



## Michael R. Gotzler

Shareholder

Co-Chair, Contractors, Staffing and Contingent Workers Practice Group

44 East Mifflin Street

Suite 401

Madison, WI 53703

111 East Kilbourn Avenue

Suite 1000

Milwaukee, WI 53202

main: +1 (608) 287-3700

direct: (608) 287-3701

fax: +1 (414) 291-5526

mgotzler@littler.com



---

## Practice Areas

Labor Management Relations

Leave and Accommodation

Contractors, Staffing and Contingent Workers

Litigation and Trials

Discrimination and Harassment

Healthcare

## Overview

Michael R. Gotzler has focused his entire career, including 10 years as an in-house General Counsel, representing employers in all aspects of labor and employment matters.

Mike relies on his wide-ranging practice experience, exceptional client service, and enthusiasm to identify and develop practical and real-world solutions. Mike works with employers of varying sizes and industries to focus on balancing business realities with legal compliance and risk management.

For unionized employers, Mike frequently serves or supports collective bargaining negotiations and provides representation in arbitration hearings. He has prevailed at labor arbitrations that permitted companies to continue subcontracting their non-core services, obtained a full dismissal of all NLRB complaints including allegations of unlawful terminations following 7-day hearing, and helped a multi-state health care system successfully respond to a multi-facility union organizing drive.

As Co-Chair of the firm's Contingent Workforce practice group, Mike has particular experience and skill in responding to claims and issues surrounding joint and co-employment, the use of third party workers, independent contractors, and outsourced HR services. He has presented at national conferences, represented businesses at White House briefings, participated on panels and has been regularly interviewed and quoted as a result. He has successfully defended and litigated multi-million-dollar independent contractor misclassification cases, advised a 50-state organization with dozens of separate business entities on creating a captive PEO arrangement to realize cost savings and integrate HR and tax systems, and managed a cross-border staffing project that involved the engagement of EOR and PEO service providers across two dozen jurisdictions.

Mike has secured dismissals of dozens of harassment and discrimination claims brought before various administrative agencies, obtained summary judgment in a case alleging a CEO engaged in sexual harassment, and managed executive-level investigations involving in-house counsel and compliance directors.

To help his clients minimize claims, Mike has designed and delivered a wide range of preventive HR training courses, including anti-harassment courses designed with EEOC involvement and approval. Mike was one of the first individuals selected to deliver sexual harassment training as part of a nationwide conciliation agreement, under which the employer was required to provide EEOC-approved training to more than 100,000 employees.

Mike serves as the Wisconsin coordinator and liaison for Littler's Workplace Policy Institute (WPI). Mike focuses on Wisconsin state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. He assists the employer community in understanding and impacting Wisconsin legislation before it becomes law.

Mike was Littler's first attorney in the Madison, Wisconsin, office. Prior to joining Littler, Mike was General Counsel of a company that provided temporary staffing, executive recruiting, HR consulting and integrated HR (PEO) services throughout the U.S. He was also shareholder at another firm that focused exclusively on labor and employment matters on behalf of employers.

## Professional and Community Affiliations

- Appointed Member, State of Wisconsin, Unemployment Insurance Council, 2011-present
- Member, Labor and Employment Section, State Bar of Wisconsin, 2012-present
- Director, Wisconsin Association of Staffing Services (ASA affiliate), 2008-present
- Member, Madison Rotary Board of Directors, 2005-present
- Chair, Annual Youth Ethics Symposium, Madison Rotary, 2019-2024
- Trustee, Madison Rotary Foundation, 2020-2024
- Member, Legal Advisory Council, National Association of Professional Employer Organizations (NAPEO), 2006-2019, 2023-present
- Director, Juvenile Diabetes Research Foundation (JDRF), Western Wisconsin, 2014-2020; Board President, 2017-2018
- Director, Wisconsin Historical Foundation, 2005-2014

## Recognition

- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Top Rated Labor & Employment Lawyers, *American Lawyer*
- Named, Greater Madison “40 Under 40”
- Named, Leadership Greater Madison

## Education

J.D., University of Wisconsin Law School, 1997, *with honors*

B.A., University of Wisconsin-Milwaukee, 1993, *summa cum laude*, *Honors College*, *Phi Beta Kappa*

## Bar Admissions

Wisconsin

Illinois

## Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Western District of Wisconsin

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

## Publications & Press

### **5 Things to Know About the Independent Contractor Rule**

*XpertHR*

January 25, 2024

### **NLRB Case Modifies Independent Contractor Standard**

*SHRM Online*

June 14, 2023

### **Wisconsin Supreme Court Eases the Burden for Employers Defending Arrest and Conviction Record Discrimination Claims Under State Law**

