondiscrimination Act (GINA)”, *Gray Reed’s Employer Handbook* (March 5, 2012)

- “Uniformed Services Employment and Reemployment Rights Act (USERRA)”, *Gray Reed’s Employer Handbook* (January 31, 2012)
- “Covenants Not to Compete”, *Gray Reed’s Employer Handbook* (December 12, 2011)
- “Trade Secrets and Confidentiality”, *Gray Reed’s Employer Handbook* (November 3, 2011)
- “Polygraph Protection”, *Gray Reed’s Employer Handbook* (September 29, 2011)
- “Privacy in the Workplace”, *Gray Reed’s Employer Handbook* (August 11, 2011)
- “Exempt vs Non-Exempt Employees”, *Gray Reed’s Employer Handbook* (June 18, 2011)
- “Employee Overtime”, *Gray Reed’s Employer Handbook* (May 19, 2011)
- “Sexual Harassment: How to Avoid an EEOC Claim and Lawsuit”, *Gray Reed’s Employer Handbook* (April 29, 2011)
- “Employee Drug Testing”, *Gray Reed’s Employer Handbook* (February 25, 2011)
- “Does the Family Medical Leave Act Apply to My Business?”, *Gray Reed’s Employer Handbook* (January 19, 2011)
- “The Differences Between Independent Contractors and Employees”, *Gray Reed’s Employer Handbook* (January 4, 2011)
- “How Can an Employer Successfully Handle Social Networking?”, *Gray Reed’s Employer Handbook* (December 10, 2010)
- “Document Retention: The 800 lb. Gorilla” (June 10, 2009)
- “2009 Changes to COBRA: What Employers Need to Know” (March

19, 2009)

- “About Face: Significant Changes to the Americans with Disabilities Act that Affect Your Business Right Now” (March 4, 2009)
- “A-Rod v. Employee Drug Testing?” (March 2, 2009)

Speeches and Presentations

- “Competition Issues for Engineers”, Texas Society of Professional Engineers - Denton Chapter (October 11, 2019)
- “Crash Course on Employment Law for Executives”, Baylor Executive MBA Program – International Business and Public Policy Seminar (June 7, 2019)
- “Common Employment Law Issues”, Children’s Advocacy Centers (May 16, 2019)
- “#MeToo in the Workplace: Addressing Harassment and Its Impact on Corporate Culture”, Dallas CPA Society Controller/CFO CPE Series (October 17, 2018)
- “Labor Pains: A Discussion on Workforce Issues”, TEXO (June 26, 2018)
- “#MeToo in the Workplace”, Gray Reed CLE Event (June 7, 2018)
- “Employment Law Basics!! With Cartoons and Entertaining Commentary”, Baylor University’s MBA Program (May 9, 2017)
- “The Employee Life Cycle”, Children’s Advocacy Centers of Texas Partners in Courage Luncheon (October 30, 2013)
- “Small Business Law”, Baylor People’s Law School (February 16, 2013)
- “Independent Contractor and Tax Concerns”, American Association

of Professional Landmen (April 17, 2012)

- “Document Retention: The 800 lb. Gorilla”, Dallas Bar Association, Corporate Counsel Section (June 2, 2009)

Honors

- Selected as a Rising Star by Texas Super Lawyers (a Thomson Reuters business) as published in *Texas Monthly* and *Law & Politics* magazine (2008 - 2012)

Related Employment

- Briefing Attorney, United States Federal District Court Judge Sam R. Cummings (2000 - 2001)

Organizational Involvement

Professional Activities, Memberships & Affiliations

- Chair of U.S. Employment Section, Lexwork International (2013 - 2016)
- State Bar of Texas

Community Activities, Memberships & Affiliations

- Board of Directors, [Children’s Advocacy Centers of Texas](#) (2012 - 2018)