*Littler ASAP*

March 11, 2022

### **Noncompete Agreements Under Fire**

*InBusiness*

November 1, 2021

### **Nothing But Cons in the PRO Act for Employers**

*InBusiness*

May 3, 2021

**Top 10 Employment Risks for 2021**

*Credit Union National Association (CUNA)*

February 17, 2021

**Littler Announces New Shareholders and Principals Elevating 26 Attorneys**

*Press Release*

January 4, 2021

**New Separation Notice Requirement for Wisconsin Employers**

*Littler ASAP*

October 14, 2020

**Legal, HR Headaches of COVID-19**

*In Business*

September 3, 2020

**New Wisconsin Unemployment Insurance Charging Process Requires Immediate Employer Action**

*Littler ASAP*

August 5, 2020

**Federal law now protects LGBTQ workers from discrimination; what does it mean for Madison employers?**

*InBusiness*

June 22, 2020

**Temporary Worker FFCRA Leave Rights and Joint Employer Challenges**

*Littler ASAP*

June 3, 2020

**Work-share takes off with federal COVID-19 changes**

*Wisconsin Examiner*

May 26, 2020

**Wisconsin Supreme Court Strikes Down COVID-19 Safer-at-Home Order: Considerations for Wisconsin Employers**

*Littler ASAP*

May 14, 2020

**Wisconsin Employers Making the Best of the Worst: Implementing a Work-Share Program**

*Littler ASAP*

April 29, 2020

**New Wisconsin COVID-19 law includes critical employment provisions**

*In Business*

April 22, 2020

**New Wisconsin COVID-19 Law Includes Critical Employment Provisions**

*Littler ASAP*

April 16, 2020

**New Wisconsin Governor Launches Worker Misclassification Enforcement Effort**

*Littler ASAP*

April 24, 2019

**NLRB's New Test Largely Upheld, But Questions Persist**

*PEO Insider*

April 1, 2019

**Up in smoke? New Wisconsin governor proposes marijuana legalization and host of new employment laws**

*InBusiness*

March 19, 2019

**Up in Smoke? New Wisconsin Governor Proposes Marijuana Legalization and Host of New Employment Laws**

*Littler ASAP*

March 11, 2019

**Littler Launches Madison Office with Addition of Special Counsel Michael Gotzler**

*Press Release*

December 3, 2018

**When a Bedrock Principle Gets Shaken**

*PEO Insider*

May 2018

**Law Fix for Wisconsin Workers' Compensation**

*American Staffing Association's Staffing Success*

April 2018

**Impact of Wisconsin Employment Law Preemption Bill**

*InBusiness*

March 28, 2018

**DOL's Final Rule on Overtime Exemptions**

*PEO Insider*

October 2016

**Persuader Reporting – Worse Than ACA Reporting?**

*PEO Insider*

May 2016

**Hiring with Conviction**

*InBusiness*

June 2015

**Achievements and Pitfalls of Obamacare**

*Wisconsin State Journal*

March 29, 2015

**Supreme Court Ruling on Obamacare Could Cause Chaos, Experts Say**

*The Capital Times*

March 24, 2015

**Experts Divided on Fallout from Potential Supreme Court ACA Ruling**

*WisBusiness*

March 24, 2015

**Events & Speaking Engagements**

**Employment Law Update and Look Ahead to 2025**

GMA SHRM Annual Legal Conference, Madison, WI

November 19, 2024

**Employment Law Update**

WASS Annual Legal & Legislative Conference, Milwaukee WI

November 14, 2024

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

October 18, 2024

**Navigating the New Normal: Understanding Union Activity in the Contingent Workforce**

SIA North America Summit, Dallas, TX

September 17, 2024

### **12th Annual Brewers Briefing**

Milwaukee, WI

July 31, 2024

### **What's New on the Employment Law Front for In-House Leaders**

Madison, WI

June 27, 2024

### **Best Practices for Leveraging Staffing Firms, Contractors, and Platform Solutions**

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

### **Hot Topics in Labor & Employment Law for Wisconsin Employers**

Wisconsin Manufacturers & Commerce Annual Workforce & HR Conference, Madison, WI

May 2, 2024

### **National Labor Relations Board Update**

Wisconsin Manufacturers & Commerce

October 12, 2023

### **From the Provider Perspective: Updates on Contingent Workforce Laws**

September 19, 2023

### **Littler Summer Kickoff and Employment Law Update**

Madison, WI

May 31, 2023

### **Annual Case Law Update**

NAPEO Legal & Legislative PEO Capitol Summit, Washington D.C.

May 25, 2023

### **Surveys Says – Emerging Trends and Gotchas Every Staffing Agency Should Know**

ASA Annual Staffing Law Conference, Washington D.C.

May 19, 2023

### **2023 Hot HR Topics**

Wisconsin Manufacturers & Commerce Annual Workforce & HR Conference, Madison, WI

May 17, 2023

### **The Rise and Risks of Leveraging Contingent Workers**

Littler Executive Employer Conference, Phoenix, AZ

May 12, 2023

**The Rise and Risks of Leveraging Contingent Workers**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

April 27, 2023

**The Risks and Rise of Contingent Workers**

April 25, 2023

**Employment Law Update and a Peek Ahead**

Madison, WI

October 5, 2022

**10th Annual Brewers Briefing Labor & Employment Law Conference**

Milwaukee, WI

July 27, 2022

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

July 19, 2022

**Littler Summer Kickoff and Employment Law Update**

Madison, WI

June 8, 2022

**NLRB Update**

Wisconsin Manufacturers and Commerce, Madison, WI

June 1, 2022

**Top-10 Predictions for the Future of Nontraditional Work Relationships**

Littler Executive Employer Conference

May 6, 2022

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

April 19, 2022

**COVID-19 Has Reshuffled the HR Deck: Remote Work, Vaccination, Testing & More**

WMC Workforce and HR Conference, Madison, WI

March 2, 2022



**Future of Work and The Wandering Worker**

WASS Legal & Legislative Conference

November 11, 2021

**OSHA Publishes Emergency Rule on Vaccine and Testing Mandates for Large Employers**

Wisconsin Manufacturers and Commerce Webinar

November 8, 2021

**An Overview of PCA: A New Day for Employers at the NLRB**

Annual ACC-Wisconsin Legal Conference, Elkhart Lake, WI

November 5, 2021

**Employment Law Update**

CUNA Annual Attorneys' Conference

October 26, 2021

**2021 Upper Midwest Virtual Regional Employer Conference**

Minneapolis, MN

October 20, 2021

**Clearing the Haze: Understanding Marijuana in the Workplace**

Wisconsin State SHRM Conference, Wisconsin Dells, WI

October 14, 2021

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

July 20, 2021

**Legal Considerations for a Remote or Wandering Workforce**

Future of Work Conference, University of Wisconsin Business Consortium

June 15, 2021

**Returning to Work from COVID-19 Plus Other Challenges for Wisconsin Employers**

WMC Annual Human Resources Conference

May 4, 2021

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

April 13, 2021

**What to Expect Under the Biden Administration**

WASS Legal & Legislative Update

March 9, 2021

**The COVID-19 Vaccine – Legal and Practical Implications**

QPS Employment Forum, Milwaukee WI

February 23, 2021

**The COVID-19 Vaccine – Legal and Practical Implications in Wisconsin and Beyond**

February 8, 2021

**The COVID-19 Vaccine – Legal and Practical Implications**

Wisconsin Manufacturers & Commerce COVID-19 Update

January 20, 2021

**Wisconsin State Law Update**

Metro Milwaukee SHRM Legislative Update Conference

December 2, 2020

**Employment Law Year in Review – Sneak Peek at 2021**

GMA-SHRM Legal & Legislative 2020

November 17, 2020

**Employee Handbooks: The COVID Edition!**

WASS Legal & Legislative Conference

November 12, 2020

**2020 Hot Topics in Minnesota and Wisconsin Employment Law**

Littler's Upper Midwest Employer Conference

November 11, 2020

**Employment Law Update**

CUNA Annual Attorneys' Conference

October 26, 2020

**Ethical Issues Arising in Workplace Investigations**

ACC Wisconsin Annual Conference, Milwaukee, WI

August 28, 2020

**COVID-19 Litigation Trends and Recent Employment Law Changes**

Wisconsin Manufacturers & Commerce COVID-19 Update, Madison, WI

August 12, 2020

**Getting Back to Work in Wisconsin – Lawfully**

May 29, 2020

**Back to Work? Assessing Whether, When and How to Reopen for Business?**

WASS Power 20 Series, Milwaukee WI

April 28, 2020

**Practical Advice for Employers Facing the COVID-19 Pandemic**

QPS Employment Forum, Milwaukee WI

April 13, 2020

**Clearing the Weeds: Making Sense of Marijuana Legalization Laws**

MRA Annual Employment Law Conference, Milwaukee WI

February 20, 2020

**Ethics in Action**

Annual Rotary Ethics Symposium, Madison, WI

February 14, 2020

**Marijuana and the Workplace: What Employers Need to Know**

Wisconsin Manufacturers and Commerce, Madison, WI

January 21, 2020

**Clearing the Weeds: Making Sense of Marijuana Legalization Laws**

Wisconsin Association of Staffing Services Annual Legal & Legislative Conference, Madison, WI

November 14, 2019

**Ethical Considerations in Employment Arbitration**

Association of Corporate Counsel – Wisconsin Annual Ethics Seminar, Milwaukee, WI

November 5, 2019

**The Good, the Bad, and the Ugly: Recent Developments on Independent Contractors**

Wisconsin State SHRM Conference, Wisconsin Dells, WI

October 17, 2019

**Marijuana Legalization Workplace Challenges**

Manufacturing Business Alliance, Beaver Dam, WI

August 6, 2019

**Marijuana Legalization Workplace Challenges**

Littler Brewer Briefing, Milwaukee, WI

July 17, 2019

**Contingent Workforce Risk Management Workshop**

Staffing Industry Analysts Conference, Atlanta, GA

April 24, 2019

**#MeToo - Navigating the New Era of Workplace Harassment**

MRA Annual Iowa Employment Law Conference, Bettendorf, IA

February 7, 2019

**Managing Risks of Using External Workers**

Sheboygan Area SHRM Monthly Meeting, Sheboygan, WI

January 17, 2019

**Background Checks: Industry Trends and Legal Issues**

Wisconsin Association of Staffing Services Legal & Legislative Conference, Madison, WI

November 15, 2018

**Independent Contractor Challenges**

American Payroll Association, Madison, WI

August 9, 2018

**Responding to Sexual Harassment Complaints in the #MeToo Era**

Middleton Chamber of Commerce, Middleton, WI

July 11, 2018

**Is the Gig Up? Compliance and the Independent Contractor**

Wisconsin State Bar Association, Madison, WI

May 23, 2018

**Responding to Sexual Harassment in the #MeToo Era**

Tri-State Human Resources Association, Dubuque, IA

May 10, 2018

**Employment Law & HR Best Practices for Non-Profits**

Wegner Leadership Series, Milwaukee, WI

February 13, 2018

**Employment Law & HR Best Practices for Non-Profits**

Wegner Leadership Series, Madison, WI

January 16, 2018

**Where Did Your Employees Go? Leaves of Absence and Independent Contractors**

Risk Management Conference, Madison, WI

December 12, 2017

**Staffing Industry Challenges and Opportunities**

Wisconsin Association of Staffing Services, Annual Legal & Legislative Conference, Madison, WI

November 16, 2017

**Employment Law Update**

NAPEO (National Association of Professional Employer Organizations) Midwest Conference, Chicago, IL

September 27, 2017

**OSHA's Temporary Worker Initiative**

Wausau Employer Safety Council, Wausau, WI

September 20, 2017

**Unemployment Insurance Law Update**

Wisconsin Manufacturers & Commerce (WMC) Policy Day, Madison, WI

August 16, 2017

**Investigations in the Staffing Industry**

Wisconsin Association of Staffing Services Webinar, Milwaukee, WI

June 14, 2017

**Compensation Analysis and Wage & Hour Risk Management**

Dodge County SHRM, Beaver Dam, WI

May 10, 2017

**Employment Law Challenges in the Staffing Industry**

Midwest Staffing Conference, Chicago, IL

April 6, 2017

**Most Pressing Legal Issues for HR Professionals**

University of Wisconsin Business School, Madison, WI

September 21, 2016

**The New FLSA Exemption Rule – Impact on the Staffing Industry**

Wisconsin Association of Staffing Services Webinar, Milwaukee, WI

June 23, 2016

**The New FLSA Exemption Rule – Impact on Non-Profit Employers**

Madison, WI

June 8, 2016

**Legal Aspects of Workplace Investigations**

Metro Milwaukee SHRM and ASIS Investigations Conference, Milwaukee, WI

May 26, 2016

**Independent Contractors - Growing Challenges**

National Association of Professional Employer Organizations (NAPEO) Annual Legal Conference, Washington, D.C.

May 17-18, 2016

**FLSA Exemption Overhaul – What HR Executives Need to Know**

Madison HR Executives Roundtable, Madison, WI

May 13, 2016

**The Most Pressing Employment Law Issues for 2016**

Wisconsin Association of Staffing Services – Annual Legal Conference, Madison, WI

January 20, 2016

**Assessing the ACA**

WisBusiness Expert Panel, Madison, WI

March 23, 2015

**Legal Issues in the Staffing and Recruiting Industries**

University of Wisconsin Business School, Madison, WI

February 2, 2015